

ORDINANCE NUMBER 2014 - 21

**GRANTING A MAJOR AMENDMENT TO A SPECIAL USE FOR
BRIAN WATKINS, d/b/a PEACEFUL PATHWAYS MONTESSORI SCHOOL**

WHEREAS, Brian Watkins, d/b/a Peaceful Pathways Montessori School has filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 7.06 acre property located on the south side of Route 71, west of the Ravine Woods Subdivision, commonly known as 8250 Route 71, (PIN# 05-03-200-021), in Kendall Township; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for operation of a school; and

WHEREAS, said petition is to amend their existing special use permit to continue operation of their school and modify their site plan to build another building and modify the existing conditions; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a special use for a pre-school facility with a maximum of 24 students as Ordinance 2005-60 on November 15, 2005; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner an amendment to the Special Use to allow an increase to the maximum student enrollment from twenty-four (24) to seventy-five (75) and to allow the construction of a classroom structure pursuant to Ordinance 2007-19 approved by the Kendall County Board on May 15, 2007; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner an amendment to the Special Use to allow an increase to the maximum student enrollment from seventy-five (75) to two hundred (200) students, modify the site plan and conditions pursuant to Ordinance 2009-05 approved by the Kendall County Board on March 17, 2009; and

WHEREAS, said property is legally described as:

PARCEL ONE:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3906.54 FEET, AN ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE 555.60 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES 50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 540.0 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 625.64 FEET; THENCE NORTHWESTERLY 515.60 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.000 ACRES OF LAND MORE OR LESS.

AND

PARCEL TWO:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71, SAID POINT OF BEING ON A CURVE SAID CURVE BEING CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3906.54 FEET, WITH A CHORD THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.52 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1446.68 FEET; THENCE SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 465.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 46 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2007 AS DOCUMENT NUMBER 200400028822; THENCE CONTINUING SOUTH 51 DEGREES 01 MINUTES 04 SECONDS WEST, 264.70 FEET TO THE POINT OF BEGINNING. THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71, THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the Zoning Board of Appeals did grant the petitioner said request for a variance to the parking lot drive aisle standards for the aisles to be twenty (20) feet in width on July 28, 2014; 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 13.04.A.3 of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on July 28, 2014; and

WHEREAS, the findings of fact were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **It would add more impervious area that is really not necessary since it met the prior regulations from 2007. The petitioners are trying to keep a residential character to the property and a 20' drive aisle is already larger than a typical driveway.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Most other properties are not built yet and were not approved previously. Other petitioners can request a small drive aisle but staff most likely would not support it.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **There is not a true hardship but it met previous conditions and was already approved by the fire protection district in 2007.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **To date***

there have been no issues with a 20' drive aisle, therefore staff is of the opinion that should remain.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. This variance will not change congestion on the public streets or impact any surrounding properties or values.

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 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on July 28, 2014; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The property is considered an amenity to the area by providing an additional educational resource for parents with children ages 15 months to 15 years old. Some improvements have already been made to the property including a right in and right out of the property and with the expansion of Route 71 a left turn lane will be added to help any traffic and safety concerns.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation of a Montessori school during normal school hours should not diminish the residential usage of adjacent property. The subject site borders on Outlot "A" of the Ravine Woods subdivision. Adequate landscape buffering of the proposed parking area is provided by the existing woodland portions of the site which should shield Outlot "A" from views of the parking area. The increase in required parking is minimal and should not have an impact on surrounding areas.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The petitioners are currently working with the fire protection district but 20' was the width of the driveway regulations back in 2007 and the fire department approved the site plan at the time. However, the petitioners are currently working with the fire protection district to make sure the current site plan will meet their needs. No new ingress or egress or drainage will be provided at this time.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The special use will conform to all other respects of applicable regulations except for the variance that is being requested on the drive aisle width.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The existing use is consistent with the LRMP of rural residential as the petitioners still live on site and the site is almost at maximum capacity. Unless more land is acquired this is the build out of the site.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

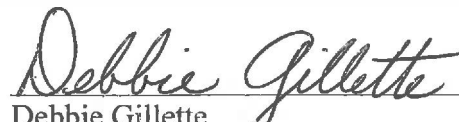
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinances #05-60, #07-19 & #09-05 in their entirety and grants approval of a major amendment to their existing special use zoning permit to continue operation of their school at 8250 Route 71 in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

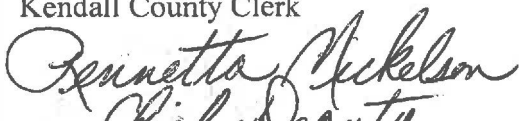
1. Limit student enrollment to no more than two-hundred (200) and fifteen (15) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students would require hiring of additional employees necessitating installation of additional off-street parking spaces, such alterations shall require review and approval of necessary permits for review and approval by PBZ staff without the need to amend the special use.
2. Existing gravel driveway (not including the parking stalls) shall be paved with asphalt no later than May 15, 2017 or once the student enrollment exceeds 150, whichever occurs first.
3. Prior to the issuance of a building permit the following must be completed:
 - a. Review and approval from the Health Department regarding existing and proposed well and sanitary disposal systems and their ability to handle the anticipated student amount.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on August 19th, 2014.

Attest:


Debbie Gillette
Kendall County Clerk


Bennetta Nickelson
Chief Deputy


John Shaw
Kendall County Board Chairman