

Regular Meeting-Plan Commission/Zoning Board Of Appeals
 Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, IL

JANUARY 12, 2009

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

Chairman David Michaelsen called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to swear in the newest member of the Combined Plan Commission/Zoning Board of Appeals Frank Patella. The Chairman then directed Mrs. Progar to call the roll.

Present: Chairman David Michaelsen, Commissioners Frank Patella, Timothy McNally, Anthony Manzzullo, Angelo Christopher, Ralph Smoot, and Dee Spink

MINUTES: December 8, 2008

Commissioner Manzzullo moved and Commissioner Christopher made the second to approve the Minutes of the Meeting of December 8, 2008 as presented with change of Commissioner Spink to Commissioner Manzzullo on the vote approving the Minutes of the Meeting of November 10, 2008. The results of the roll call vote were:

Ayes: 5 Commissioners McNally, Manzzullo, Christopher, Smoot, Spink and Michaelsen
 Nays: 0
 Abstain: 2 Commissioners Smoot and Patella

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

PUBLIC HEARING:

08288:

NORTHLAND MALL LTD (William Spatz) – 505-525 S. Schmale Road
Zoning Code Text Amendments
Special Use – Day Care Center
Special Use – Indoor Children's Recreational and Party Facility
Modifications to Approved PUD Plan
CONTINUED FROM DECEMBER 8, 2008 MEETING

Mr. Spatz said that he is the owner of the shopping center and spoke of other centers and day care centers in Louisiana that his partnership owns. There is 25,000 sq. ft. of space that has been vacant for a long time and this would be a good use for his proposal. There are some significant issues that he has worked with Don Bastian, Assistant Community Development Director, but the general concept is a full-line daycare center. It will handle up to two hundred (200) kids and adjacent to it is an indoor recreational center. The way it functions is the daycare center functions as a normal day care center where kids are dropped off at 6 a.m. and they can remain until 6p.m. There will be some people who will come for just the morning or just the afternoon. School kids will stay from 6 am to 8:30, and other will come from 3:30 p.m. to 6 p.m. and any other scenario of times during the day. Mr. Spatz said that the nice part of combining the two, the recreational center can act as a playground for the kids. It would also be used

during the day for a drop-in-and play center, where parents can make reservations, or just drop their kids for an hour, hour and a half, once or twice a week. There will usually be some sort of theme, like music or art or just open structural play. He said that he wants to emphasize that these things that work both together and separate. The drop-in center is totally separate. There is no cross-over between the daycare kids and the drop-in kids. They have put in a lot of work to keep the two separate, especially with complying with all of the DCFS requirements and that making sure that the two groups do not interact at all. At night, after 6 p.m. and the day care kids are going, the place is open for parties. There are no drop-in times after 6 p.m. so that people can register for private parties. Mr. Spatz explained how some of the group parties are guided through the play areas and the games that are available. The daycare center drop-off is in front, when coming in with a child, you have to sign in, and you have to be a registered guardian. More important is signing out, because you must be registered and recognizable before they release the child. The facility is set up for infants of 6 months up to 4 year-olds, and sometimes 5 year olds. In regard to parking, there is an established stacking lane that holds 16 cars, but their experience is that there are no more than five cars parked in the lane at one time. He reviewed some of the elevations that show the trash enclosure and how the trucks will pick up the waste. Mr. Spatz reviewed all of the places where there will be fencing, such around the trash enclosure, which will be chain link and then in the outside play area, which he said that it won't be used often. In this area, he will put in chain link fence with privacy slats since this is required by DCFS. Mr. Spatz said that some of the crafts rooms may change. In regard to Staff's concern about a number of hydrants around the location, and it will have to be determined by the Fire District if they are in a position that will be useable and safe around the children.

There were no comments or questions by those in attendance at the call for public hearing.

