Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-35; SPECIAL USE PERMIT SECTION 121-99.C.10
(COMMUNITY RESIDENTIAL HOME) IN THE A1-AGRICULTURAL DISTRICT
SECTION 24 MOMENCE TOWNSHIP

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by JAVD Illinois LLC Series Conservation an IL Series LLC, property owner and Garden of Prayer Youth Center, applicant, in the Office of the County Clerk of Kankakee County for a Special Use Permit to Section 121-99.c.10 (Community Residential Home) in the A1-Agricultural District, on a parcel legally described herein Exhibit A, a copy of which is attached; and,

WHEREAS, the Zoning Board of Appeals held a duly noticed public hearing, on the application on August 13, 2018 and from the testimony and evidence presented findings were made as described in Exhibit B, a copy is attached and the ZBA recommends that the request of JAVD Illinois LLC Series Conservation an IL Series LLC, property owner and Garden of Prayer Youth Center, applicant be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of August 22, 2018 having reviewed, discussed and considered the matter, has approved the request adopted the findings and the recommendation of the Zoning Board of Appeals, Exhibit B; and,

WHEREAS, all matters required by law of the State of Illinois and the Zoning Ordinance of Kankakee County have been completed; and,

WHEREAS the County Board at its regularly scheduled meeting of September 11, 2018 after review, discussion, and consideration, agrees with the findings of the Zoning Board of Appeals and committee minutes of the PZA Committee, and finds that the conclusions expressed are both reasonable and rationally supported by the evidence presented, and the special use permit will not be detrimental to the public health, safety, and economic and general welfare.

NOW, THEREFORE, be it resolved by the Kankakee County Board, State of Illinois as follows:

1. The findings of the Zoning Board of Appeals are hereby approved, confirmed, ratified, and adopted and the conclusions of the Planning, Zoning and Agriculture Committee based upon those findings are rational and in the public interest.

2. The findings, conclusions and recommendation expressed in the minutes of the Planning, Zoning, and Agriculture Committee meeting of August 22, 2018 are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.
3. Special Use Permit to Section 121-99.c.10 (Community Residential Home) in the A1-Agricultural District, be approved on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

PASSED and adopted this 11th day of September 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31
NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN KANKAKEE COUNTY,
ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER
OF THE WEST HALF OF SAID SOUTHEAST QUARTER THENCE SOUTH 07°35'00"
EAST ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER
A DISTANCE OF 314.30 FEET TO AN IRON PIPE ON THE NORTH RIGHT-OF-WAY
LINE OF ILLINOIS ROUTE 114; THENCE SOUTH 76°40'00" WEST ALONG SAID
RIGHT-OF-WAY LINE A DISTANCE OF 121.17 FEET THENCE SOUTH 77°02'00" WEST
ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 248.29 FEET TO AN IRON ROD
SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING; THENCE CONTINUING
SOUTH 77°02'00" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.00
FEET TO AN IRON ROD; THENCE SOUTH 77°58'00" WEST ALONG SAID RIGHT-OF-
WAY LINE A DISTANCE OF 398.24 FEET TO AN IRON ROD; THENCE SOUTH
78°52'00" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 110.00 FEET TO
AN IRON ROD; THENCE NORTH 13°32'25" WEST A DISTANCE OF 395.14 FEET TO AN
IRON ROD; THENCE NORTH 77°02'25" EAST A DISTANCE OF 545.14 FEET TO AN
IRON ROD; THENCE SOUTH 12°57'35" EAST A DISTANCE OF 405.03 FEET TO THE
POINT OF BEGINNING. CONTAINING 5.00 ACRES MORE OR LESS. SUBJECT TO
RIGHT-OF-WAY FOR ROADS, DRAINAGE AND EASEMENTS APPARENT OR OF
RECORD.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner JAVD Illinois LLC Series Conservation an IL Series LLC and applicant Garden of Prayer Youth Center, in ZBA Case No. 18-35. The applicant and owner are seeking a special use permit to allow the conversion of a home on property located 16601 E State Route 114 in Momence Township from a single family residential dwelling to a community residential home to house homeless male teens ages 15 to 18. The property is currently zoned A1-Agriculture and this zoning designation will remain intact. The property lies within the floodway of the Kankakee River.

