

ORIGINAL

ORDINANCE NO. CO-2015-12

**AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE FACILITY
AT 2010 W. ST. CHARLES ROAD
(YOLANDA MCGHEE D/B/A HE WATCHES MY CHILD)**

WHEREAS, a petition for the granting of a special use pursuant to the Village of Maywood Zoning Ordinance (“Zoning Code”) relative to locating a daycare facility at property located at 2010 W. St. Charles Road, Maywood, Illinois (the “Subject Property”) has been filed with the Village of Maywood by Petitioner Yolanda McGhee d/b/a He Watches My Child (the “Petitioner”); and

WHEREAS, the Petition has been referred to the Plan Commission/Zoning Board of Appeals (Plan Commission) of the Village and has been processed in accordance with the Zoning Code; and

WHEREAS, the Subject Property is legally described in **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, the Plan Commission held a public hearing on the question of whether the requested Special Use should be granted on April 28, 2015, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing. In addition, notice was sent to surrounding property owners; and

WHEREAS, on April 28, 2015, the Plan Commission voted to favorably recommend the requested Special Use to the Village President and Board of Trustees of the Village of Maywood, subject to certain conditions; and

WHEREAS, the Plan Commission of this Village has reported its findings and recommendations regarding the Special Use to this Village President and Board of Trustees, and this Village President and Board of Trustees has duly considered said report and findings and recommendations.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Maywood, Cook County, Illinois, as follows:

SECTION 1: Petitioner desires to locate a daycare facility at the Subject Property in the R-2 Single-Family Residential Zoning District. Daycare facilities are allowed as special uses in R-2 Districts.

SECTION 2: The President and Board of Trustees of the Village of Maywood approve and adopt the findings of fact and recommendation of the Plan Commission, a

copy of which is attached hereto as **Exhibit B**, and incorporate such findings and recommendation herein by reference as if fully set forth herein.

SECTION 3: The President and Board of Trustees, after considering and adopting the findings and recommendation of the Plan Commission and other matters properly before it, hereby grants the requested Special Use to locate a daycare facility at the Subject Property of 2010 W. St. Charles Road, in the R-2 Single-Family Residential Zoning District, subject to the conditions set forth in Section 4 below.

SECTION 4: The Special Use granted under Section 3 above shall be subject to the following conditions:

- A. Prior to occupancy, Petitioner shall ensure compliance with all of the parking requirements of Section 13 of the Village Zoning Ordinance; and
- B. A complete site plan by a licensed professional architect shall be provided for the interior of the building; and
- C. Lighting shall be provided at the approved drop-off/pick-up areas; and
- D. The proposed use shall be approved by the Fire Department; and
- E. Proof of State of Illinois approval and licensing of Petitioner to operate a child care facility on the Subject Property shall be provided by the Petitioner to the Director of Community Development prior to initial occupancy and no later than January 2 of each year thereafter; and
- F. The Petitioner and Property Owner shall construct, maintain and operate the child care facility in conformance with the applicable provisions of the Maywood Village Code, as amended, including all building and fire codes, and in compliance with any and all State licensing requirements.

SECTION 5: Any violation of any term or condition stated in this Ordinance or of any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the President and Board of Trustees of the approvals made in this Ordinance. In the event that the use of the unoccupied building as a childcare center has not commenced within one hundred and eighty (180) days of this Ordinance, or terminates or is discontinued for a period of more than thirty (30) days following its initial opening, this Special Use shall terminate without further action by the Corporate Authorities of the Village.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

PASSED this 19th day of May, 2015, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

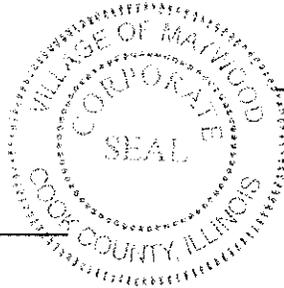
ABSENT: None

APPROVED by the Village President on the 19th day of May, 2015, and attested to by the Village Clerk this same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

EXHIBIT A

LOTS 1 THROUGH 5 BOTH INCLUSIVE IN THE SUBDIVISION OF LOTS 1, 2, 3 AND 30 AND 31 OF BLOCK 36, LOTS 30 AND 31 OF BLOCK 35, AND LOTS 25 AND 26 OF BLOCK 22, ALSO LOTS 55 THRU 59 BOTH INCLUSIVE, ALL IN PROVISO LAND ASSOCIATION ADDTION TO MAYWOOD IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN NOS. 15-10-125-053 AND -054

