

Prepared by and Return to:
Village of Arlington Heights
Legal Department
33 S Arlington Heights Rd
Arlington Heights, IL 60005

THIS SPACE FOR CLERK'S USE ONLY

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2022-_____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND
A VARIATION FOR A SHELTERED CARE HOME
(800 N. Fernandez Avenue)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS 18th DAY OF JULY, 2022.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
18th day of July, 2022

Village Clerk

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND
A VARIATION FOR A SHELTERED CARE HOME
(800 N. Fernandez Avenue)

WHEREAS, Maryville Academy (*"Applicant"*) is the contract purchaser of that certain property located in the R-3 One-Family Dwelling District (*"R-3 District"*), commonly known as 800 N. Fernandez Avenue, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (*"Property"*); and

WHEREAS, the Property is improved with an approximately 28,725 square foot two-story building with a partial basement; and

WHEREAS, the Applicant desires to use the Property for operation of a sheltered care home (*"Proposed Use"*); and

WHEREAS, pursuant to Section 5.5-1 of "the 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights," as amended (*"Zoning Code"*), the Property may only be used for a sheltered care home upon issuance by the Village Board of Trustees of a special use permit therefor; and

WHEREAS, pursuant to Sections 28-8 and 28-11 of the Zoning Code, the Applicant has filed an application for approval of: (i) a special use permit to allow the Proposed Use on the Property; and (ii) a variation from Section 6.12-1(3) of the Zoning Code to waive the requirement to conduct a traffic study and parking analysis (collectively, the *"Requested Relief"*); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the Daily Herald on June 7, 2022, and held on June 22, 2022; and

WHEREAS, on June 22, 2022, the Plan Commission made findings and recommendations in support of the Requested Relief, with conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for special use permits and a variation as set forth in Sections 28-8.2 and 28-11.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF SPECIAL USE PERMIT. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 28-8 of the Zoning Code and the home rule powers of the Village, the Village hereby grants a special use permit to the Applicant for the operation of the Proposed Use on the Property.

SECTION 3. GRANT OF VARIATION. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 28-11 of the Zoning Code and the home rule powers of the Village, the Village hereby grants the following variation to the Applicant in connection with the Proposed Use of the Property:

- A. Waiver of Traffic Study. A variation from Section 6.12-1(3) of the Zoning Code to waive the requirement to provide a traffic study and parking analysis in connection with the Requested Relief.

SECTION 4. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Sections 2 and 3 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Staff Training. All Maryville staff shall complete the two-week training prior to working at the facility as outlined by the Petitioner in their response to the Round 1 Departmental comments. Additionally, staff shall complete frequent refresher training throughout the year to ensure that they remain knowledgeable on all topics taught during the initial two-week training.
- B. Adequate Staff on Premises. An appropriate number of staff must be present on the Subject Property at all times, 24 hours a day, 365 days a year, so adequate supervision of the residents can be provided.
- C. Candidate Application Process. The Petitioner must establish and follow internal screening procedures for identification and acceptance of the most appropriate candidates for residency on the Subject Property.
- D. Compliance with Plans. Approval shall be in substantial conformance with the plans in Exhibit “B” (“Plans”) attached to and, by this reference, made a part of this Ordinance.
- E. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Property must comply at all times with all applicable Federal, State and Village codes, regulations and policies, as the same have been or may be amended from time to time.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns, except as provided in Section 5 of this Ordinance.

SECTION 6. NON-TRANSFERABILITY OF REQUESTED RELIEF. The special use permit and variation granted in Sections 2 and 3 of this Ordinance are for the sole and exclusive benefit of the Applicant. No transfer or assignment of any kind of the special use permit or variation will be authorized, recognized, or allowed. Any successor to the Applicant that desires to operate the Proposed Use may only do so upon approval by the Village Board of new special use permits and variations in accordance with the provisions of the Zoning Code.

SECTION 7. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Sections 2 and 3 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted

in Sections 2 and 3 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the R-3 District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 8. AMENDMENTS. Any amendments to the approvals granted in Sections 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 9. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 10. EFFECTIVE DATE.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village President and Board of Trustees in the manner required by law; and
2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 10.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED THIS 18th day of July, 2022.

