

**Regular Meeting – Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

All Matters on the Agenda may be Discussed, Amended and Acted Upon

October 28, 2013

Chairman Angelo Christopher called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Angelo Christopher and Commissioners Dee Spink, John Meneghini, David Hennessey, David Creighton, and James Joseph

Absent: Commissioner Frank Petella

Also Present: Don Bastian, Assistant Community Development Director, Linda Damron, Secretary and a representative from DuPage County Court Reporters.

MINUTES:

Commissioner Spink moved and Commissioner Hennessey made the second to approve the minutes of the meeting of September 23, 2013.

The results of the roll call vote were:

Ayes: 5 Chairman Christopher and Commissioners Spink, Hennessey, Creighton, and Joseph

Nays: 0

Abstain: 1 Commissioner Meneghini

PUBLIC HEARING:

Commissioner Spink moved and Commissioner Joseph made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**Case # 13260 – Kiddyplace Daycare / Almas Rizvi – 505 S Schmale Road
Special Use Permit – Daycare Center**

Chairman Christopher swore in the witness, Syed Hussain, who stated that he is the Manager of the Daycare Center, and his wife Almas Rizvi is the owner of the Daycare Center. His address is 30W169 Forsythia Lane, Wayne IL 60184. Mr. Hussain stated that the idea of Kiddyplace is to provide a supportive and safe atmosphere for children to thrive emotionally, physically and intellectually and they encourage independence, self-confidence and consideration for others. Mr. Hussain stated that the children are treated in a gentle and caring manner at all times. Mr. Hussain stated that Kiddyplace is a minority women owned center, and they do not discriminate on the basis of race, color, sex, or national or ethnic origin. Mr. Hussain stated that racial origin, culture, religion and language must be valued and respected. Mr. Hussain stated that the Kiddyplace professional staff will be thoroughly screened; references will be checked and will undergo health and physical examination. Mr. Hussain stated that the staff will be certified in CPR and first aid. Mr. Hussain stated that the hours of operation will be Monday thru Friday from 6:00 a.m. to 6:30 p.m., and will be closed on Memorial Day, 4th of July, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day, New Year Eve and New Year Day. Mr. Hussain stated that the Kiddyplace will

have a security key punch entry system at the main entrance; this will assist them in limiting access to who can enter the building. Mr. Hussain stated that parents or staff will need to obtain a key code from the director to access the center. Mr. Hussain stated that if a relative or friend drops off or picks up a child that person would need to stop at the window and be buzzed in. Mr. Hussain stated that anyone picking up a child besides the parent, their identification would be checked. Mr. Hussain stated that children will be escorted into and out of the facility under the supervision of an adult. Mr. Hussain stated that children will be allowed to play outdoors in a designated area when weather permits. Mr. Hussain stated that the playground will be secured by installing a six foot tall fence and the area will be protected with bollards, and a portion of the play area will have rubber tiles that are in compliance with DCFS regulations.

Chairman Christopher asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian stated that that in 2009 the owner of the center received the zoning approvals to allow a children's recreational and party facility and a daycare in two adjacent tenant spaces that would occupy about 25,000 square feet of the 56,000 square foot inline shopping center. Mr. Bastian stated that Jumpin' Jungle recreational and party facility did open for a short time and then closed, and the daycare facility never opened and both of the spaces have been vacant since then. Mr. Bastian stated that at this time the petitioner wishes to operate a Kiddyplace Daycare facility in an approximate 3,600 square foot tenant space at 505 S. Schmale Road, Mr. Bastian stated that the daycare space is not in the same tenant space as what was originally approved in 2009 for a daycare center, and the size and configuration is different and Kiddyplace will also have a different operational plan, and this is why the petitioner needs to come before the Plan Commission for a Special Use Permit. Mr. Bastian stated that the petitioner did a good job explaining the operational aspects of the business. Mr. Bastian stated that in evaluating a Special Use Permit for a daycare staff looks at the parking, the child drop-off & pick-up, traffic circulation and pedestrian facilities. Mr. Bastian stated that there is plenty of parking; the parking ratio for a daycare is the same as it is for a shopping center, so there will be no issues with parking. Mr. Bastian stated that the petitioner discussed the drop-off and pick-up operation, and the petitioner stated that the children will be escorted into and out of the facility by an adult, the facility will have a security system and these practices are something staff is comfortable with. Mr. Bastian stated that the traffic circulation is not an issue, there is already well established drive isle and circulation lanes, and unlike the previous daycare center that was approved in 2009 that would have had a drop-off out front in the morning and pick-up behind the building in the evening, the Kiddyplace Daycare will have both drop-off and pick-up at the front entrance. Mr. Bastian stated that staff is recommending a striped cross walk with stop signs visible from both sides be provided across the north south driveway to improve the safety for parents walking into and out of the facility. Mr. Bastian stated that there will be an outdoor playground behind the building. Mr. Bastian stated that Exhibit B in the packet details the outdoor playground; the outdoor playground will have rubber tiles that are approved by DCFS. Mr. Bastian stated that the petitioner is agreeing to install bollards to protect the perimeter fence of the playground area. Mr. Bastian wanted to remind the Plan Commissioner that the daycare facility will be inspected and approved by DCFS. Mr. Bastian stated that staff will continue working with the property owner on some property maintenance issues. Mr. Bastian stated that staff can recommend approval of the Special Use Permit for a Daycare Center at 505 S. Schmale Road subject to the conditions listed on page 5 of the staff report.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioner Joseph wanted to know if there would be an access door in the rear of the building into the playground area.