COMMONLY KNOWN AS: 2010 W. ST. CHARLES ROAD, MAYWOOD, ILLINOIS

EXHIBIT B

**FINDINGS OF FACT OF THE PLAN COMMISSION -
2010 W. ST. CHARLES ROAD, MAYWOOD, ILLINOIS**

ACKNOWLEDGMENT BY PETITIONER/OWNER

I, the Petitioner, and I, as the Property Owner under the above special use petition, certify that I have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the special use to locate a daycare center, as specifically set forth above in Section 3 above, relative to the property commonly known as 2010 W. St. Charles Road, Maywood, Illinois, and voluntarily accept and agree to be bound by same.

Yolanda McGhee, d/b/a He Watches My Child

Petitioner

Date: _____, 2015.

Miracle Revival Cathedral

By: _____
Property Owner

Its: _____

Date: _____, 2015.



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE
OF MAYWOOD TO
THE PRESIDENT AND BOARD OF TRUSTEES**

May 1, 2015

Case #15-001

PC/ZBA Case # 15-001 the Village of Maywood received an application with supporting documentation and photos from Yolanda McGhee of He Watches My Child, proposed tenant at the Miracle Revival Cathedral on 2010 W. St. Charles Road, for consideration of a request for a Special Use Permit pursuant to Section 4.4 of the Village Zoning Ordinance. The request was to operate a Day Care Facility in the R-2 (Single-Family Residential) District.

The owner provided pictures of the proposed property for the Daycare Center. Under Table 8.1 of the Maywood Zoning Ordinance, R-2 Single-Family Residential District, Special Uses, Child Care Facilities may be allowed as a Special Use in the R-2 District. Surrounding properties are zoned C-2 Pedestrian-Oriented Commercial District, OS Open Space, and R-5 Multi-Family Residential to the North, C-2 Pedestrian-Oriented Commercial to the East, R-2 Single-Family Residential to the South and R-2 Single-Family Residential to the West.

The Petitioners application and submittals were accepted as meeting the minimum standards for a public hearing

PETITIONER: Yolanda McGhee, He Watches my Child

APPLICATION: For a Special Use Permit to operate a Day Care Facility in the R-2 (Single-Family Residential) District

RECOMMENDATION: Following a public hearing held on April 28, 2015, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of this Special Use Permit for a Day Care Facility in the R-2 (Single-Family Residential) District.

BACKGROUND:

The proposed Day Care Center would be located inside the Miracle Revival Cathedral. Ms. McGhee was previously approved for a Day Care Center in the Village of Maywood at 1404 Madison Street in November, 2012, but never opened that facility.

PUBLIC HEARING: At the public hearing held on April 28, 2015, Staff presented a summary of the petition and related documents. The summary included the property's surrounding zoning districts which is a mixture of C-2, R-2 and an OS (Open Space District).

The proposed Day Care Center will have 10 employees along with approximately 50 children. The Petitioner is required to provide 7 parking spaces and would meet that requirement according to the proposed site plan. There will be no additions or alterations to the existing building.

It should be noted the Petitioner will be required to provide exterior lighting for the drop off/pick up area. The proposed hours of operation will be 6 a.m. to 6 p.m., Monday through Friday. The square footage of the existing structure is 12,980 sq. ft. The Petitioner plans to have an infant room, a toddler room, a 2 & 3 year old classroom, a 4 & 5 year old classroom, a K-1 classroom and an afterschool classroom for ages 5 to 13 years old.

The project is in accordance with the 2008 and 2014 updates to the Comprehensive Plan recommending Multi-Family Residential and Institutional for that area. Adequate parking will be provided by the owner. The Day Care Center will not cause noise, glare or odor to the surrounding properties. No objections have been provided from the Fire Department and Village Engineer. The Illinois Department of Children and Family Services stated that if the property does not have an attached playground area and the children will be forced to cross Saint Charles Road, they will object to the request given the necessity of crossing the busy, and potentially dangerous, intersection.

The Petitioner requests consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Day Care Facility at 2010 W. St. Charles Road in the R-2 Single-Family Residential Zoning District. Staff recommended approval with 5 conditions.

