

AGENDA

RULES MEETING OF THE BOARD OF TRUSTEES VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS

Village Hall

8:00 p.m.

March 2, 2009

Roll Call

1. Consideration of an Ordinance Granting a Conditional Use for a Day Care Center Located at 213 Nashua Street (Hope Lutheran Church)

Mayor's Comments

Manager's Comments

Trustee's Comments

Attorney's Comments

Audience to Visitors

Adjournment

Agenda Items are Available in the Lobby of Village Hall

AGENDA BRIEFING

DATE: February 24, 2009

TO: Mayor Ostenburg
Board of Trustees

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

RE: Consideration of an Ordinance granting a Conditional Use for a Day Care Center, located at 213 Nashua Street (Hope Lutheran Church)

BACKGROUND/DISCUSSION:

The Village has received a request from Hope Lutheran Church (property owner) for a Conditional Use to permit their Little Angels Early Learning Center (day care center) to be re-located to a stand-alone building on their property. The day care center is currently located in the church building at 424 Indianwood Boulevard. The address of the new location is 213 Nashua Street. This request is described in more detail in the Staff report to the Plan Commission (see attached).

Consistent with Section 118-28 of the Park Forest Zoning Ordinance, the Plan Commission conducted a public hearing on this request at their February 17, 2009, meeting. Notice of the public hearing was published in the *Southtown/Star Newspaper* on February 1, 2009. After taking public comment and discussing this request, the Plan Commission voted unanimously to approve the requested Conditional Use with the conditions outlined in the attached memo from Plan Commission Chair Wickliffe-Lewis.

The attached Ordinance was reviewed by the Village Attorney.

SCHEDULE FOR CONSIDERATION: This item will appear on the agenda of the Rules Board meeting of March 2, 2009, for discussion.

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Vernita Wickliffe-Lewis, Chair
Park Forest Plan Commission

DATE: February 18, 2009

RE: Recommendation – Request for a Conditional Use in the R-1, Single Family Residential Zoning District, for a day care center at 213 Nashua Street

At our regular meeting on February 17, 2009, the Plan Commission conducted a public hearing and considered a request for a Conditional Use in the R-1, Single Family Residential zoning district to permit a day care center at 213 Nashua Street (Hope Lutheran Church).

After taking public comment and discussing this item, the Plan Commission voted unanimously to recommend approval of the Conditional Use requested by Celebration Ministries at Hope Lutheran Church as described in the attached Staff memo (February 9, 2009) with the following conditions:

- Install signs to allow parallel, short term parking on one side only of the paved driveway in front of 213 Nashua Street
- Clean up and repair the head-in parking spaces along the paved driveway
- The building must be in compliance with all building, fire and health codes related to the day care occupancy

Best regards,
Vernita A. Wickliffe-Lewis, Chair

PLAN COMMISSION MEMO

TO: Plan Commission

FROM: Hildy L. Kingma, AICP
Director of Economic Development and Planning

DATE: February 9, 2009

RE: NEW BUSINESS – Plan Commission Meeting of February 17, 2009
Public Hearing to consider a Request for a Conditional Use in the R-1, Single Family Residential Zoning District, for a day care center at 213 Nashua Street

A request has been submitted by the Celebration Ministries at Hope Lutheran Church (property owner) for a Conditional Use to permit a day care center at 213 Nashua Street. Currently, the Church's Little Angels Early Learning Center operates out of the main church building at 424 Indianwood Boulevard. The Church proposes to move the day care to another building on their property, located at 213 Nashua Street.

As required by the Zoning Ordinance, notice of this public hearing was published in the *Southtown/Star Newspaper* on February 1, 2009.

Section 118-53 of the Park Forest Zoning Ordinance specifies the conditional uses that are permitted in the R-1, Single Family zoning district. Among these uses are "nursery schools, day nurseries and day care centers". It is under this provision that the applicant makes this request. In describing the process for approval of conditional uses, Section 118-28(a) of the Zoning Ordinance states that in addition to those uses allowed by right in a particular zoning district,

It is recognized that there are certain other uses which may be necessary or desirable to allow in a given district but which on account of their potential influence upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community.

When considering a request for a conditional use, the Plan Commission and Board of Trustees would typically consider such issues as on-site parking and loading facilities, vehicular and pedestrian access, proper protection of adjacent properties and other site development issues.

Hope Lutheran Church proposes to move its current day care center, located in the main church building at 424 Indianwood Boulevard, to a stand-alone building on the property. The new location is at 213 Nashua Street. This move will serve several purposes: 1) it enables the day care center to serve more students, 2) it is more convenient for parents who also have children in the Roots & Wings Before and After School program (located in the adjacent building at 215 Nashua Street), and 3) it frees up space in the Church for senior and youth programming. Because of the move, it is necessary for the new location to be approved as a conditional use.

