

ORDINANCE NUMBER 2013-

13

MAP AMENDMENT FOR 3.0 ACRES OF A 11.6 ACRE PARCEL

Rezone from A-1 to R-1

WHEREAS, Steven & Lori Seeler, has filed a petition for a Map Amendment from A-1 to R-1, for part of property located on the south side of Cherry Road, approximately 0.15 miles east of Schlapp Road, in Section 3 of NaAuSay Township; and

WHEREAS, said property is identified with the tax identification numbers 06-03-300-007 & 06-03-300-010 and the part for rezoning is legally described below; and

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 88°42'57" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1002.08 FET; THENCE SOUTH 01°17'03" EAST, 105.0 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 01°17'03" EAST, 200.0 FEET; THENCE SOUTH 88°42'57" WEST, 60.0 FEET; THENCE SOUTH 01°17'03" EAST, 235.0 FEET; THENCE NORTH 88°42'57" 300.0 FEET; THENE NORTH 01°17'03" WEST, 235.0 FEET; THENCE NORTH 88°42'57" EAST, 60.0 FEET; THENCE NORTH 01°17'03" WEST, 200.0 FEET; THENCE SOUTH 88°42'57" WEST, 300.0 FEET TO THE POINT OF BEGINNING IN NA-AU-SAY TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the petitioner desires to rezone the 3.0 acre property to R-1 (Single Family Residential) in order to build a home on the parcel and keep the rest of the property as zoned A-1 Agricultural; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on May 28, 2013; and

WHEREAS, the findings of fact were approved as follows:

Existing uses of property within the general area of the property in question. The current existing uses to the west are residential with lots ranging from 1 to 8 acres. The rezoning will be consistent with the general area and will not alter the overall principal uses of the property.

The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are currently R-1, R-2 and A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioners would like to rezone part of their property to R-1 in order to build a house. The property must be rezoned to build a home. A lot of this property is wooded.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in that area is agricultural with residential houses. The rezoning to R-1 should have little impact on

further development with the area as it would be consistent with surrounding area.


*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Land Resource Management Plan calls for this property to be Rural Residential which would be consistent with an R-1 zoning designation and the Village of Oswego also calls for this property to be residential.***

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from A-1 to R-1 on the tract of land located and depicted on the Plat of Survey attached as "Exhibit A" hereto and incorporated herein.

IN WITNESS OF, this ordinance has been enacted on June 18, 2013.

Attest:

