

ORDINANCE NO. CO-2014-46

**AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE CENTER AT
1919 ST. CHARLES ROAD (MARY WILSON D/B/A HIM LEARNING CENTER)**

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 center at property located at 1919 St. Charles Road, Maywood, Illinois (the "Subject Property") has been filed with the Village of Maywood by Petitioner Mary Wilson d/b/a HIM Learning Center (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 November 19, 2014, 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 November 19, 2014, 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 center at the Subject Property in the C-2 Pedestrian-Oriented Commercial Zoning District. Daycare centers are allowed as special use in C-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 center at the Subject Property of 191 St. Charles Road, in the C-2 Pedestrian-Oriented Commercial 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; and
- G. The failure of the Petitioner or Property Owner to comply with any of the above conditions of this Ordinance shall result in the automatic, immediate termination of the Special Use granted under this Ordinance without further action by the Corporate Authorities of the Village. 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 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.

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

PASSED this 16th day of December, 2014, by the Corporate Authorities of the Village of Maywood on a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

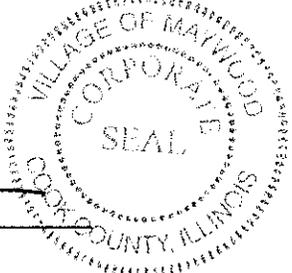
NAYS: None

ABSENT: None

APPROVED by the Village President on the 18th day of December, 2014, and attested to by the Village Clerk this same day.

ATTEST.


VILLAGE CLERK




VILLAGE PRESIDENT

EXHIBIT A

**LOTS 23, 24 AND 25 IN BLOCK 37 IN PROVISO LAND ASSOCIATION
IN MAYWOOD, IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 12
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS**

PIN NOS. 15-10-118-044

COMMONLY KNOWN AS: 1919 ST. CHARLES, MAYWOOD, ILLINOIS

EXHIBIT B

**FINDINGS OF FACT OF THE PLAN COMMISSION -
1919 ST. CHARLES ROAD, MAYWOOD, ILLINOIS**



**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**

November 24, 2014

Case #14-009

PC/ZBA Case # 14-006 the Village of Maywood received an application with supporting documentation and photos from Petitioner Mary Wilson, tenant of the property at 1919 St. Charles Road units D & E for consideration of a Special Use Permit pursuant to Section 4.4 of the Village Zoning Ordinance. The request was to operate a Day Care Center in the C-2 (Pedestrian-Oriented Commercial) District.

Under Table 8.1 of the Maywood Zoning Ordinance, C-2 Pedestrian-Oriented Commercial District, Special Uses; Child Care Facilities may be allowed as a Special Use in the C-2 District. Surrounding properties are zoned R-4 Multi-Family Residential to the North, C-2 Pedestrian-Oriented Commercial to the East, C-2 Pedestrian-Oriented Commercial to the South and R-5 Multi-Family Residential to the West. The project is in accordance with the 2008 Comprehensive Plan recommending Commercial for that area.

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

PETITIONER: Mary Wilson, HIM Learning Center

APPLICATION: For a Special Use Permit to operate a Day Care Center in the C-2 (Pedestrian-Oriented Commercial) District at 1919 St. Charles Road

RECOMMENDATION: Following a public hearing held on November 19, 2014, the Plan Commission/Zoning Board of Appeals (PC/ZBA) recommended approval of this Special Use Permit for Day Care Center in the C-2 (Pedestrian-Oriented) District with the conditions suggested by staff, on a vote of seven (7) in favor and zero (0) opposed.

BACKGROUND: The units had been occupied as a restaurant, Erma & Sons, in the past. The petitioner has previously received a Special Use Permit for a Day Care Center at 2001-2005 Saint Charles Road in October, 2011.

PUBLIC HEARING: At the public hearing held on November 19, 2014 Staff presented a brief summary of the petition and related documents. The petitioner requests consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Day Care Center at 1919 St. Charles Road in the C-2 Zoning District.

Staff (Mr. Palmquist) discussed the proposed location of the Day Care Center and stated the request was in conformance with the Village Zoning Ordinance and the Comprehensive Plan. The playground one block north on 20th Avenue would be used for the Day Care Center to satisfy State of Illinois requirements. The request was also not detrimental to surrounding properties which were a mixture of Multi-Family Residential and Pedestrian-Oriented Commercial.

Staff also mentioned the parking requirement of 6 spaces and that the applicant should be able to meet the requirement with the parking lot. Drop-off for the children would be between 6a.m. and 8a.m. and pick-up would be 4p.m. to 6p.m.

Chairman Christian requested the applicant (Mary Wilson) to speak.

Ms. Wilson stated she wanted to help the area and provide a service to the Community. She also mentioned that she is certified by the state of Illinois to operate a Day Care Center.

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

No persons were present to speak for or against the matter.

The Public hearing was closed and the Chairman called for discussion.