The property owner reports that the Little Angels Early Learning Center currently serves 35 students with seven (7) teachers, although it is licensed for 46 students. The size of the proposed location at 213 Nashua Street would allow for an expansion to 63 students and 11 teachers based on room size and student/teacher ratios permitted by the State of Illinois. The day care center operates from 6:30 a.m. to 6:00 p.m. year around.

Attached is a site plan for the entire church property. This site plan shows the location of the existing day care and the proposed new location. It also shows that, in the building adjacent to the proposed location of the Little Angels Early Learning Center, the Church currently operates the Roots & Wings Before and After School program (215 Nashua Street). The Roots & Wings program currently has 45 students and eight (8) teachers, with the ability to grow to 60 students (the number of teachers would remain the same).

Traffic to the day care center would enter the property from Nashua Street and leave onto Nauvoo Street. This one-way driveway to the building is 20 feet in width in front of 213 and 215 Nashua Street, and narrows to 18 feet in width closer to the large existing parking lot. The driveway is clearly posted for one-way traffic at the entrance on Nashua Street and the exit into the large parking lot. There are two small head-in parking areas near the buildings that accommodate a total of 14 vehicles. The Village's Zoning Ordinance establishes standards for the number of required parking spaces based on the type of land use. Parking for school buildings, which would include day care centers, is based on the meeting capacity of the largest single area in the school likely to be used for a meeting, or the number of classrooms, whichever is greater. In this case, there is no common meeting room in either 213 or 215 Nashua Street; therefore, the parking requirement is based on the number of classrooms. The Ordinance requires one (1) parking space for each class room. The buildings at 213 and 215 Nashua Street are similar in layout, with four (4) classrooms each. Therefore, a total of eight (8) parking spaces are required to meet the needs of both buildings, and so the 14 existing parking spaces conform to the Village's parking requirements for both buildings. It should be noted, however, that with a potential for 11 teachers in the Little Angels Early Learning Center and 8 teachers at Roots & Wings, the existing 14 parking spaces that are in close proximity to the two buildings may not be sufficient to accommodate the actual demand for parking. While there are well over 100 parking spaces elsewhere on the Church property, those parking spaces may not be appealing for use by teachers and parents because of the distance to the two buildings.

Currently, the five space parking area to the south of 213 Nashua Street is not usable because there is a dumpster and a large pile of tree branches in that area, and there is significant damage to the asphalt. These conditions will have to be addressed prior to occupancy by the day care center in order to ensure that the parking that is available is usable.

Because of the lack of designated parking spaces, and the fact that those available will most likely be used by staff, parents dropping-off and picking-up students will parallel park along the driveway. As noted above, the driveway in front of 213 Nashua Street is 20 feet in width, and the driveway is signed as one-way from Nashua Street to Nauvoo Street. By contrast, the minimum required width of a minor public street is 26 feet, with parking allowed on one side of the street and two-way traffic. Therefore, there should be sufficient space along this one-way driveway for vehicles to parallel park on one side of the street and still allow for traffic to pass

safely. Both the Fire Department and the Police Department are in support of this arrangement given the fact that this is a private drive that will be used only by the patrons of the two buildings. The Fire Chief, however, recommends that signs be installed along the driveway limiting parallel parking to one side of the driveway and for “five minutes only”, or something similar that will indicate the parallel parking is to be used only for short term parking.

The Church property is located within a single family neighborhood. It is an irregular shaped parcel that is bordered on four sides by public streets. Immediately adjacent to 213 Nashua Street (the proposed day care center) are several single family homes. There is a chain link fence and a line of evergreen trees located on the Church property. The Applicant proposes to install an outdoor play area for the day care center on the south side of the building, although they may use the existing outdoor play lot that is located adjacent to the current day care center until a new play area can be built.

Note that, at this time, Staff has not conducted a thorough review of the actual building for the purpose of its use as a day care center. The property owner was advised to seek approval of the conditional use prior to submitting their plans for renovation of the building. Subsequent to Plan Commission and Board consideration of this request, the property owner will be required to submit plans for renovation of the building that meet all Village building, fire, and health codes related to the proposed use. Staff in the respective departments will review and approve the plans and inspect all construction on the site to ensure compliance.

