



Legislation Details (With Text)

File #: 19-049B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/7/2019 **In control:** City Council

On agenda: 2/19/2019 **Final action:** 2/19/2019

Title: Pass the ordinance approving a major change to the Riverbrook Center Planned Unit Development in order to grant a conditional use for a daycare for the subject property located at 1567 North Aurora Road (Riverbrook Daycare) - PZC 18-1-127

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A- Legal Description, 3. Exhibit B- Subject Property, 4. Exhibit C- Standards, 5. Exhibit D- Site Plan, 6. 2.6.19 PZC Minutes DRAFT, 7. Fence Detail, 8. Application, 9. Disclosure of Beneficiaries, 10. Location Map, 11. 2.6.19 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a major change to the Riverbrook Center Planned Unit Development in order to grant a conditional use for a daycare for the subject property located at 1567 North Aurora Road (Riverbrook Daycare) - PZC 18-1-127

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on February 6, 2019 and voted to recommend approval of the request with a condition that the petitioner provide a 6-8' tall fence with a guardrail around the outdoor play area (approved 7-1). Staff concurs.

BACKGROUND:

The petitioner, Smita's Child Services, is requesting approval of a conditional use for a daycare. The petitioner proposes to open a daycare and an associated outdoor area in an approximately 2,000 square foot tenant space.

The subject property is located on the north side of North Aurora Avenue, west of Raymond Drive, with a common address of 1567 North Aurora Road. The proposed tenant space is zoned B2 PUD (Community Shopping Center District Planned Unit Development) and is currently vacant. The Northwest Sector Plan (1996) identifies the future land use of the subject property as commercial; the proposed development is compatible with this designation.

DISCUSSION:

Planning & Zoning Commission Action

The Planning and Zoning Commission (PZC) considered this matter at their meeting on February 6, 2019. Upon review of the request, the PZC raised concern regarding safety for the outdoor play area including concern for the height of the fence and the potential for the outdoor play area to affect circulation within the site. The petitioner responded stating that the fencing and surface area will be consistent with DCFS requirements. The PZC voted to approve the request conditioned upon the petitioner providing a 6-8' tall fence with a guardrail around the outdoor play area (approved; 7-1). Commissioner Fessler cast the dissenting vote finding the daycare use was not consistent with the surrounding retail uses and expressing concern with the proximity of the outdoor play area to the loading dock.

Since review by the PZC, the petitioner has submitted a revised site plan for the outdoor play area to address the concern for safety. The revised site plan includes a 6' tall commercial steel fence with a 31 -7/8" tall guardrail surrounding the outdoor play area. The total square footage of the outdoor play area with the guardrails included is 1,949 square feet (70' 9 1/4" by 27' 6 1/2"). The revised site plan can be found in the attachments.

Conditional Use for a Daycare

The petitioner proposes to improve the 2,000-square foot tenant space with Riverbrook Daycare Center. Per Section 6-7B-3 of the Municipal Code (B2 District: Conditional Uses), a daycare center is a conditional use in the B2 zoning district. Per Section 6-4-6:1.1 (Changes to a Final Planned Unit Development) approval of a conditional use must be processed as a major change to the PUD. The proposed daycare will be in suite 127, which is generally located within the western portion of the plaza as depicted on the site plan. Riverbrook Daycare will require caregivers to escort children to and from the daycare in order to drop children off. Therefore, a vehicular drop off area is not necessary.

As mandated by DCFS, daycare centers are required to provide an outdoor area. The petitioner's proposed outdoor area is located in the back of the building and is approximately 1,281 square feet (62' 3 1/2" by 20' 7"). NOTE: With the inclusion of the guardrails, the outdoor play area is approximately 1,949 square feet (70' 9 1/4" by 27' 6 1/2"). This outdoor area will be enclosed with a 6' tall commercial steel fence. The outdoor area will not affect circulation around the building and will include a gate for access.

The Riverbrook Shopping Center has approximately 142,187 square feet of gross floor area. Per Section 6-9-3:4, a shopping center less than 250,000 square feet requires 4.5 parking spaces per 1,000 square feet of gross floor area be provided. Per Section 6-9-3:6, a daycare facility is required to have 4 parking spaces per 1,000 square feet of gross floor area. Given that 4.5 parking spaces per 1,000 square feet of gross floor area have already been accommodated for within the site, staff has no initial concerns with Code required parking spaces for the daycare.

Staff finds the proposed use is consistent with the intent of the B2 district and is compatible with surrounding uses within the Riverbrook Shopping Center. The petitioner's responses to the standards for granting a conditional use are attached. Upon review, staff and the PZC agrees with the petitioner's findings and recommends their adoption by the City Council.

Liquor License

At the February 6th, 2019 Planning and Zoning Commission meeting, a question was raised

regarding liquor license requirements given that the proposed daycare is located within a shopping center. Per Municipal Code Section 3-3-12:9, "No license nor renewal of license, other than a Class K catering license, shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or for indigent persons or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on." Given this, if a future tenant wanted a liquor license at the subject property for a business where the primary purpose of business is the sale of alcohol, e.g. liquor store, tavern, brewery, it would be prohibited under this section. If a restaurant or food shop were proposed at the site which sold/served liquor, the liquor license would be permissible per code.

Key Takeaways

- The petitioner requests a major change to the Riverbrook Center Planned Unit Development to grant a conditional use for a daycare. Staff supports the request as it is compatible with the B2 District, the future land use plan, and the surrounding land uses.
- The Planning and Zoning Commission reviewed the proposal at their February 6th, 2019 meeting. The PZC is supportive of the request upon the condition that the fence height around the outdoor play area is increased to 6'-8' and that guardrails are installed.

FISCAL IMPACT:

N/A