



Legislation Details (With Text)

File #: 21-0704 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 5/21/2021 **In control:** City Council
On agenda: 6/1/2021 **Final action:** 6/1/2021
Title: Pass the ordinance approving a major change to the Fox River Commons Resubdivision PUD to allow a conditional use to establish a daycare and after-hours 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. Exhibit A - Legal Desc, 2. Exhibit B - Site Plan, 3. Exhibit C - Standards, 4. Ordinance, 5. Petition

Date	Ver.	Action By	Action	Result
6/1/2021	2	City Council	passed	

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a major change to the Fox River Commons Resubdivision PUD to allow a conditional use to establish a daycare and after-hours 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:

The Planning and Zoning Commission (PZC) considered this matter (PZC 21-1-020) on May 20, 2021 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

BACKGROUND:

The subject property 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 has been redeveloped as the Mall of India and is zoned B2 (Community Shopping Center District). The site 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 after-hours activity center in the southeast corner of the building (Suite 123).

DISCUSSION:

The Petitioner requests approval of a daycare and after-hour activity center in Suite 123 of the Mall of

India. This request requires approval of a conditional use in the B2 (Community Shopping Center) zoning district.

Suite 123 encompasses 19,000-square feet and will serve as an anchor tenant in the Mall of India, occupying approximately 16% of the entire building. The project includes significant architectural enhancements to the east and south facades of the building. Specifically, windows, doors, awnings and foundation plantings will be added to transform the concrete white walls that exist today on the east and south exteriors.

The parking requirement for the daycare use (four 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 daycare will accommodate up to 125 children between the ages of eight weeks and five years of age. It will be open weekdays from 6am to 6pm which is consistent with other daycare facilities in Naperville. As proposed, the facility will include ten classrooms, a large studio space, and an indoor pool.

During weekday evenings and limited weekend evening hours the indoor pool and studio space within the daycare will be open to the public as an after-hours drop-in care activity center. The after-hours 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 under construction to include a performing arts academy, sports complex, banquet facility and theater.

The project also includes creation of a 10,000-square foot outdoor play space to be located along the east facade of the Mall of India building. Amenities in this area will include a tricycle track, sand pit and 1,600 splashpad. The outdoor play space will only be used in association with the daycare operation and will not be open in the evening or weekends when the after-hours 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 fencing. Solid privacy fencing will be provided around the splashpad and black aluminum picket style fencing will be provided around the rest of the outdoor space. 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 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.

The Petitioner's responses to the standards for granting the Major Change to the PUD and approval of a conditional use are attached. Upon review, staff agrees with the Petitioner's findings and recommends their adoption by City Council.

Planning and Zoning Commission Action

The PZC conducted a public hearing to consider PZC 20-1-027 on May 20, 2021. No one from the public spoke during the hearing. PZC expressed no concerns with the proposal as presented and recommended approval of PZC 20-1-027 (Approved 7-0). Staff concurs.

Key Takeaways for PZC 21-1-020

- The Petitioner is requesting a major change to amend the Fox River Commons Resubdivision PUD to grant a conditional use to permit a daycare and after-hours activity center. Staff finds the proposed uses are complimentary to the existing PUD and the overall development concept.
- PZC recommended approval (7-0) the request.
- Staff is supportive of the requests subject to the condition noted in the staff report specific to use of the outdoor play area. The Petitioner has agreed to the condition requested.

FISCAL IMPACT:

NA