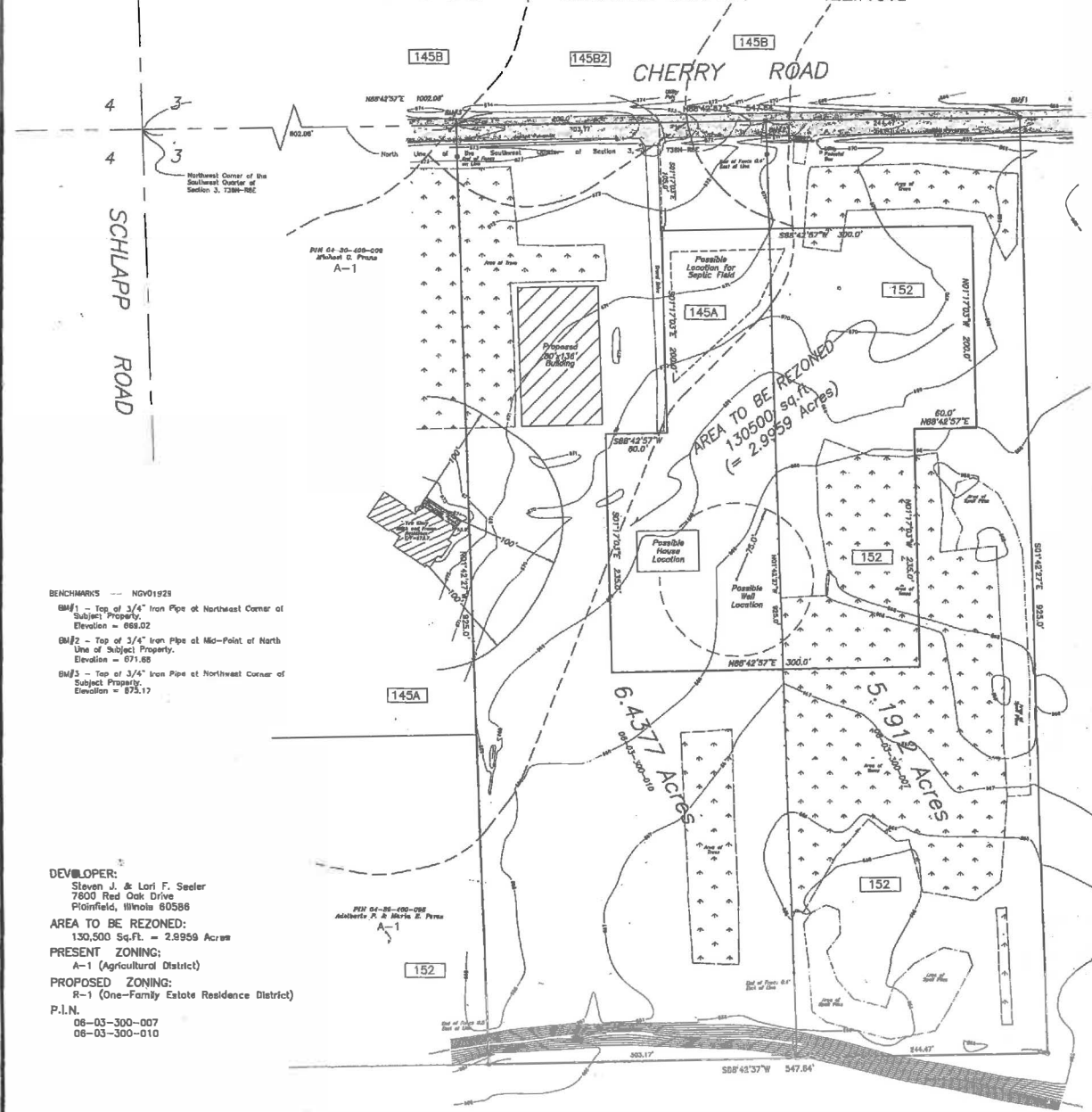


Debbie Gillette
Kendall County Clerk



John Straw
Kendall County Board Chairman

**ZONING PLAT OF
PART OF THE SOUTHWEST QUARTER OF SECTION 3, T36N-R8E, 3rd PM
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS**



BENCHMARKS — NGVD1929
 BM#1 — Top of 3/4" Iron Pipe at Northwest Corner of Subject Property. Elevation = 666.02
 BM#2 — Top of 3/4" Iron Pipe at Mid-Point of North Line of Subject Property. Elevation = 671.88
 BM#3 — Top of 3/4" Iron Pipe at Northwest Corner of Subject Property. Elevation = 675.17

DEVELOPER:
 Steven J. & Lori F. Seeler
 7800 Red Oak Drive
 Plainfield, Illinois 60586

AREA TO BE REZONED:
 130,500 Sq. Ft. = 2.9959 Acres

PRESENT ZONING:
 A-1 (Agricultural District)

PROPOSED ZONING:
 R-1 (One-Family Estate Residence District)

P.I.N.
 06-03-300-007
 06-03-300-010

LEGAL DESCRIPTION OF PARENT TRACT:
 That part of the Southwest Quarter of Section 3, Township 36 North, Range 8 East of the Third Principal Meridian, being described by commencing at the Northwest Corner of said Southwest Quarter; thence North 88°42'57" East along the North Line of said Southwest Quarter, 802.08 feet to the point of beginning; thence South 01°42'27" East parallel with the West Line of said Quarter Section, 925.0 feet; thence North 88°42'57" East parallel with said North Line, 303.17 feet; thence North 01°42'27" West parallel with said West Line, 925.0 feet to said North Line; thence South 88°42'57" West along said North Line, 303.17 feet to the point of beginning, in the Township of No-au-say, Kendall County, Illinois, and containing 6.4377 acres.

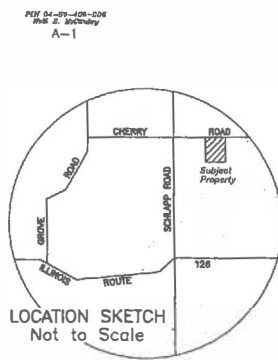
AND ALSO
 That part of the Southwest Quarter of Section 3, Township 36 North, Range 8 East of the Third Principal Meridian, being described by commencing at the Northwest Corner of said Southwest Quarter; thence North 88°42'57" East along the North Line of said Southwest Quarter, 1105.25 feet to the point of beginning; thence contributing North 88°42'57" East along said North Line, 244.47 feet; thence South 01°42'27" East parallel with the West Line of said Quarter Section, 925.0 feet; thence South 88°42'57" West parallel with said North Line, 244.47 feet; thence North 01°42'27" West parallel with said West Line, 925.0 feet to the point of beginning, in the Township of No-au-say, Kendall County, Illinois, and containing 5.1919 acres.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:
 That part of the Southwest Quarter of Section 3, Township 36 North, Range 8 East of the Third Principal Meridian, being described by commencing at the Northwest Corner of said Southwest Quarter; thence North 88°42'57" East along the North Line of said Southwest Quarter, 1002.08 feet; thence South 01°17'03" East, 105.0 feet to the point of beginning; thence South 01°17'03" East, 200.0 feet; thence South 88°42'57" West, 50.0 feet; thence South 01°17'03" East, 235.0 feet; thence North 88°42'57" East, 300.0 feet; thence North 01°17'03" West, 235.0 feet; thence North 88°42'57" East, 60.0 feet; thence North 01°17'03" West, 200.0 feet; thence South 88°42'57" West, 300.0 feet to the point of beginning in No-au-say Township, Kendall County, Illinois.

SCALE
 1" = 50'

Soil Type (USDA/SCS - Kendall County, 1978)

145A	Soybrook Sil Loam, 0% - 2% slopes
145B	Soybrook Sil Loam, 2% - 4% slopes
145B2	Soybrook Sil Loam, 2% - 4% slopes, eroded
152	Drummer Silty Clay Loam



JOB NO.	13001
JOB NAME	SEALER
DWG FILE	13001
REVISION DATE	

Phillip D. Young and Associates, Inc.
 LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

March 25, 2013
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 Yorkville, Illinois 60580
 Telephone (630)553-1580