Mr. Bastian said that he will briefly review the staff report and open it up to questions or comments. He said that this is a relatively complex application from the standpoint that there are several requests, and there are several components to those requests. There is a request for an indoor recreational and party facility and a day care center at Northland Mall, the uses combined would be about 25,000 square feet. With respect to the indoor children's recreational and party facility that is not a use that is currently listed in the Zoning Code in any of Business Districts, the first part of the request is a text amendment to the Zoning Code to add that use, as an allowable use. The applicant's request is to add indoor children's recreational and party facility as a special use in the B-3 Service District, which is the zoning classification of the Northland Mall property. Staff is also recommending an amendment to the schedule of parking requirements to include 1 parking space for each four children and 1 for each two employees for the use. Considering that the children using the facility will not be of driving age, and it would be expected that there would car pooling and that the adjacent day care use will be closed during the peak use hours of the indoor children's recreational and party facility, the parking standard being proposed is acceptable. An overview of the operational details of the use were provided earlier in this report, but in general, as the use name suggests, the use would provide an interior recreational and party facility geared toward children. The applicant has stated that about 80% of the children using the facility would fall into the "pre-teen" age category, but that there will be a small percentage of teenagers using the facility. Considering the various games and activities, staff would like the tenant to explain how an adequate staffing level would be maintained given the total amount of children could be using the facility and the equipment at one time. Will there be a certain number of parents to stay and chaperone for a certain number of kids? All of the equipment will have to be installed and maintained in accordance with Village Codes. There will be regular Fire District inspections and permit reviews. From an operational

standpoint, staff is not concerned about the proposed use and from an esthetic standpoint the use will be inside of the building.

The floor plan shows the proposed use of space in the day care with respect to the various age-specific classrooms. The day care and indoor children's recreational and party facility should generally be viewed as separate uses, but there would be some interrelation between the uses. For example, the floor plan shows two doorways between the adjacent tenant spaces where people could move from one unit to the other, and the applicant has stated that some of the inflatable equipment at Jumpin' Jungle would be available for use by day care students. The applicant has stated that the bumper boats, zip line or climbing wall would not be used by day care students. The applicant should elaborate as to how the use of Jumpin' Jungle equipment by day care students would be regulated by the Illinois Department of Children and Family Services (DCFS) in their overall review of the day care facility.

The plans show a 4,300 square foot outdoor playground associated with the day care use. The applicant has indicated that the day care is intended to serve up to 200 students. According to the applicant, DCFS regulations require 75 square feet of outdoor play space for 25% of the maximum child population, which would require a playground of at least 3,750 square feet. The playground appears to be properly sized based upon the expected student population. Again, the changes to the property associated with the outdoor playground and other exterior changes, such as new trash enclosures, will be further evaluated in the PUD Plan Modifications section of this report.

One aspect of the day care operation that staff has spent considerable time evaluating involves the drop off and pick up of day care students. The day care hours will be 6:00 am to 6:00 pm. In the morning, students will be dropped off in front of the building, and the applicant is proposing to create a striped vehicle drop off lane immediately adjacent to the entrance into the day care. The PUD/Site Plan shows a six-foot wide striped drop off lane up against the storefront curb/sidewalk, which would leave 24 feet for the adjacent two-way drive aisle. The Floor Plan shows a nine-foot wide striped drop off lane with a label indicating an adjacent 24 foot drive lane. There is a discrepancy between the two plans in terms of the drop off lane and remaining drive aisle dimensions, and staff has asked the applicant to verify the actual dimensions prior to the Plan Commission meeting. Staff recommends that a minimum eight-foot wide striped drop off lane be provided (which is consistent with the Zoning Code dimension for a parallel parking stall), which we believe will leave 22 feet for the two-way drive aisle in front of the building. Although 22 feet would be narrower than the standard 24 foot two-way drive aisle, we note that the drop off lane would only be in use between 6:00 am and 9:00 am, at which time we would expect that there would be very little other traffic at the shopping center.

