

ORDINANCE NUMBER 2024- 38

**MAP AMENDMENT FOR APPROXIMATELY THREE POINT SIX ACRES LOCATED
BETWEEN 11237 AND 11209 RIVER ROAD (PINS: 02-30-400-013 AND 02-31-201-014) IN
BRISTOL TOWNSHIP**
Rezoned from R-1 to R-3

WHEREAS, Section 36-42 of the Kendall County Code permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, the property which is the subject of this Ordinance has been, since 2007, and remains currently located within the R-1 One Family Residential Zoning District and consists of approximately 3.6 more or less acres located between 11327 and 11209 River Road, Plano (PINs: 02-30-400-013 and 02-31-201-014) in Bristol Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, on or about February 20, 2007, the Kendall County Board adopted Ordinance 2007-03, rezoning the subject property from A-1 Agricultural District to R-1 One Family Residential District; and

WHEREAS, the subject property is currently owned by Timothy A. Tremain and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about August 20, 2024, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from R-1 One Family Residential District to R-3 One Family Residential District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 3, 2024, due and proper notification to the United City of Yorkville on or about August 23, 2024, due and proper notification to Bristol Township on or about October 8, 2024, and due and proper notification to all property owners of record of properties located adjacent to the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on October 28, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested Map Amendment and zero members of the public testified in favor or in opposition of the requested Map Amendment or asked questions regarding the requested Map Amendment; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 30, 2024, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendment; and


WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from R-1 One Family Residential District to R-3 One Family Residential District.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of November, 2024.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Matt Kellogg



EXHIBIT A

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

Lot 1 of Glen Nelson Subdivision, being a Subdivision of Part of the Northeast Quarter of Section 31 and Part of the Southeast Quarter of Section 30, Township 37 North, Range 7 East of the Third Principal Meridian in Bristol Township, Kendall County, Illinois, according to the Plat thereof recorded June 20, 2007 as Document 200700019233.

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-26 on October 28, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of five (5) in favor and zero (0) in opposition. Members Cherry and Whitfield were absent.

FINDINGS OF FACT-MAP AMENDMENT

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes and single-family residential purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-1, and R-3. In particular, the properties immediate south of the subject property are zoned R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. One (1) single-family home could be built on the subject property under the present R-1 zoning classification. If a property owner wanted to construct additional homes, a map amendment to a zoning district that allows for small lots, such as the R-3 zoning classification, would be needed.

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 the area is a mix of agricultural and single-family residential.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Rural Residential on the Future Land Use Map and the R-3 Zoning District is consistent with this land classification.

RECOMMENDATION

Approval