Village President

ATTEST:

Village Clerk

Special Use Permit: St. Anne Home Shelter for Girls

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lot 'A' in resubdivision of certain blocks and parts of blocks and vacated streets in R.A. Cepek's Arlington Ridge, being a subdivision of that part of the West half (except the East 33 feet thereof) of the Northeast quarter and South half of the Northwest quarter of Section 30, Township 42 North, Range 11, East of the Third Principal Meridian, lying North of the Northeasterly line of Northwest Highway, said Northeasterly line of highway being 66 feet Northwesterly of and parallel to the Northeasterly line of the Chicago and Northwestern Railway rights of way in Cook County, Illinois.

Commonly known as: 800 North Fernandez Avenue, Arlington Heights, Illinois.

PIN: 03-30-234-001-0000

EXHIBIT B

PLANS

MARYVILLE - ARLINGTON HEIGHTS

800 NORTH FERNANDEZ STREET, ARLINGTON HEIGHTS, ILLINOIS 60004

CONTACT INFORMATION:

OWNER:
MARYVILLE ACADEMY
1150 NORTH RIVER ROAD
DES PLAINES, IL 60016
ATTN. MIKE WALLISH
PH. 847.294.1846

ARCHITECT:
MKB ARCHITECTS
1918 NORTH MENDELL STREET
SUITE 300
CHICAGO, IL 60642
ATTN. JIM LEAR
PH. 847.902.4865

MEFP ENGINEER:
BAILEY EDWARD
104 NORTHWEST HIGHWAY
FOX RIVER GROVE, IL 60021
ATTN. KENT LOCKE
PH. 847.660.6543

DRAWING INDEX:

