

ORDINANCE NUMBER 2012 - 26

GRANTING A SPECIAL USE FOR
2127 ROUTE 47
YORKVILLE PERFORMING ARTS CENTER

WHEREAS, Yorkville Performing Arts Center (YPAC) has filed a petition for a Special Use within the A-1 Agricultural Zoning District and a Special Use within the M-1 Manufacturing District for a 6.0 acre property located on the west side of Route 47 about 0.2 miles north of Boombah Boulevard, commonly known as 2127 Route 47 (PIN# 02-17-226-006; 02-17-226-011; 02-17-226-012; 02-16-101-007 & 02-16-101-008), in Bristol Township, and;

WHEREAS, said petition is to allow the operation of a performing arts center with an initial focus on dance, music and fitness training with a vision to later include theatre arts, online lessons as well as a performing arts preschool and to live in the house; and

WHEREAS, said property is currently zoned A-1 Agricultural (4.7 Acres) and M-1 (1.3 Acres); and

WHEREAS, said property is legally described as:

PARCEL ONE:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 28.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 47; THENCE WESTERLY ALONG SAID NORTH LINE, 213.30 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 721.70 FEET (THIS POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE NORTHERLY ALONG THE LAST DESCRIBED COURSE, 182.03 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTH LINE, 347.87 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 91 DEGREES, 03 MINUTES, 36 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 181.72 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER FROM POINT "A" AFORESAID FOR THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 404.65 FEET TO A LINE DRAWN PARALLEL WITH AND 200.0 FEET, AS MEASURED ALONG SAID EAST LINE, NORTH OF SAID SOUTH LINE; THENCE EASTERLY ALONG SAID PARALLE LINE, 341.63 FEET TO A LNE DRAWN PARALLEL WITH AND 241.6 FEET, AS MEASURED ALONG SAID NORTH LINE, WEST OF SAID EAST LINE; THENCE NORTHERLY ALONG SAID PARALLEL LINE, 404.76 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE, FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID PARALLEL LINE, 346.23 FEET TO THE POINT OF BEGINNING; IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 16 AND THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THRID PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 28.74 FEET TO THE FORMER WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NUMBER 47;

THENCE WESTERLY ALONG SAID NORTH LINE, 213.30 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 721.70 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, 0.43 FEET TO A LINE DRAWN PARALLE WITH AND 241.60 FEET (AS MEASURED ALONG SAID NORTH LINE) EAST OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 404.76 FEET TO A LINE DRAWN PARALLEL WITH AND 200.0 FEET (AS MEASURED ALONG SAID EAST LINE) NORTH OF SAID SOUTH LINE; THENCE EASTERLY ALONG SAID PARALEL LINE, 320.29 FET TO THE PRESENT WESTERLY RIGHT OF WAY LINE OF SAID ROUTE 47, AS DESCRIBED IN A CONVEYANCE RECORDED JANUARY 8, 1991, AS DOCUMENT NUMBER 910137; THENCE NORTHERLY ALONG SAID PRESENT WESTERLY RIGHT OF WAY LINE, 407.64 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE FROM THE POINT OF BEGINNING; THENCE WETERLY, PARALLEL WITH SAID SOUTH LINE, 259.13 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDAL COUNTY, ILLINOIS.

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.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on October 1, 2012; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. **All classes will be conducted inside the structures and shall not be detrimental or endanger the public health, safety, morals, comfort or general welfare.***

*That the special use will not be injurious to the use and enjoyment of other properties 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. **To the north and south are residential properties, to the east is a commercial barn and to the west is farm land. The petitioners will still be using the property as residential with the business in the existing buildings. The zoning classification within the general area is still agricultural with business' moving in.***

*That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **The subdivision development included the equestrian facility and special use. Modifying the use to allow for boarding of horses by non-residents has no altered effect on the residential properties.***

*That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided. **The petitioners propose to widen the entrance onto Route 47 and no new access roads are being proposed. The petitioners are working with the Health Department with regard to an adequate septic system and all other utilities and facilities exist.***

*That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The petitioners propose to widen the entrance onto Route 47 and no new access roads are being proposed.***

*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 petitioners conform to all applicable regulations of the district and are not requesting any variances.***

*That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP and the future land use plan of the City of Yorkville call for this property to be commercial, this use proposed transitions the property from residential to commercial except the petitioners still wish to live in the home.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer 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 as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a performing arts center in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. No events may be hosted at this site that would require more parking than provided.
2. No other manufacturing use can be performed on this site when this special use is in existence.
3. Allow a lighted sign on the property.
4. Follow the parking ratio of one (1) parking space shall be provided per each two hundred (200) square feet AND one per employee. The currently building is 4500 square feet and predict 6 employees so 28 parking stalls will be needed before they open including 2 handicapped stalls
5. The events to be held on the property will be community relationship events
6. Allow a gravel parking lot for 2 (two) years. Two years from the date of the approving ordinance the gravel parking lot must be asphalted.

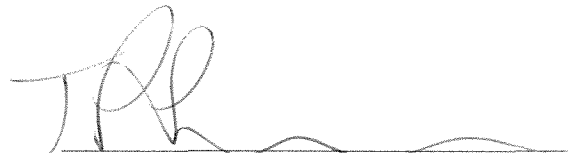
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on October 16, 2012.