After due notice required by law, the ZBA held a public hearing on this case on August 13, 2018 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois, and hereby report their findings of fact and their recommendation as follows:

**Site Information:** See Staff Report (attached herewith).

**Public Comments:** There was no public comment. (Refer to transcripts for full details)

**Analysis of Six Standards:** After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the six (6) standards listed in Section 17.03.F4 (Standards for Special Uses) of the *Kankakee County Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. **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 Board finds that Garden of Prayer Youth Center is located on a farm (16424 E. State Rt. 114) just south of the above property. 16601 is located on a 45 acre farm site in Momence. It has a farmhouse and a barn. Garden of Prayer Youth Center is requesting to use this property to expand our current program of providing housing for homeless male teens. With the approval of the County Board and the Department of Children and Family Services we have provided a home for homeless youth for over forty years. Now the need of our services has greatly increased. We are requesting a special use permit to use the above property as a home for homeless male teens. The property has three bedrooms, three baths, family room, and kitchen. It has adequate...
square footage to be used as our second Community Residential Home. The home will accommodate nine male teens.

1. Safety

The Community Residential Home will not be a safety risk to the public. The property is located off the highway with a circle drive. The youth are carefully supervised with 24-hour staff supervision, seven days a week.

2. Morals

We work with male youth ages 15 to 18. An assessment is done on each youth and an individual program plan is written by our clinical staff with identified goals and objectives according to the youth’s needs. All our youth attend school and some involved in sports and even have jobs after school.

3. Comfort & General Welfare

We are an asset to our community. Our youth comply with the rules and regulations of the law. This year we had three of our youth graduate from school. Five students have summer employment. They are well supervised by staff. We plan and implement educational and recreational programs for the youth and families. We have passed all public health standards and the fire code. This year Garden of Prayer Youth Center has passed Carf accreditation for the second time. We will maintain our standards at the new location.

2. That the special use will not be 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 Board finds that Garden of Prayer Youth Center takes pride in the appearance of our property. This house is only about twenty year old. It was built in a log-cabin style with beautiful windows, an old fashion fire place, a beautiful staircase leading to the upstairs bedrooms. The grounds are beautiful with an old fashion pond for the ducks. It has a barn for storage.

3. That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The Board finds that the request to use the house for a Community Residential Home will not impede the normal and orderly development of surrounding property. The surrounding property is farmland in which farms plant corn, hay, soy beans, etc. We use our land for the same purpose plus a teaching tool to enhance the growth and development of our youth.
4. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.

The Board finds that all utilities are adequately installed and functioning well. There is adequate drainage. This house will be maintained by public health and fire code standards as with our other home.

5. 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 Board finds that there is a circle drive which provides easy ingress and egress that minimizes traffic congestion on to highway 114.

6. That the special use will, 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 board.

The Board finds that as with our present Residential Home on HWY 114, for over thirty years we have complied with the rules and regulations of the Board. With this home we are willing to comply with the regulations of the Board.

Conditions: The Board did not recommend any conditions be placed on the approval of this special use permit.

Recommendation: We find that the proposed special use does meet all the standards for recommending granting as found in Section 17.03.F4 of the Kankakee County Zoning Ordinance and that such a request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the special use permit to establish a community residential home in the A1-Agriculture District on the property described in the application hereby be granted.

Roll Call Vote: The roll call vote was seven (7) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 13th day of August, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye
David Deyoung – Aye
William Sawyer – Aye
Edwin Meents – Aye
William Hemm – Aye
Beth Scanlon – Aye
Gene Raedemacher – Aye
Exhibit A – Site Map, Momence Township
Staff Report

ZBA Case 18-35

Mamence Township

P.I. No. 05-11-24-200-013
SUP Section 121-99-C10 (Community Residential Home)
Garden of Prayer Youth Center (Applicant)
Javad Illinois LLC Series Conservation an IL Series LLC (Owner)
The applicant, Garden of Prayer Youth Center and owner, JAVD Illinois LLC and Conservation Illinois Series LLC, are seeking a special use permit to allow the conversion of a home on property located 16601 E State Route 114 in Momence Township from a single family residential dwelling to a community residential home to house homeless male teens ages 15 to 18. The property is currently zoned Al-Agriculture and this zoning designation will remain intact.

The Community Residential Home will not be a safety risk to the public.

Finding of Fact Responses - Special Use Permit

A. Explain how the establishment, maintenance, or operation of the special use permit will not be detrimental to or endanger the public health, safety, or welfare.

The Planning Department's comments highlighted the petitioner's responses to the findings and the following sections highlight the petitioner's responses to the findings and the Planning Department's comments for the proposed special use permit.

B. Safety

The Community Residential Home will not be a safety risk to the public. The property is located off the highway with a circular drive. The youth are carefully supervised with 24-hour staff supervision, seven days a week.

