

P/IG/MS

ORDINANCE NO. CO-2016-07

**AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE CENTER AT
1405 MADISON STREET (YOLANDA MCGHEE d/b/a ISAIAH'S 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 1405 Madison Street, Maywood, Illinois (the "Subject Property") has been filed with the Village of Maywood by Petitioner Yolanda McGhee d/b/a Isaiah's Learning Center; 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 March 28, 2016, 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 March 28, 2016, 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 within several rooms of the Rock of Ages Spiritual Center located at the Subject Property in the R-4 multi-family residential zoning district. Daycare centers are allowed by special use in R-4 multi-family residential zoning 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 1405 Madison Street, in the R-4 multi-family residential zoning district, subject to the following 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; and
5. The facility shall be operated at all times in accordance with State of Illinois requirements.

SECTION 4: 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 5: The approval given in this Ordinance supersedes the now expired approval In An Ordinance Approving A Special Use For A Daycare Center At 1401-07 Madison (Yolanda Mcghee D/B/A He Watches My Child), approved by the President and Board of Trustees in November 2012.

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 April, 2016, 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.

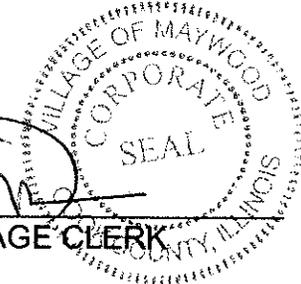
NAYS: None

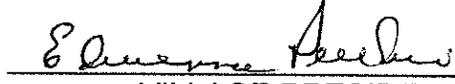
ABSENT: None

APPROVED by the Village President on the 21st day of April, 2016, and attested to by the Village Clerk this same day.

ATTEST:


VILLAGE CLERK





VILLAGE PRESIDENT

EXHIBIT A

LOTS 848, 849, 850, 851 AND 852 IN MADISON STREET ADDITION, A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF SAINT CHARLES ROAD, IN COOK COUNTY, ILLINOIS.

PIN NOS. 15-10-433-010, -029, -030, -031 AND -033

COMMONLY KNOWN AS: 1405 MADISON STREET, MAYWOOD, ILLINOIS

EXHIBIT B

**FINDINGS OF FACT OF THE PLAN COMMISSION -
1405 MADISON STREET, 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**

March 28, 2016

Case #16-002

PC/ZBA Case # 16-002 the Village of Maywood received an application with supporting documentation and photos from Yolanda McGhee of Isaiah's Learning Center, proposed tenant at the Rock of Ages Baptist Church on 1405 Madison Street, 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-4 (Multi-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-4 Multi-Family Residential District, Special Uses, Child Care Facilities may be allowed as a Special Use in the R-4 District. Surrounding properties are zoned R-3 Two-Family Residential to the North, R-4 Multi-Family Residential to the East, R-4 Multi-Family Residential to the South and R-4 Multi-Family Residential to the West.

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

PETITIONER: Yolanda McGhee, Isaiah's Learning Center

APPLICATION: For a Special Use Permit to operate a Day Care Facility in the R-4 (Multi-Family Residential) District

PROPERTY ADDRESS: 1405 W. Madison Street

RECOMMENDATION: Following a public hearing held on March 22, 2016, the Plan Commission/Zoning Board of Appeals (PC/ZBA) unanimously recommended approval, with conditions, of this Special Use Permit for a Day Care Facility in the R-4 (Multi-Family Residential) District.

BACKGROUND:

The proposed Day Care Center would be located inside the accessory structure owned by Rock of Ages Baptist Church. Ms. McGhee was previously approved for a Day Care Center at this location in November, 2012, but never opened that facility. According to Section 4.4 (G) of the Maywood Zoning Ordinance, "a Special Use Permit can be revoked when there is failure to commence the operation of the use within eighteen (18) months for which the Special Use Permit has been granted."

PUBLIC HEARING: At the public hearing held on March 22, 2016, Staff presented a summary of the petition and related documents. The summary included the property's surrounding zoning districts which are a mixture of R-3 (Two-Family Residential) and R-4 (Multi-Family District).

The proposed Day Care Center will begin with 2 employees along with approximately 20 children and then expand to four employees and approximately 50 children. The Petitioner is required to provide 4 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 property is 17,100 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 requires a playground area and the applicant has provided a plan for the location of the playground on the northwest corner of the property.

The Petitioner requests consideration on a Special Use Permit, as allowed by Section 4.4 (Special Use), to operate a Day Care Facility at 1405 Madison Street in the R-4 Multi-Family Residential Zoning District. Staff recommended approval with five 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.

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

Ms. Yolanda McGhee of Isaiah's Learning Center stated she does not work at the previously approved Day Care Center at Miracle Revival Cathedral on 2010 W. St. Charles Road. She had merely served as a representative for the church to obtain the Special Use Permit.

Next Chairman Christian opened the floor to the Commissioners for any input on this matter. In response to questioning, Ms. McGhee stated that her previous special use

approval at this location had lapsed because the church wanted to explore other options for the Property, rather than due to a lack of follow-through on her part.

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 of Isaiah's Learning Center for the operation of a Day Care Facility at 1405 Madison Street with the conditions outlined by staff and referenced above. The motion was seconded by Commission Stelnicki. The motion carried on a vote unanimous vote of 6-0-0. Commissioner Smith was 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 begin with 2 employees on hand at all times of operation and expand accordingly when enrollment increases. 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 operation 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 Residential 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 facili-**

ties are being provided. Adequate parking will be provided by the owner with the proposed parking spaces on the west side of the property.

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 Multi-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 6-0-0, recommends to the President and Board of Trustees that the requested Special Use Permit for operation of a Day Care Facility at 1405 Madison Street be approved with the five conditions recommended by staff as set forth below.

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

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 1405 Madison Street, Maywood, Illinois, and voluntarily accept and agree to be bound by same.

Yolanda McGhee, d/b/a Isaiah's Learning Center

Petitioner

Date: _____, 2016.

Rock of Ages Baptist Church

Property Owner

Date: _____, 2016.

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-2016-07

AN ORDINANCE APPROVING A SPECIAL USE FOR A DAYCARE CENTER AT 1405 MADISON STREET (YOLANDA McGHEE d/b/a ISAIAH'S LEARNING CENTER)

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 April, 2016, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 21st day of April, 2016.

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:

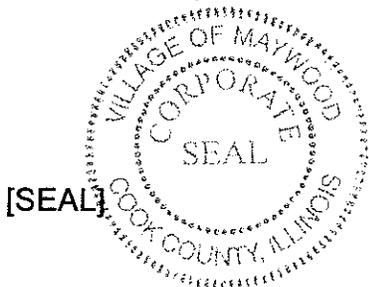
AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

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 April, 2016.





Village Clerk