Attest:

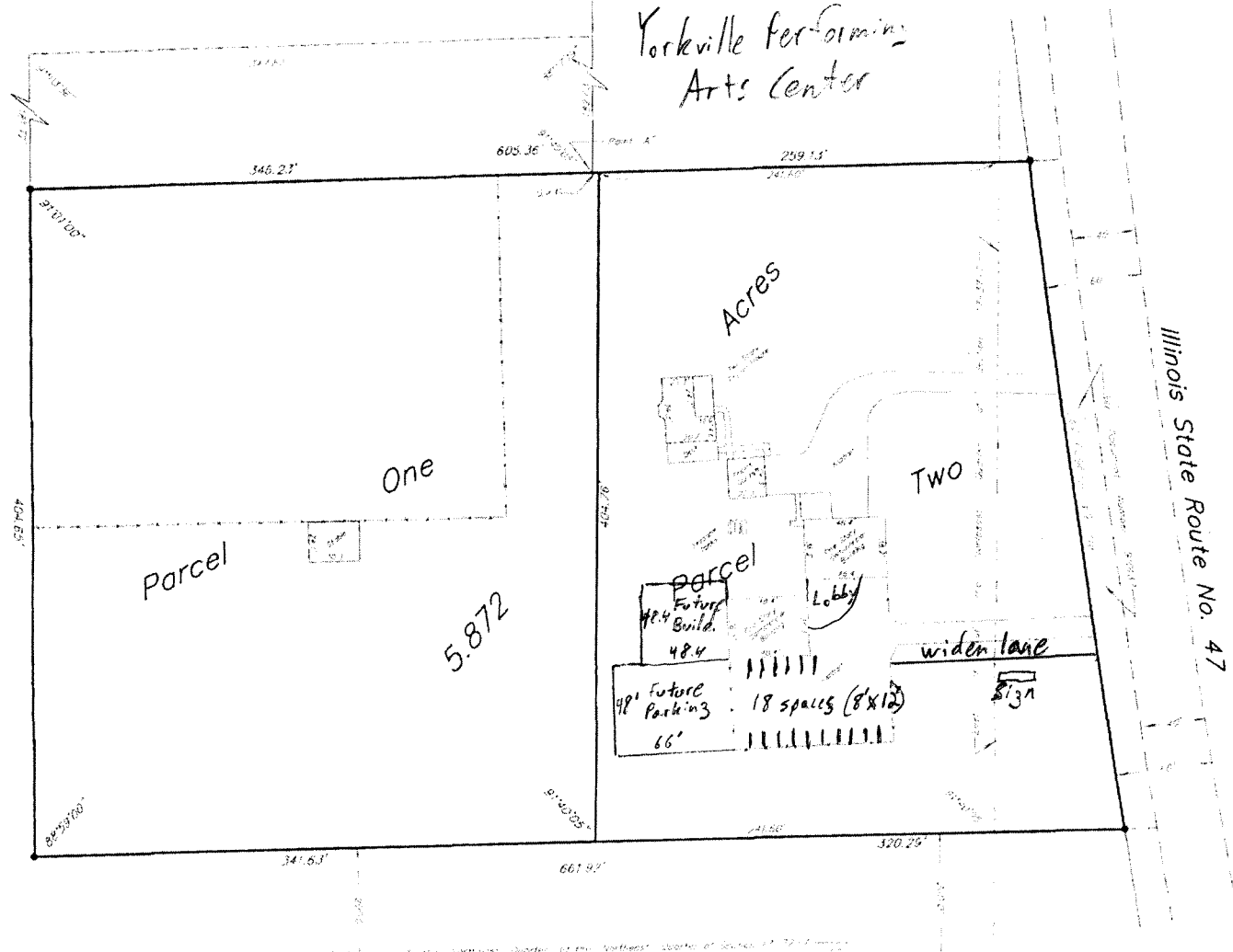


Debbie Gillette
Kendall County Clerk



John Purcell
Kendall County Board Chairman

Plat of Survey of
 Part of the Northwest Quarter of Section 16
 and Part of the Northeast Quarter of Section 17-37-7
 Bristol Township Kendall County Illinois



PARCEL ONE:
 THAT PART OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4, THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 28.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 47; THENCE WESTERLY ALONG SAID NORTH LINE, 213.30 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHEAST 1/4, 721.70 FEET (THIS POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE NORTHERLY ALONG THE LAST DESCRIBED COURSE, 182.03 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTH LINE, 342.87 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 91 DEGREES, 03 MINUTES, 38 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE, THEREFROM, 181.72 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID NORTHEAST 1/4 FROM POINT "A" AFORESAID FROM THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE, EXTENDING, 404.69 FEET TO A LINE DRAWN PARALLEL WITH AND 200.0 FEET, AS MEASURED, ALONG SAID EAST LINE, NORTH OF SAID SOUTH LINE; THENCE EASTERLY ALONG SAID PARALLEL LINE, 341.63 FEET TO A LINE DRAWN PARALLEL WITH AND 241.60 FEET, AS MEASURED ALONG SAID NORTH LINE, WEST OF SAID EAST LINE; THENCE NORTHERLY ALONG SAID PARALLEL LINE, 404.76 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE, FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID PARALLEL LINE, 346.23 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

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State of Illinois: 55
 County of Kendall:

This is to certify that I, James M. Olson, an Illinois Professional Land Surveyor employed by James M. Olson Associates, Ltd., have surveyed and located improvements on the foregoing described property containing 5.872 acres as shown by the plat hereto drawn which is a correct representation of said survey. This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey. The field work was completed on June 20, 2012.

Dated at Yorkville, Illinois June 21, 2012

James M. Olson
 Illinois Professional Land Surveyor No. 2253
 License expires November 30, 2017
 James M. Olson Associates, Ltd.
 107 West Madison Street
 Yorkville, Illinois 62560
 (618) 553-0080

Atty. Grant

EXHIBIT A

Illinois State Route No. 47