

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR A NURSERY SCHOOL/EDUCATIONAL CENTER TO BE ALLOWED  
AT 32W329 ALGONQUIN ROAD**

**WHEREAS**, the Village of Barrington Hills ("Village") is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, Section 5-10-7 of the Village's Zoning Code authorizes the Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

**WHEREAS**, MKES Investment, LLC ("Applicant") applied for the grant of a special use permit to allow a nursery school/educational center use at 32W329 Algonquin Road (the "Property"), within the R-1 Residential District, identified by Property Index No. 03-01-100-022; and

**WHEREAS**, Section 5-5-3(A) of the Village Zoning Code classifies "nursery, elementary and high schools" as a special use within the R-1 Residential District; and

**WHEREAS**, on June 18, 2018, the ZBA, with six members present and voting on this matter, held a public hearing on the application for a special use permit, prior to which time a notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the most recent County real estate tax records, and notice of said hearing was properly posted on the Property; and

**WHEREAS**, Section 5-10-7(D) of the Village Zoning Code provides that for each application for a special use, the ZBA shall report to the Board of Trustees of the Village its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest; and

**WHEREAS**, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of a special use permit; and

**WHEREAS**, at the close of the public hearing, the ZBA determined that the use of the Property as a nursery school/educational center met the requirements of Section 5-10-7(e), recognizing, in part, that the Property had formerly been granted a special use to operate a nursery school on site, said findings of fact, set forth in the attached Exhibit A, and recommended on a vote of 5-1 the requested special use be granted, subject to the following conditions: (1) the special use permit be granted to MKES Investments, LLC and to its tenant, A Journey to Success Early Learning Center, for a period of three years (the tenant's initial lease term), at which time the Applicant can apply for continuance of the special use permit; (2) full compliance with all state licensing which shall be provided to the Zoning Enforcement Officer; (3) no more than 100 children shall be enrolled at any one time; (4) hours of operation shall be 6:30 a.m. to 7:30 p.m. Monday through Friday; (5) compliance with the sign code and lighting code provisions for operation of a commercial property; (6) full compliance with all other Village codes; and (7) provision of a traffic study providing for safe ingress/egress to the Property, which shall be submitted to and approved by the Village engineer prior to occupancy.

**WHEREAS**, the President and Board of Trustees of the Village of Barrington Hills have determined that it is in the best interests of the Citizens of the Village, to accept the ZBA's findings and recommendation; however, (1) modifying the ZBA's recommended condition that the special use permit be granted to MKES Investments, LLC and to its tenant, A Journey to Success Early Learning Center, for a period of three years (the tenant's initial lease term) by providing that the special use permit be granted to the property owner, MKES

Investments, LLC, and that the special use permit run with MKES Investments, LLC ownership of the property and not with the land; and (2) not imposing the ZBA's recommended condition for a provision of a traffic study providing for safe ingress/egress to the Property, which shall be submitted to and approved by the Village engineer prior to occupancy.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following:

**Section One:** The ZBA's findings of fact and recommendation with conditions as set forth therein in Exhibit A attached hereto is adopted in full by reference herein.

**Section Two:** The special use permit is hereby granted to allow for the operation of a nursery school/educational center on the Property zoned in the R-1 Residential District, located at 32W939 Algonquin Road (PIN 03-01-100-022) on the following conditions:

- (1) the special use permit be granted to MKES Investments, LLC and shall run only with MKES Investments, LLC ownership of the property and not with the land,
- (2) full compliance with all state licensing which shall be provided to the Zoning Enforcement Officer,
- (3) no more than 100 children shall be enrolled at any one time,
- (4) hours of operation shall be 6:30 a.m. to 7:30 p.m. Monday through Friday,
- (5) compliance with the sign code and lighting code provisions for operation of a commercial property,
- (6) full compliance with all other Village codes.

**Section Three:** If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

**Section Four:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25<sup>th</sup> day of June, 2018.

Ayes: 7      Nays: 0      Absent: 0

APPROVED:

  
Village President

ATTEST:

  
Village Clerk