The Community Residential Home will not be a safety risk to the public.
2. Morals

We work with youth aged 15 to 18. An assessment is done on each youth and an individual program plan is written by our clinical staff with input from the home and the youth accesses. If the special use permit request is back from Illinois Route 114 about 1.50 and is located in the center of the park.

Planning Department Analysis:

The home and the five acres subject to the special use permit request is back from Illinois Route 114 about 1.50 and is located in the center of the park.

Planning Department Analysis:

The home and the five acres subject to the special use permit request is back from Illinois Route 114 about 1.50 and is located in the center of the park.

Petitioner's Response:

We take pride in the appearance of our property. This house is only about twenty years old. It was built in a log-cabin style with beautiful windows, a porch and a deck. The grounds are beautiful with an old-fashioned pond for the ducks. It has a barn for storage.

Planning Department Analysis:

The home and the facility subject to the special use permit request is back from Illinois Route 114 about 1.50 and is located in the center of the park. There are no homes within 500 feet of the subject property and only a few is located about 1.4 about 1.50 and is located in the center of the park.

Petitioner's Response:

We take pride in the appearance of our property. This house is only about twenty years old. It was built in a log-cabin style with beautiful windows, a porch and a deck. The grounds are beautiful with an old-fashioned pond for the ducks. It has a barn for storage.

Planning Department Analysis:

The home and the facility subject to the special use permit request is back from Illinois Route 114 about 1.50 and is located in the center of the park. There are no homes within 500 feet of the subject property and only a few is located about 1.4 about 1.50 and is located in the center of the park.
Finding of Fact Responses - Special Use Permit

C. Explain how and if adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.

Petitioner's Response: Our request to use the house for a community residential home will not impede the normal and orderly development of our surrounding property. Our request to use the house for a community residential home will not substantially impede the normal and orderly development and improvement of the surrounding property for use permitted in the district.

Planning Department Analysis:

"No problem with the special use permit. The surrounding property is farmland in which farming, plant nursery, soybeans, etc. are used. These activities are not considered to be incompatible with the proposed use of the property for a community residential home."
ZBACase18-35

F.WILL The SPECIAL USE, IN ALL OTHER ASPECTS, COMPLY WITH THE APPLICABLE REGULATIONS OF THE DISTRICT.

Petitioners Response: As your present Residential Home on HWY 114, for over thirty years we have complied with the rules and regulations of the Board. With this home we are willing to comply with the regulations of the Board.

Planning Department Analysis:
It appears that the property will conform with all other aspects of the Zoning Ordinance.

Recommended Conditions—Recommended by Staff
By their nature, uses subject to a special use permit generally have a higher intensity or potential to adversely affect surrounding properties than permitted uses in a zoning district. Because of this fact and the need for these uses to gain special approval, conditions can be placed on a special use permit to lessen their impact on surrounding homes and properties. The Planning staff recommends that the following conditions be imposed on this special use permit to lessen its impact on the surrounding homes and properties and alleviate any concerns voiced by neighbors and public officials. The Planning staff will review and approve any concerns voiced by neighbors and public officials. The Planning staff will review and approve any concerns voiced by neighbors and public officials.

Recommended Conditions (If Applicable):

Kankakee County Planning Department

Cornerstone, Kankakee County Planning Department

Location Maps: Rockville Township, Kankakee County

Proposed Conditions (If Applicable):
Kankakee County Planning Department

Location Maps: Rockville Township, Kankakee County

Recommended Conditions—Recommended by Staff
The Board should ask the applicant to confirm this at the hearing.
It appears that the property will conform with all other aspects of the Zoning Ordinance.

Planning Department Analysis:
When considering the regulations of the Board, we have considered the uses and regulations of the Board. With this home we are willing to comply with the regulations of the Board.

Petitioners, Response: "As with our present Residential Home on HWY 114, for over thirty years we have complied with the rules and regulations of the Board. With this home we are willing to comply with the regulations of the Board."
Subject site looking north.

2005 Comprehensive Plan Map

Kankakee County Zoning Map
ZBA Case 18-35

1. Reference: Hearing Date:

Applicant's Name:

Legal Counsel:

2. Location:

Existing Land Use Features:

4. Distance to Public Services and Facilities:

9. Distance to Public Services and Facilities:

10. Miscellaneous Information:

North: West: South: East:

46.85 acres (5 acres)

Municipal Planning Boundary:

46.85 acres (5 acres)

Municipal Planning Department:

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankakee County Planning Department

Kankan