Following discussion, Chairman Christian called for a motion. Commissioner Lira made a motion, seconded by Commissioner Stelnicki, to recommend approval of this Special Use Permit for a child daycare facility by Mary Wilson, at the property commonly known as 1919 St. Charles Road, in the C-2 Pedestrian-Oriented Zoning District, with conditions recommended by staff as follows:

- The Applicant shall meet all of the parking requirements of Section 13 of the Village Zoning Ordinance; and
- A complete site plan by a licensed professional architect shall be provided for the interior of the building; and
- Lighting shall be provided at the approved drop off/pick up areas; and
- The proposed use shall be approved by the Fire Department; and
- The facility shall be in compliance with State of Illinois licensing and other requirements.

Motion carried on a unanimous vote of 7-0-0.

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 communi-

ty. In the opinion of the PC/ZBA, 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 Day Care Center will have a licensed instructor on hand at all times of operation. The licensed instructor will supervise staff and children within the building. The Center will only operate from 6a.m. to 6p.m.

2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use. In the opinion of the PC/ZBA, the proposed Special Use is compatible with adjacent properties. In the opinion of staff, this is with compatible with both the Multi-Family properties and the Commercial properties that are within a quarter-mile of the Center.
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity. In the opinion of the PC/ZBA, the proposed Special Use will not diminish or impair property values. In fact, the establishment of the operation might help improve property values by attracting more people to the block, occupying a now-vacant space, and by providing a service to area residents.
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. In the opinion of the PC/ZBA, the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property. The area is already fully developed and the project is in accordance with the 2008 Comprehensive Plan recommending Commercial 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. Utilities to the site already exist. Adequate parking will be provided by the owner in the existing parking lot as well as street parking on 20th Avenue.
6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan. In the opinion of the PC/ZBA, the Special Use is consistent with the Ordinance. The establishment of a Day Care Center in the pedestrian-oriented Commercial District is consistent with the intent of the Ordinance and Comprehensive Plan.

SUMMARY OF RECOMMENDATIONS: Based upon the foregoing Findings, the Plan Commission/Zoning Board of Appeals, by a unanimous vote of 7-0-0, recommends to the President and Board of Trustees that the requested Special Use Permit for operation of a Day Care Facility at 1919 St. Charles Road with the conditions recommended by staff as set forth above.

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

Village of



MAYWOOD

STAFF REPORT

TO: Maywood Plan Commission

REVIEW DATE: November 7, 2014

From: Karl Palmquist, Zoning Officer/Planner

PREPARED BY: Karl Palmquist

PROJECT TITLE AND OVERVIEW

PC/ZBA Case # 14-009: The Village of Maywood has received a request from Mary Wilson for consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Day Care Center at 1919 St. Charles Road in the C-2 Pedestrian-Oriented Commercial Zoning District. The building (Units D & E) is currently vacant and part of a commercial strip mall. The unit has been occupied as a restaurant, Erma & Sons, in the past. The owner previously received a Special Use Permit for a Day Care Center at 2001-2005 Saint Charles Road in October, 2011. The applicant is certified with the State of Illinois, the Department of Children & Family Services and the Department of Health.

The owner provided pictures of the proposed property for the Daycare Center. Under Table 8.1 of the Maywood Zoning Ordinance, C-2 Pedestrian-Oriented Commercial District, Special Uses, Child Care Facilities may be allowed as a Special Use in the C-2 District. Surrounding properties are zoned R-4 Multi-Family Residential to the North, C-2 Pedestrian-Oriented Commercial to the East, C-2 Pedestrian-Oriented Commercial to the South and R-5 Multi-Family Residential to the West.

APPLICANT INFORMATION

APPLICANT(S): Mary Wilson
2020 S. 10th Ave
Maywood, IL. 60153

Owner(s) of Record: David Scott & Associates
238 Mannheim Road
Maywood, IL. 60153

PARCEL: 1919 St. Charles Road Units D & E
Cook County PINS: 15-10-118-044
Present zoning: C-2 Use: Commercial Current Use: Vacant
Lot size: 1800 sq. ft.

Legal Description of Property:

LOTS 23,24 AND 25 IN BLOCK 37 IN PROVISO LAND ASSOCIATION IN MAYWOOD, IN SECTION 10, TOWNSHIP 39 NORTH , RANGE 12 EAST EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

ANALYSIS

SUBMITTALS:

1. Petition
2. Approval Standards for Special Uses
3. Applicant statement
4. Property ownership documentation
5. Plat of survey
6. Site plan
7. Aerial photo of daycare on Google Earth
8. Affidavit of Public Notice Information
9. Copy of receipt of Certified Mailing from the U.S. Postal Service

Standards for Special Use

The Following are the condition of consideration for a special use request:

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.
2. The proposed special use is compatible with adjacent properties and other property within the immediate vicinity of the special use.
3. The proposed special use will not substantially diminish and impair property values within the immediate vicinity.
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.
5. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
6. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and the Comprehensive Plan.

