



Legislation Details (With Text)

**File #:** 22-1492B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/8/2022      **In control:** City Council

**On agenda:** 12/20/2022      **Final action:** 12/20/2022

**Title:** Pass the ordinance granting a major change to the Fox River Commons Resubdivision PUD for a land use deviation to allow a religious institution at 776 South Route 59 (Sri Veda Dharmashala) - PZC 22-1-088

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. SVD ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Project Vision & Description, 5. Exhibit D - Response to Standards, 6. PZC Meeting Minutes 12-7-22 DRAFT, 7. Development Petition, 8. Petitioner Code Analysis, 9. Floor Plan, 10. Exterior Elevations, 11. Existing Topographic Survey, 12. Location Map

| Date       | Ver. | Action By    | Action | Result |
|------------|------|--------------|--------|--------|
| 12/20/2022 | 1    | City Council | passed |        |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a major change to the Fox River Commons Resubdivision PUD for a land use deviation to allow a religious institution at 776 South Route 59 (Sri Veda Dharmashala) - PZC 22-1-088

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, AICP, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered this matter on December 7, 2022, and voted to recommend approval of the request (approved 7-0). Staff concurs.

**BACKGROUND:**

The subject property is generally located in the southeast corner of the intersection of Route 59 and La Fox Avenue and is zoned B2- PUD (Community Shopping Center District - Planned Unit Development). The parcel is approximately 11.5 acres and is improved with a single 116,000 square foot commercial building and surface parking lot constructed more than 20 years ago as part of the Fox River Commons Shopping Center. It was occupied by Walmart from the time of construction until it was vacated due to expansion and relocation in 2014.

The Mall of India is a redevelopment project that opened in 2020 and transformed a vacant big box retail space into an indoor commercial mall that includes a grocery store, food court, retail establishments, dance studio, and daycare.

## **DISCUSSION:**

### ***Major Change to the PUD: Land Use Deviation***

The Petitioner requests approval of a major change to the Fox River Commons Resubdivision PUD to grant approval of land use deviation to permit a religious institution at the Mall of India. This request requires a land use deviation because religious institutions are not a permitted use in the B2 zoning district. The Petitioner has described that the religious institution, Sri Veda Dharmashala, is founded by the Acharya, a guru or spiritual teacher. The vision of the Acharya, per the application, is to, “keep our future generations that are being brought up in the USA, appraised of the importance and the meaning of the Santana Dharma to enable a sincere appreciation and adherence to the faith and practice.”

The proposed use will occupy approximately 3,090 SQFT in the Mall of India and will provide spiritual guidance and services such as naming ceremonies, first feeding ceremonies, Hindu rituals of initiation, first day school, wedding anniversaries, and special birthdays. Daily and special prayers shall also be conducted as a part of the proposed use.

The proposed tenant space is the former garden center portion of the building and is currently vacant. The space will be divided into a prayer/ceremony hall, offices, restrooms, storage room, utility room, and cloak room. The prayer/ceremony hall will have 200 seats and a deity podium.

The proposed modifications to the exterior will be minor including new signs, wall mounted lighting, removal of a majority of the chain link fence along the building, and improvements to the entrance to provide an outdoor seating area for use prior to services. The hours of operation will include 9 a.m. to 12 p.m. and 4 p.m. to 9 p.m. daily and 9 a.m. to 11 p.m. for special events.

The Petitioner provided a tenant roster and confirmed that there will be a surplus of parking spaces at the Mall of India taking into account the proposed use. Staff estimates the required number of spaces for the religious institution would be 67 spaces based on the requirement of one parking space per three seats from the Schedule of Off Street Parking Requirements in the Municipal Code.

### ***Findings of Fact***

The Petitioner’s responses to the Standards for Granting or Amending a Planned Unit Development and the Standards for Approving a PUD Use Deviation can be found in the attachments. Upon review, staff agrees with the Petitioner’s Findings and recommends their adoption by the City Council.

### **Planning and Zoning Commission**

The PZC considered the land use deviation request on December 7, 2022. Shilpa Purohit, Purohit Architects, Inc., presented the case. No members of the public spoke on the request. During the public hearing the Commission discussed the available parking and the number of anticipated attendees. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 22-1-088 (approved 7-0). Staff concurs.

### **Key Takeaways**

- The Petitioner requests approval of PZC 22-1-088, a major change to Fox River Commons Resubdivision PUD to grant a land use deviation to permit a religious institution at 776 South Route 59.

- The PZC supported the requested land use deviation (vote: 7 in favor; 0 opposed). Staff recommends approval.

**FISCAL IMPACT:**

N/A