



Legislation Details (With Text)

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On agenda: 5/20/2021 **Final action:** 5/20/2021
Title: Conduct the public hearing to consider approval of a major change to the Fox River Commons Resubdivision PUD to allow a conditional use to establish a daycare and after-hour activity center in the B2 zoning district on the subject property located at 776 S. Route 59, Suite 123 - PZC 21-1-020

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition, 2. Exhibit 1_Standards for Granting or Amending a Conditional Use, 3. Exhibit 2_Standards for Granting or Amending a Planned Unit Development, 4. Legal Description, 5. Site Plan, 6. Floor Plan, 7. Landscape Plan, 8. Engineering Plans for Outdoor Space

Date	Ver.	Action By	Action	Result
5/20/2021	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider approval of a major change to the Fox River Commons Resubdivision PUD to allow a conditional use to establish a daycare and after-hour activity center in the B2 zoning district on the subject property located at 776 S. Route 59, Suite 123 - PZC 21-1-020

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Amy Emery, AICP, TED Operations Manager

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 21-1-020 was published in the Daily Herald on Monday, May 3, 2021.

BACKGROUND:

The subject property at 776 S. Route 59 includes a single 116,000 square foot commercial building and surface parking 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 property is zoned B2 (Community Shopping Center District) and includes approximately 11.5 acres.

The Petitioner, 1504 Inc., is seeking a major change to the Fox River Commons Resubdivision Planned Unit Development to approve a conditional use for a daycare and activity center in Suite 123 of the subject property.

DISCUSSION:

The Mall of India is a redevelopment project transforming a vacant big box retail space into an indoor commercial mall. When complete, it will accommodate a unique mix of tenants including a grocery store, food court, retail establishments, dance studio, and more. This case pertains to a proposed daycare and activity center use seeking to occupy Suite 123. The daycare will accommodate up to 125 children between the ages of 8 weeks and 5 years of age. The daycare will be open weekdays from 6am to 6pm. As proposed, the facility will include 10 classrooms, a large studio space, an indoor pool, and a fenced outdoor play area with tricycle track, sand pit and a 1,600-square foot splash pad. During weekday evenings and limited weekend evening hours as noted in the Petition, the indoor pool and studio space within the daycare will be open to the public as an after-hour drop-in care Activity Center.

The 19,000-square foot daycare space will serve as an anchor tenant in the Mall of India providing one of the largest daycare spaces in the region. The activity center use will provide a convenient service to customers visiting other locations in the Mall of India and the adjacent Matrix Development, which is expected to include a performing arts academy, sports complex, banquet facility and theater. The property enjoys convenient transportation access to IL Route 59 with adequate parking for customers and employees. The parking requirement for the daycare use (4 per 1,000 square feet) is equivalent to the retail parking requirement for which the property was originally designed. No additional building square footage is proposed with the use.

The project includes a 1.697-acre outdoor play space to be located along the east facade of the Mall of India building. The outdoor play space will only be used in association with the daycare operation. It will not be open in the evening and on weekends when the after-hour activity center is open. As is required of any properly licensed child care facility, use of this outdoor area will be supervised at all times.

The outdoor play area will be completely enclosed with an aluminum gate. Presently, mature trees and a low berm screen the east elevation of the Mall of India building from residential uses to the east. Ten additional trees and a variety of shrubs and foundation plantings are to be planted to further screen and beautify the area. The perimeter gate of the outdoor play space is approximately 75 feet from the closest building of the adjacent Brittany Springs Apartments and Carrolwood Park Condos. The level of activity is expected to be consistent with school and park uses which are permitted in the adjacent R3 zoning as of right.

The setback and combination of existing and new landscape screening for the outdoor play space will buffer the use from the residential uses to the east. Staff has recommended, and the petitioner has agreed, the conditional use ordinance will specifically restrict use of the outdoor play area to only those times during the week the daycare is open to respect the adjacent residential uses.

Key Takeaways

- The petitioner is proposing to add a daycare and after-hours activity center to suite 123 of the Mall of India, 776 S. Route 59.
- The uses require a major change to the Fox River Commons PUD to permit these uses which require a conditional use in the underlying B2 Zoning District.
- Staff is supportive of the requests subject to the condition noted in the staff report.