Staff Review

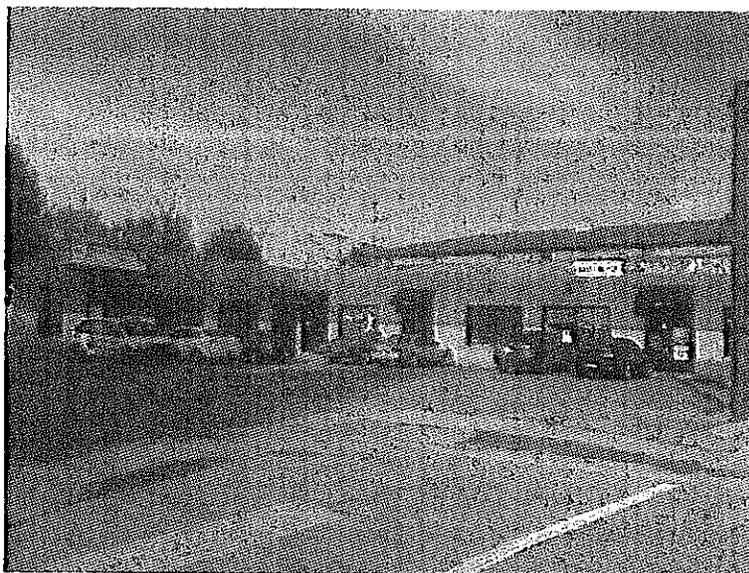
The proposal is in compliance with Section 116.08E (Prohibited Locations) on Sales or Distribution of Tobacco Products. According to this section, it is unlawful to sell tobacco products within 500 feet of a Child Care Facility. The tobacco store located in the same mall preceded the proposed Day Care Center and is therefore not required to relocate.

The proposed parking area is in compliance with Section 13 of the Zoning Ordinance. Under Table 13.1, Off Street Parking Requirements, the applicant is required to provide 1 space per 2 employees + 2 passenger loading spaces. The proposed Day Care Center will have 8 employees along with 36-40 children. The applicant is required to provide 6 parking spaces and would meet that requirement according to the proposed site plan.

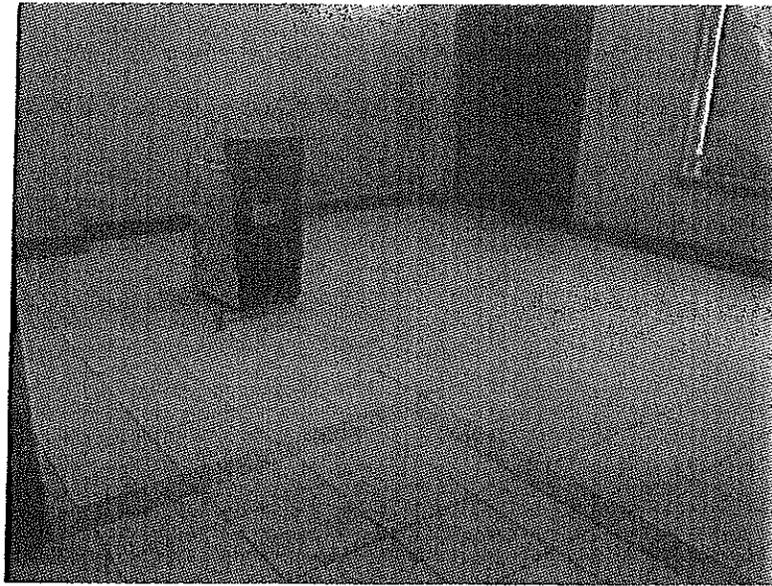
It should be noted the applicant will be required to provide exterior lighting for the drop off/pick up area. The hours of operation will be 6a.m. to 6p.m., Monday through Friday. The Department of Children and Family Services stated the applicant will use a playground one block north on 20th Avenue in order to meet the playground requirement.



Looking east toward Units D & E



Looking northeast toward the property



View of inside of proposed Day Care

Proposal Review

Staff has reviewed the petition and submittals, from Ms. Wilson, and has found the package to be complete for presentation to the Plan Commission / Zoning Board of Appeals.

Impact on the Community

The project, contingent upon the approval of the text amendment, is in accordance with the 2008 Comprehensive Plan recommending Commercial 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 Engineer.

Recommendation

Staff recommends approval with the following conditions:

1. The applicant 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.

STAFF TECHNICAL REVIEW COMMITTEE – DEPARTMENT REPRESENTATION:

David Myers; Director of Community Development
Angela Smith; Project Manager
David Flowers; Coordinator of Enforcement

Karl Palmquist; Zoning Officer/Planner

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-2014-46

AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE CENTER AT 1919 ST. CHARLES ROAD (MARY WILSON D/B/A HIM LEARNING CENTER)

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 16th day of December, 2014, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 18th day of December, 2014.

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 Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, 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 18th day of December, 2014.

[SEAL]





Village Clerk

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 1919 St. Charles Road, Maywood, Illinois, and voluntarily accept and agree to be bound by same.

Mary Wilson, d/b/a HIM Learning Center

Petitioner

Date: _____, 2014.

David Scott & Associates

Property Owner

Date: _____, 2014.