Based on the review of the site for the proposed use, Staff recommends the following conditions:

- Install signs to allow parallel, short term parking on one side only of the paved driveway in front of 213 Nashua Street
- Clean up and repair the head-in parking spaces along the paved driveway
- The building must be in compliance with all building, fire and health codes related to the day care occupancy

Plan Commission Action: After conducting the public hearing, the Plan Commission is asked to consider this request for a Conditional Use to permit a day care center at 213 Nashua Street, and make a recommendation to the Board of Trustees on this request.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A DAY CARE CENTER,
LOCATED AT 213 NASHUA STREET,
IN THE VILLAGE OF PARK FOREST, ILLINOIS

WHEREAS, the Village of Park Forest Zoning Ordinance (“Zoning Ordinance”) requires the individual approval of certain uses (known as “conditional uses”) in specific zoning districts after consideration by the Plan Commission and approval by the Board of Trustees; and

WHEREAS, Hope Lutheran Church (“Property Owner”) has submitted an application for a conditional use in the R-1, Single Family Residential Zoning District pursuant to Section 118-53 of the Zoning Ordinance to allow for a day care center to be operated by Little Angels Early Learning Center at Hope Lutheran Church, 213 Nashua Street, Park Forest, Illinois, P.I.N. 31-35-420-023-0000 (“Subject Property”); and

WHEREAS, the Park Forest Plan Commission conducted a public hearing to consider the application on February 17, 2009; and

WHEREAS, on February 1, 2009, notice for said public hearing was published in the Park Forest edition of *The Southtown/Star*, a newspaper of general circulation within the Village; and

WHEREAS, the Plan Commission unanimously recommended approval of the requested conditional use, with conditions as set forth below; and

WHEREAS, the Mayor and Board of Trustees have determined that allowing the conditional use for a day care center serves a public purpose and will be in the best interests of the Village of Park Forest.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1. **Recitals Incorporated.** The recitals set forth above constitute a material part of this Ordinance as if set forth in their entirety in this Section 1.

Section 2. **Adoption of Findings and Recommendation.** The findings and recommendation of the Plan Commission, together with all reports and exhibits submitted at the public hearing, are hereby incorporated by reference herein and are approved.

Section 3. **Additional Findings.** In addition to the findings set forth in Section 2 above, the Board of Trustees further finds:

- A. No deviations from district regulations are necessary to accommodate the conditional use.
- B. The day care center will be developed consistently with the attached Exhibit A.

- C. The conditional use shall be permitted for as long as the Subject Property is used as a day care center by the Property Owner.

Section 4. Conditional Use Granted. A conditional use is hereby granted to the Property Owner pursuant to the Plan Commission's recommendation and Section 118-28 of the Village Code for the operation of a day care center at the Subject Property as permitted pursuant to Section 118-53 of the Zoning Ordinance.

Section 5. Conditions of Conditional Use Grant. The conditional use granted herein is subject to the following conditions in the interest of the public health, safety and welfare as prescribed by Section 118-28 of the Zoning Ordinance:

1. **Compliance with Applicable Laws.** All applicable federal, state and local ordinances relating to permitting, construction and similar actions shall be complied with.
2. **No Authorization of Work.** This Ordinance does not authorize the commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
3. **Building Permits.** The Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
4. **Compliance with R-1 Single Family Residential Zoning District.** The conditional use shall comply with all other applicable requirements of the R-1, Single Family Residential Zoning District.
5. **Compliance with Plans.** Any construction pursuant to the conditional use granted herein shall be in accordance with the plans, testimony and other evidence presented by the Property Owner at the public hearing, with the exception of minor changes that will not alter the essential character of the development as presented.
6. **Conditional Use Limited to Property Owner.** The conditional use shall be limited to the Property Owner and shall not be transferable to a new Property Owner except upon reapplication, hearing and approval in the manner provided by the Village Code.
7. **Agreement to Terms of Ordinance.** This Ordinance shall be signed by an authorized officer of the Property Owner to signify their agreement to the terms hereof.

8. Signs. The Property Owner must install signs to allow parallel, short term parking on one side only of the paved driveway in front of Nashua Street.

9. Parking Spaces. The existing head-in parking spaces along the paved driveway adjacent to 213 Nashua Street must be cleared of debris and repaired prior to occupancy.

Section 6. Violation of Condition or Code. Any violation of (i) any term or condition set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approvals granted in this Ordinance.

Section 7. Severability and Repeal of Inconsistent Ordinances If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All other ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Village Clerk

**ACKNOWLEDGMENT BY PROPERTY OWNER:
I AGREE TO THE CONDITIONS OF THIS ORDINANCE:**

HOPE LUTHERAN CHURCH

By: Authorized Agent

Date: _____, 2009