



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 19-24

**AN ORDINANCE APPROVING A REQUEST FOR SPECIAL USE PERMIT FOR A
COMMERCIAL DAY CARE BY CARDINAL HILL, LLC**

JOSEPH C. SUERDIECK, Village President
LYNN LANGDON, Village Clerk

MATT BUTCHER
MARIBETH EANDI
HAROLD HENDRICKSON
JOE HILL
STACIA MUNROE
DOUG ZOBRIST
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Rochester

on Sept 9, 2019

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 19-24

AN ORDINANCE APPROVING A REQUEST FOR SPECIAL USE PERMIT FOR A COMMERCIAL DAY CARE BY CARDINAL HILL, LLC

WHEREAS, the Village of Rochester, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-13-14, allows for the amendment of the Village's Zoning Code and its districts; and,

WHEREAS, The Roman Catholic Diocese of Springfield, Trustee of St. Jude Parish of Rochester ("Diocese") is the owner of record of certain real property legally described in **Exhibit A** attached hereto (hereinafter referred to as "Property"); and,

WHEREAS, Cardinal Hill, LLC ("Cardinal Hill") is the contract purchaser for the Property; and,

WHEREAS, on August 15, 2019 Diocese and Cardinal Hill filed a Request for Zoning Amendment asking the Village to rezone the Property from B-2 to B-1 with a Special Use. The Request for Zoning Amendment referred to the Property as Area #4; and,

WHEREAS, on August 15, 2019 Diocese and Cardinal Hill filed a Request for Special Use asking the Village to grant a special use permit B-1 property for a commercial day care pursuant to Village Code Section 40-6-1(B)(2). The Request for Special Use is dependent upon the Village granting the rezoning request; and,

WHEREAS, on August 8, 2019, notice of a public hearing on the Request for Special Use was published in the Rochester Times; and

WHEREAS, the Village Planning and Zoning Commission held a public hearing on the Request for Public Use on August 27, 2019; and,

WHEREAS, as a result of the testimony presented at the public hearing, the Planning and Zoning Commission made the following findings:

- (a) That the proposed use will not adversely affect other property developed or able to be developed to the uses already permitted;
- (b) That adequate utilities, access roads, drainage and other necessary supporting facilities have been or are being provided;
- (c) That adequate measures have been provided to accommodate ingress and egress so as to avoid congestion, not unduly impede surrounding traffic flows or create hazardous or unsafe conditions;
- (d) That the standards for site development, will be such as to enhance the proposed use and its setting, screen or so locate parking, loading, storage and less attractive accessory uses away from public view, and to otherwise complement the visual appearance of the area in which the proposed project is to be located.
- (e) That the proposed special use, if permitted, will conform to all other requirements of the district in which it is to be located or if not conforming, a listing of necessary variations which will be required subsequent to the granting of the special use permitted by the Village Board

WHEREAS, after the public hearing, the Planning and Zoning Commission voted unanimously to recommend granting the special use; and,

WHEREAS, on September 9, 2019, the Planning and Zoning Commission presented their findings to the Corporate Authorities of the Village; and,

WHEREAS, the President and Board of Trustees of the Village have found and determined that it is in the best interests of the Village that the special use be granted and the Property be utilized in accordance with the Request for Special Use.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROCHESTER, COUNTY OF SANGAMON, STATE OF ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby incorporated into, and made a

part of, this Ordinance as findings of the Board of Trustees of the Village of Rochester.

Section 2. Description of the Property. The real property consisting of under has no common address and is legally described in **Exhibit A** to this Ordinance.

Section 3. Public Hearing. A public hearing was advertised on August 8, 2019, in the Rochester Times and was held by the Planning and Zoning Commission on August 27, 2019, at which time the Planning and Zoning Commission voted to recommend approval of the special use requested.

Section 4. Grant of Special Use. The special use requested in the Request for Special Use to allow for a commercial day care in accordance with Section 60-6-1(B)(2) outlined herein is hereby granted. The Special Use Permit shall be granted in a subsequent Ordinance.

Section 5. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 6. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this Ordinance.

Section 7. Effectiveness. This Ordinance is contingent upon the sale of the Property from the Diocese to Cardinal Hill. It shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and only after Cardinal Hill becomes the title owner of the Property.

SO ORDAINED this 9 day of Sept, 2019, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MATT BUTCHER	X			
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
STACIA MUNROE	X			
DOUG ZOBRIST	X			
TOTAL	6	0		

APPROVED by the President of the Village of Rochester, Illinois this 9 day of Sept, 2019.


 JOSEPH C. SUERDIECK, Village President

Attest:


 LYNN LANGDON, Village Clerk

EXHIBIT A
Legal Description

Part of the Southeast Quarter of Section 15, Township 15 North, Range 4 West of the Third Principal Meridian, Rochester, Sangamon County, Illinois, more particularly described as follows:

Commencing at a stone found at the Southwest corner of the Southeast Quarter said Section 15; thence North 00 degrees 11 minutes 23 seconds East on the West line of said Southeast Quarter, a distance of 1322.07 feet to a found stone; thence South 87 degrees 55 minutes 55 seconds East, a distance of 1040.89 feet to a point on the East right of way line of Cardinal Hill Road; thence North 37 degrees 20 minutes 05 seconds East on said East right of way line, a distance of 103.83 feet; thence North 34 degrees 55 minutes 38 seconds East on said East right of way line, a distance of 238.07 feet; thence North 32 degrees 21 minutes 54 seconds East on said East right of way line, a distance of 115 .21 feet to a point at the beginning of a curve concave to the Northwest having a radius of 1325.00 feet; thence Northeasterly on said curve left, a chord bearing of North 22 degrees 11 minutes 38 seconds East, a chord distance of 467.97 feet to the point of beginning.

From said point of beginning; thence continuing on said East right of way line and a curve concave to the Northwest having a radius of 1325.00 feet; thence Northwesterly on said curve left, a chord bearing of North 06 degrees 03 minutes 42 seconds East, a chord distance of 275.20 feet to the end of said curve; thence North 09 degrees 33 minutes 21 seconds East on said East right of way line, a distance of 91.31 feet; thence North 40 degrees 06 minutes 52 seconds East on said East right of way line, a distance of 43.38 feet to a point on the South right of way line of Buckhart Road; thence North 79 degrees 03 minutes 43 seconds East on said South right of way line, a distance of 100.72 feet; thence North 86 degrees 45 minutes 07 seconds East on said South right of way line, a distance of 218.56 feet; thence South 00 degrees 09 minutes 49 seconds West, a distance of 519.57 feet; thence North 76 degrees 46 minutes 00 seconds West, a distance of 398.36 feet to the point of beginning.

Containing 167,867.258 square feet (3.854 acres), more or less.