Mr. Hussain stated that there will be an access door in the rear of building into the playground area. Mr. Hussain stated that DCFS requires that the children go directly from the inside of the center to the playground area.

Commissioner Spink wanted to know what the age range will be at the daycare center. Commissioner Spink stated that from the pictures in the staff report all the playground equipment looked like it would be for the 3 to 4 year old age group and wanted to know if it would be permanent or would it be removable. Commissioner Spink wanted to know if there would be different activities for the different age groups. Commissioner Spink wanted to know if the daycare center would have video games. Commissioner Spink wanted to know how many students they are planning to have at this facility. Commissioner Spink wanted to know if Kiddyplace Daycare provided transportation to school for the school aged children. Commissioner Spink wanted to know if the daycare would provide a hot lunch program.

Mr. Hussain stated that the age range would be between eight weeks to twelve years old. Mr. Hussain stated the playground equipment would be for the 3 to 4 year old age group and would be removable. Mr. Hussain stated that the playground equipment is approved by DCFS. Mr. Hussain stated that he would not be able to provide the information on the different activities for the different age group since that is something his wife is more involved in. Mr. Hussain stated that they would not have any video games at the daycare center. Mr. Hussain stated that they are planning to have about 40 students at this facility. Mr. Hussain stated that they will not have transportation for the school aged children. Mr. Hussain stated any food they would have would be provided by a catering service, and they would not be doing any cooking at the facility.

Commissioner Creighton asked Mr. Bastian if there was any thought to put in a speed bump by the crosswalk.

Mr. Bastian stated that there is a speed bump existing, but it is not very good shape and is one of the items staff is going to address with the property owner.

Commissioner Creighton stated that he has some safety concerns with the playground being located out of public view and wanted to know what assurances did the daycare center owners have to ensure that the children will be monitored at all time. Commissioner Creighton wanted to know how many employees will be with the children when they are in the playground area. Commissioner Creighton wanted to know how the emergency gate would be secured.

Mr. Hussain stated that they will have two security cameras outside and every classroom is also monitored. Mr. Hussain stated that the number of employees' watching the children in the playground area would depend on the number of children and the age group; they will be following DCFS guidelines on how the children are monitored. Mr. Hussain stated that the emergency gate they have at their other facility in West Chicago is secured with a latch. Mr. Hussain stated that the gate cannot be locked per the West Chicago Fire Department. Mr. Hussain stated that before any children go into the playground area the gate and play area is checked by a daycare employee.

Commissioners Hennessey and Meneghini did not have any questions.

Chairman Christopher asked the petitioner if he agreed to all the conditions listed in the staff report. Chairman Christopher wanted to add that security of the gates would be covered by the DCFS regulation.

Mr. Hussain stated that he agreed to the conditions listed in the staff report.

Commissioner Hennessey moved and Commissioner Joseph made the second to approve the request for Special Use Permit for a Daycare Center at 505 S. Schmale Road subject to the recommendations listed in the staff report.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioners Spink, Hennessey, Creighton,
Meneghini and Joseph

Nays: 0

Abstain: 0

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting on November 4, 2013, at which time the Board would take final action on the matter.

**Case # 13277 – Jerry and Mary Morrow - 1035 Idaho Street
Variation - Fence Code**

Chairman Christopher swore in the witness, Mary Morrow, 1035 Idaho Street, Carol Stream IL 60188. Mrs. Morrow stated that they are requesting a Fence Code variance for a 6 foot fence along their side property lines. Mrs. Morrow stated at this time they have a 4 foot fence, and they have a 16 year old daughter who has a lot of challenges and has Autism and has learned how to climb the fence, which is a problem. Mrs. Morrow stated that last July her daughter climbed the fence and was missing for 15 minutes; they had to call the police. Mrs. Morrow stated that her daughter was found on the back steps of the historical farm house, which backs up to their property. Mrs. Morrow stated that after this incident they decided that they needed to look into getting a higher fence. Mrs. Morrow stated that her daughters' case workers from the Department of Human Services suggested that since her daughter is part of the Children's Home Bound Waiver program through the state, they should apply for waiver funds to make the home modifications. Mrs. Morrow stated the waiver of funds has been approved and it was suggested by the committee that the fence be six feet in height. Mrs. Morrow stated that they have done a lot of research on different types of fences; they had their daughter try to climb different types of fences to see which ones they should eliminate. Mrs. Morrow stated they have decided on the metal fence with vertical slats.