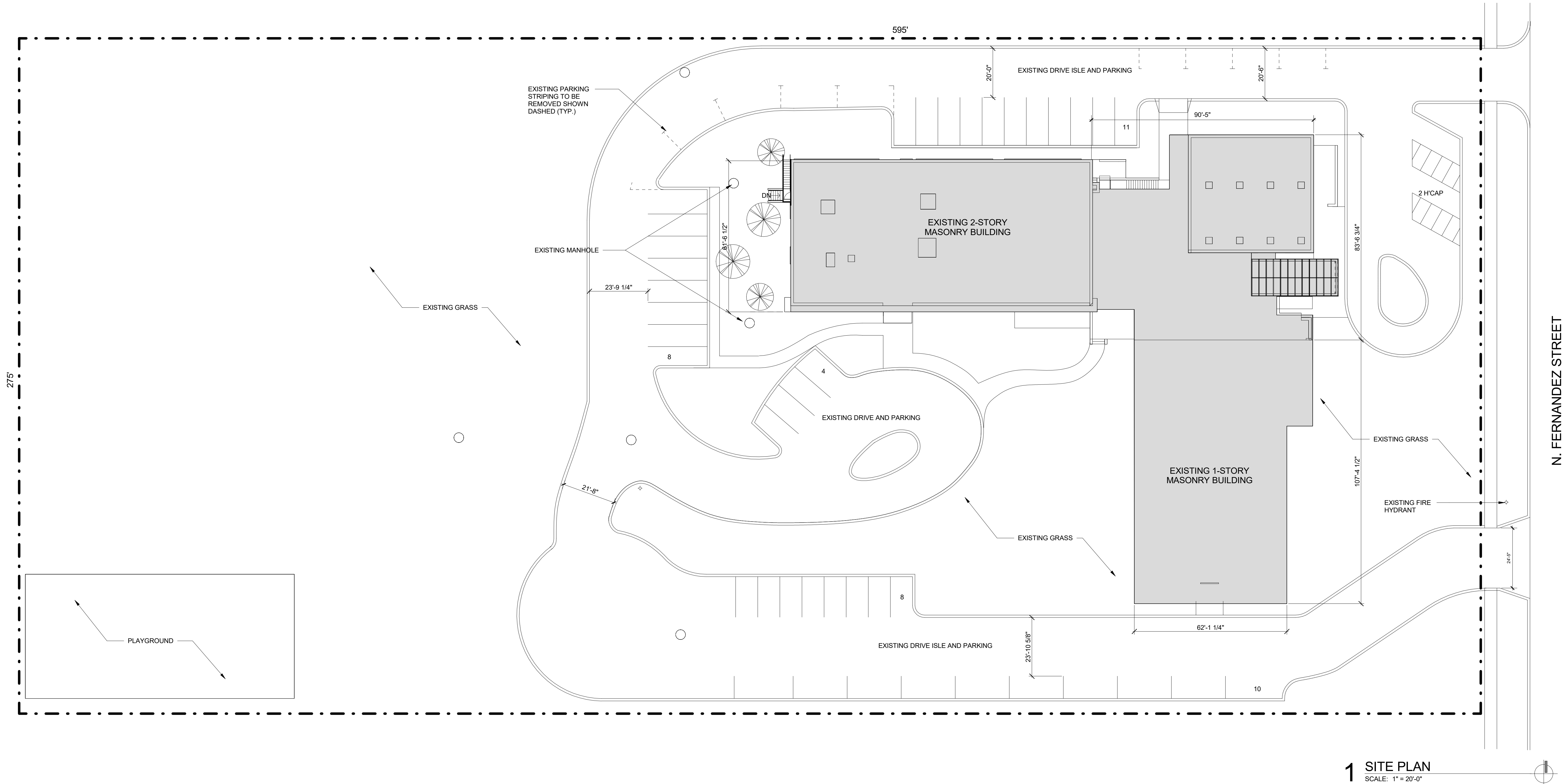
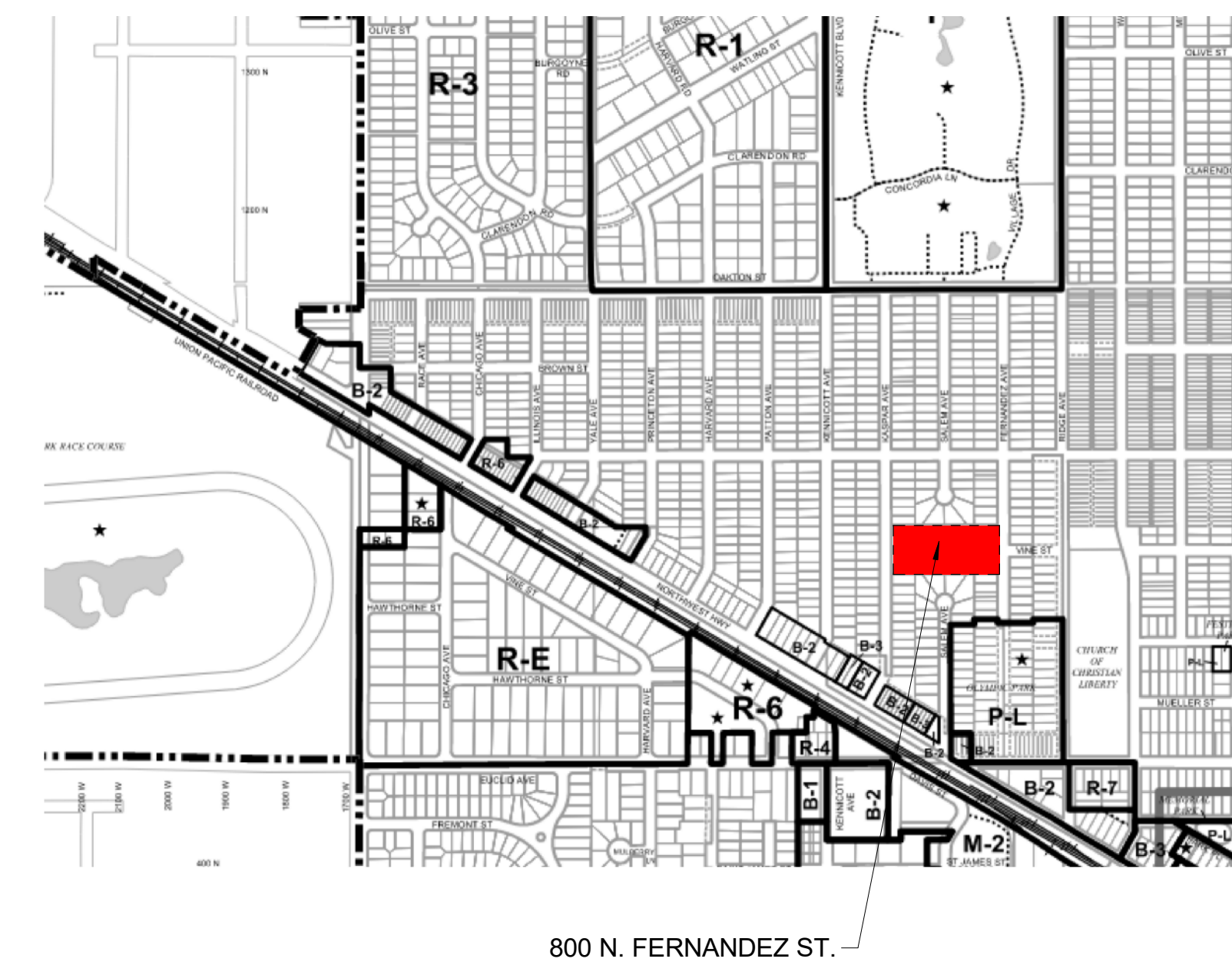
ARCHITECTURAL	
A000	TITLE SHEET / SITE PLAN
D101	FIRST FLOOR DEMOLITION PLAN
D102	SECOND FLOOR DEMOLITION PLAN
D201	FIRST FLOOR REFLECTED CEILING DEMOLITION PLAN
D202	SECOND FLOOR REFLECTED CEILING DEMOLITION PLAN
A100	BASEMENT PLAN
A101	FIRST & SECOND FLOOR PLANS
A102	ENLARGED FIRST FLOOR PLAN
A103	ENLARGED SECOND FLOOR PLAN
A104	ROOF PLAN
A200	PARTIAL FIRST FLOOR REFLECTED CEILING PLAN
A201	SECOND FLOOR REFLECTED CEILING PLAN
A300	SCHEDULES, PARTITIONS, DOORS
A400	EXTERIOR ELEVATIONS
MECHANICAL	
MD100	PARTIAL MECHANICAL DEMOLITION FIRST FLOOR PLAN
MD101	PARTIAL MECHANICAL DEMOLITION SECOND FLOOR PLAN
M100	PARTIAL MECHANICAL FIRST FLOOR PLAN
M101	PARTIAL MECHANICAL SECOND FLOOR PLAN
ELECTRICAL	
ED100	PARTIAL ELECTRICAL DEMOLITION FIRST FLOOR PLAN
ED101	PARTIAL ELECTRICAL DEMOLITION SECOND FLOOR PLAN
E100	PARTIAL ELECTRICAL FIRST FLOOR PLAN
E101	PARTIAL ELECTRICAL SECOND FLOOR PLAN
FIRE PROTECTION	
FP000	FIRE PROTECTION BASEMENT FLOOR PLAN
FP100	FIRE PROTECTION FIRST FLOOR PLAN
FP101	FIRE PROTECTION SECOND FLOOR PLAN