1. The Petitioner shall meet all of the parking requirements of Section 13 of the Village Zoning Ordinance.
2. A complete site plan by a licensed professional shall be provided for the interior of the building.
3. Lighting shall be provided at the approved drop off/pick up areas.
4. The proposed use shall be approved by the Fire Department.
5. The facility shall be in accordance with State of Illinois requirements.

Chairman Christian asked the Commission if they had any questions for staff.

Commissioner Lira inquired whether the playground should be a listed condition or if the State did that? Staff responded that the Village is not required to condition that and the state will review the playground before any final approval.

Next Chairman Christian opened the floor to the Petitioner for any input on this matter.

Ms. Yolanda McGhee of He Watches My Child stated the pre-school is Christian-based and the students have homework at all ages. 90% of the children are from Maywood and the school has before and after school programs. Ms. McGhee wants to give children a good start.

Next Chairman Christian opened the floor to the Commissioners for any input on this matter.

Among the questions asked by the Commissioners of the Petitioner was why she chose to locate at this spot? Ms. McGhee stated she is not in it for the money. She has 3 grown sons who are all educated and successful and education is very important personally to her. The Miracle Revival Cathedral is open to her idea of a Day Care which is unlike many other Day Cares due to its emphasis on education. Ms. McGhee also noted that she chose this location because Miracle Revival shared her philosophy concerning giving children a good start and that she is able to therefore avoid any politics that may arise in other locations.

The Petitioner was also asked whether she had any other locations. Ms. McGhee stated the company has another location in Hillside.

The Chairman asked for any final comment from the public.

Hearing no more public comment or comments by Commissioners, the Public hearing was closed.

Commissioner Lira then motioned that the Commission recommend approval of the request for a Special Use to Yolanda McGhee d/b/a He Watches My Child for the operation of a Day Care Facility at 2010 W. St. Charles Road with the conditions outlined by staff and referenced above, along with a requirement that Ms. McGhee submit an updated notice affidavit. The motion was seconded by Commission Stelnicki. The motion carried on a vote unanimous vote of 5-0-0. Commissioners Ratley and Smith were absent.

FINDINGS: The PC/ZBA makes the following Findings as to the proposed Special Use Permit:

1. That the establishment, maintenance and operation of the special use in the specific location proposed will not be unreasonably detrimental to or endanger the public health, safety or general welfare of any portion of the community. **The establishment and operation of the Special Use will not endanger the public health, safety or general welfare of any portion of the community. The school will have 10 employees on hand at all times of operation. The employees will supervise the activities within the building.**
2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use. **The proposed Special Use is compatible with adjacent properties. In the opinion of staff and the PC/ZBA, this use is compatible with both the surrounding Commercial and Residential properties.**
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity. **The proposed Special Use will not diminish or impair property values. In fact, the establishment of the opera-**

tion might help improve property values by providing a service that will benefit nearby residents and may attract more families to the area.

4. The establishment of the proposed special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property. The area is already developed and the project is in accordance with the 2008 Comprehensive Plan and 2014 update recommending Multi-Family and Institutional for that area.**
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided. **Adequate utilities and other necessary facilities are being provided. Adequate parking will be provided by the owner with the current parking lot at Miracle Revival Cathedral.**
6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan. **The Special Use is consistent with the Ordinance and the updated 2014 Comprehensive Plan. The establishment of a Day Care Facility in the Single-Family Residential District is consistent with the intent of the Maywood Zoning Ordinance and Comprehensive Plan.**

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a vote of 5-0-0, recommends to the President and Board of Trustees that the requested Special Use Permit for operation of a Day Care Facility at 2010 W. St. Charles Road be approved with the five (5) conditions recommended by staff as set forth below, along with submittal of an updated notice affidavit by Petitioner.

1. The Petitioner shall meet all of the parking requirements of Section 13 of the Village Zoning Ordinance.
2. A complete site plan by a licensed professional shall be provided for the interior of the building.
3. Lighting shall be provided at the approved drop off/pick up areas.
4. The proposed use shall be approved by the Fire Department.
5. The facility shall be in accordance with State of Illinois requirements.

Signed: *Clifford Christian*
Clifford Christian Chairman
Plan Commission/Zoning Board of Appeals
Village of Maywood

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2015-12

**AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE FACILITY
AT 2010 W. ST. CHARLES ROAD
(YOLANDA MCGHEE D/B/A HE WATCHES MY CHILD)**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 19th day of May, 2015, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 21st day of May, 2015.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 21st day of May, 2015.





Village Clerk