Chairman Christopher asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian stated that the petitioner has done a good job on summarizing the request. Mr. Bastian stated the Fence Code allows a five foot tall fence in general in the residential district, however if the property backs up to a non-residential use, or a commercial / industrial property, park, railroad or arterial street a six foot fence is allowed. Mr. Bastian stated the fence along Mrs. Morrow rear property line can be six feet in height, but the petitioner is still limited to a five foot fence along the north and south side property lines. Mr. Bastian stated the petitioner is requesting a variance for a six foot fence along the north and south property line for the security that the petitioner is trying to provide to make it more difficult for their daughter to climb the fence and leave the property. Mr. Bastian stated the petitioner provided information with the variance application from PACT and Illinois Department of Human Services and a letter of support from each of the adjacent neighbors. Mr. Bastian stated there are not a lot

of height variation requests for fences in the village; the last one was in 2004, for a fence height of 5-feet 11-inches tall that was built without a permit and the resident did come before the Plan Commission and requested that the fence be allowed to remain as constructed, and owing to the security issues and the privacy of that corner lot the variance was approved. Mr. Bastian stated that in reviewing the Findings of Fact staff does think there is a safety and security concern at the Morrow residence and again staff notes the adjacent property owners have no objections to the request for a six foot tall fence. Mr. Bastian stated that staff is able to recommend approval of the Fence Code Variation to allow a six foot tall fence has shown on the survey in the staff report, subject to the conditions on page 3 of the staff report.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioners Meneghini, Hennessey, Creighton, Joseph and Chairman Christopher did not have any questions.

Commissioner Hennessey stated that when he worked for the Park District he was Grace Morrow's camp counselor and can vow for Grace's curiosity.

Both Commissioner Creighton and Joseph praised the petitioner for the great job they did on putting together their application and supporting documents.

Commissioner Spink wanted to know if there would be a gate along the rear property line. Commissioner Spink asked if the gate will also be six feet in height. Commissioner Spink wanted to know the height of the latch for the gate.

Mrs. Morrow stated that they will have only one gate in the front of the property and the gate will be self-closing and will have a lock on it. Mrs. Morrow stated that the gate will be six feet in height. Mrs. Morrow stated that the latch for the gate would be put out of the reach of her daughter.

Commissioner Creighton moved and Commissioner Hennessey made the second to approve the request for a Variance to the Fence Code to allow a six foot fence at 1035 Idaho Street subject to staff recommendation listed in the staff report.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioners Spink, Hennessey, Creighton, Joseph
Meneghini

Nays: 0

Abstain: 0

Chairman Christopher asked Mr. Bastian if this case would need to go to the Village Board for approval.

Mr. Bastian stated that the action of the Plan Commission / Zoning Board of Appeals is final on a Fence Code Variance.

Commissioner Spink moved and Commissioner Hennessey made the second to close the Public Hearing. The motion passed by unanimous voice vote.

NEW BUSINESS:

Mr. Bastian welcomed the new Plan Commission member John Meneghini.

The Plan Commission discussed changing the Plan Commission / Zoning Board of Appeals meeting start time from 7:30 p.m. to 7:00 p.m. starting in calendar year 2014.

Commissioner Hennessey made the motion to change the meeting start time to 7:00 p.m. Commissioner Spink made the second.

The motion passed by unanimous voice vote.

The Plan Commission cancelled the November 11, 2013, meeting.

The motion passed by unanimous voice vote.

Mr. Bastian stated the application for the preparation of a comprehensive plan by CMAP was approved, and they will be contacting him shortly about the scheduling, and scope of work.

ADJOURNMENT:

At 8:00 p.m. Commissioner Hennessey moved and Commissioner Joseph made the second to adjourn the meeting. The motion passed by unanimous vote.

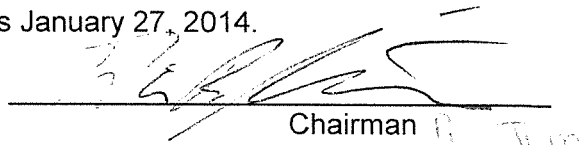
FOR THE COMBINED BOARD

Recorded and transcribed by,



Linda Damron
Community Development Secretary

Minutes approved by Plan Commission on this January 27, 2014.



Chairman R. Tim