CODE REQUIREMENTS:

Codes:	International Building Code, 2018 International Residential Code, 2018 International Fire Code, 2018 International Existing Building Code, 2018 International Mechanical Code, 2018 State of Illinois Plumbing Code, 2014 Illinois Accessibility Code (IAC), 2018 National Electrical Code, 2017
Zoning:	R-3
Building Use:	Residential
Construction Type:	Type _____
Residential Requirements:	R304.1 Habitable rooms shall have a floor area of not less than 70 square feet. Exception: Kitchens
Height, Area and Volume Limitations:	R305.1 Minimum height. Habitable space, hallways, bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet. R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet in any horizontal dimension.
Fire-Rated Construction:	Table R302.1 Exterior Walls
Natural Light & Ventilation	R303.1 Habitable Rooms: All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

ZONING MAP

SCALE: NTS



REV	DATE	ISSUE
6.2.22		ROOM NAMES ADDED
4.2.22		ZONING REVIEW

800 N. FERNANDEZ STREET
ARLINGTON HEIGHTS, ILLINOIS
60004

Maryville
Caring for Children. Strengthening Families.

TITLE SHEET/ SITE PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF ILLINOIS

EXP. DATE: _____ REGISTRATION NO. _____

NOT FOR CONSTRUCTION

DRAWN BY: JRL
CHECKED BY: GHK
APPROVED: _____
SCALE: As indicated

JOB NO. 2123
000

REV	DATE	ISSUE
6.2.22		ROOM NAMES ADDED
		DESIGN REVISION

800 N. FERNANDEZ STREET
ARLINGTON HEIGHTS, ILLINOIS
60004



BASEMENT PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF ILLINOIS

EXP. DATE: _____ REGISTRATION NO. _____

NOT FOR
CONSTRUCTION

DRAWN BY: JRL
CHECKED BY: GHK
APPROVED: _____
SCALE: As indicated © 2021

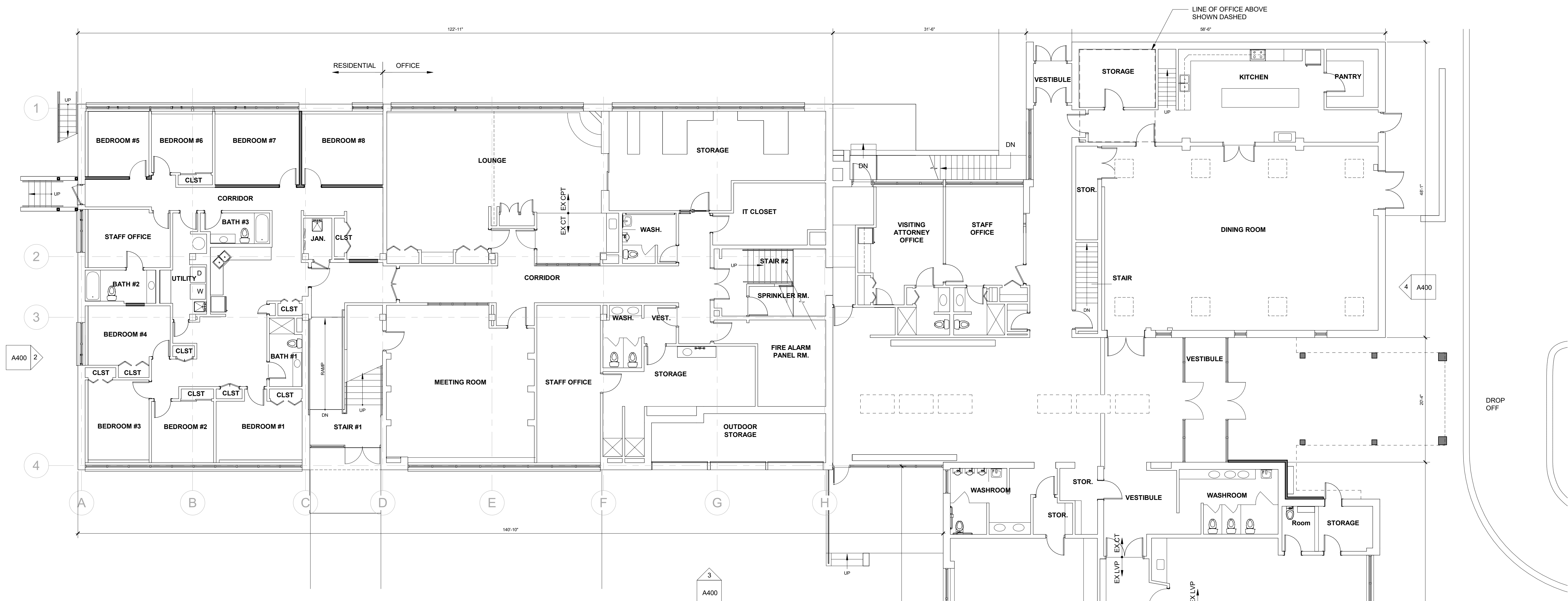
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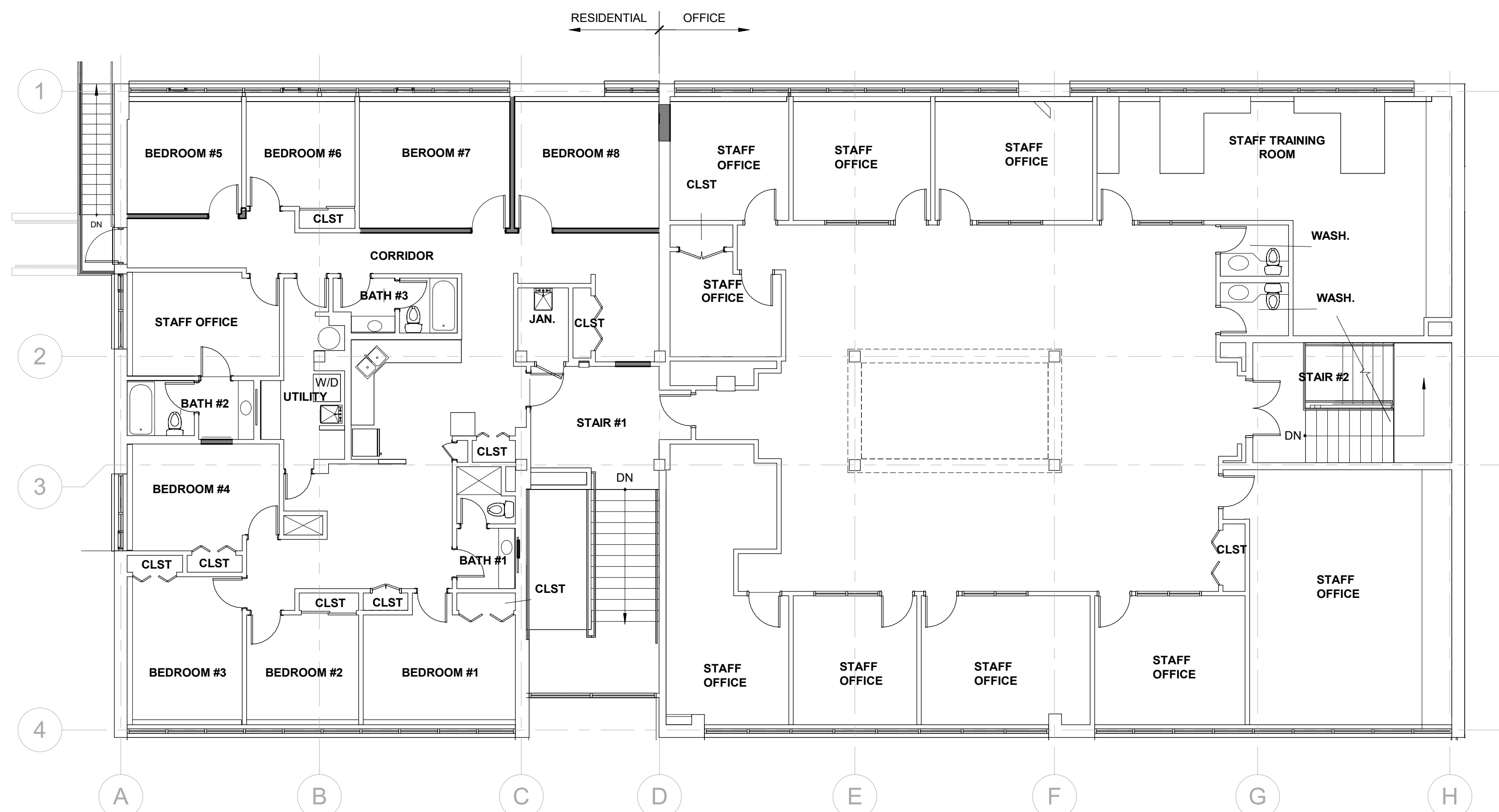


2 BASEMENT PLAN
SCALE: 1/8" = 1'-0"

FLOOR PLAN LEGEND	
	AREA OF NO WORK - NOT IN CONTRACT
	EXISTING PARTITION TO REMAIN
	NEW PARTITION



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"
0' 2' 4' 10'



2 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"
0' 2' 4' 10'

NOTE: SEE ENLARGED PLANS FOR MORE DETAIL.

FLOOR PLAN LEGEND	
	AREA OF NO WORK - NOT IN CONTRACT
	EXISTING PARTITION TO REMAIN
	NEW PARTITION

REV	DATE	ISSUE
6.2.22		ROOM NAMES ADDED
4.2.22		ZONING REVIEW

800 N. FERNANDEZ STREET
ARLINGTON HEIGHTS, ILLINOIS
60004



FIRST & SECOND FLOOR PLANS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF ILLINOIS

EXP. DATE: _____ REGISTRATION NO. _____

NOT FOR CONSTRUCTION

DRAWN BY: JRL
CHECKED BY: GHK
APPROVED: _____
SCALE: As indicated

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (*"Village"*):

WHEREAS, Maryville Academy, (*"Applicant"*) is the contract purchaser of that certain property located in the R-3 One-Family Dwelling District (*"R-3 District"*), commonly known as 800 North Fernandez Avenue (*"Property"*); and

WHEREAS, Ordinance No. 2022-_____, adopted by the Village President and Board of Trustees on July 18, 2022 (*"Ordinance"*), grants a special use permit and variation to the Applicant for the operation of a sheltered care home on the Property; and

WHEREAS, Section 10 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the special use permit and the variation for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the special use permit and the variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2022

ATTEST:

MARYVILLE ACADEMY

By: _____

By: _____

Its: _____

Its: _____