With respect to student pick up, the plans show a nine foot wide striped lane along the 16 vehicles. Students would exit the rear of the building when they are ready to be picked up. Adults wishing to pick up students would need to enter the shopping center property off of Thornhill Drive in order to access the day care pick up lane. Also regarding the pick up lane, we note that the lane would be immediately adjacent to the fenced outdoor playground area. Staff has some concerns from a safety standpoint about a vehicle travel lane being located so close to the playground area with only a fence to protect the playground from potential vehicle impacts. Accordingly, we are recommending that the plans be revised to show an additional barrier method, such as bollards, curb, or a guardrail, between the east side of the playground and the pick up lane.

Staff from Community Development, Engineering and the Fire District have reviewed the proposed drop off and pick up operation. We have reached a consensus that while the

system is not necessarily ideal, it is workable. Were the property undeveloped, or were the day care locating in a new, yet to be constructed building, the drop off and pick up function might be designed differently. However, given the existing constraints, we think that drop off and pick up is acceptable as proposed, subject to the conditions noted below:

The applicant needs to submit a revised plan for staff review and approval clearly showing all pavement striping, updated drive aisle and drop off/pick up lane dimensions, and signage. The existing "Fire Lane/No Parking" signs immediately in front of the building should be modified to identify the drop off lane.

Staff supports the four new masonry trash enclosures that are proposed to be built (these will be discussed in more detail in the PUD Plan Modifications section of this report). However, the gates to three of the enclosures would interfere with vehicles waiting in the pick up lane. Shopping center management must coordinate the trash service so as not to have trash removal taking place during day care pick up hours.

The applicant should clarify and perhaps adjust the procedures for student drop off and pick up. The applicant's December 29 letter states that at the time of drop off, "the child will either be taken into the center by the parent or brought in by an employee depending on how many parents arrive at the same time. Parents will be encouraged to park in the lot in front of the center and bring the child in. All infants and toddlers will require a parent to bring their child into the facility". Staff understands that parents will be "encouraged" to park and bring their children in, but staff expects that most parents will want to use the curbside drop off option if at all possible. With respect to pick up, there is not room for conventional "parking" at the rear of the building. If a parent wanted to park and enter the facility to pick up their child, then they would need to park in front of the building and use the front entrance, versus waiting for their child to exit the rear of the building.

The applicant must demonstrate that the playground will be adequately protected from the vehicle pick up lane. Additional bollards, curbing or a guardrail to better separate the travel lane from the playground, should be provided.

The analysis indicates that 192 parking spaces would be required based upon the existing and proposed use of space. With 211 spaces currently serving this portion of the shopping center, and considering the different peak business times for the various businesses in the center, parking should be adequate.

Staff has evaluated the special use request from both operational and aesthetic standpoints. From an operational standpoint, the staff concerns related to student drop off and pick up, the barrier requirement between the pick up lane to the playground, garbage service, and adjustments to the drop off/pick up program have been identified herein. Provided that the applicant can address these concerns in a manner that is satisfactory to the Plan Commission and staff, the operational aspects of the day care should be acceptable. From an aesthetic standpoint, since the use will take place entirely within an enclosed building, there should be no noticeable impact on building or property aesthetics as seen from the outside of the building.

PUD Plan Modifications:

The applicant is proposing to make minor changes to the exterior of the shopping center property, including the construction of an outdoor playground for the day care students, the construction of several new trash enclosures, and new pavement striping. These changes are viewed by staff as being minor changes, and the Zoning Code directs that the Plan Commission has the authority to approve minor modifications to approved PUD Plans if they are consistent with the intent of the final plan. Each minor change to the approved PUD Plan is briefly discussed below.

Outdoor Playground – The outdoor playground has been discussed in detail in the Special Use for Day Care section of the report, as have the staff concerns related to the proximity of the pick up lane to the playground. With respect to the change to the PUD Plan to accommodate the playground, provided that the playground meets all DCFS requirements and also addresses the Village's stated concerns, staff does not object to the construction of a playground at the proposed location. The one concern that we do have, as expressed by the Fire Protection District, is that the fenced playground area and the new fence proposed around the gas service risers would obstruct the Fire District's access to the two fire department connections. Accordingly, staff is recommending as a condition of approval that the applicant must revise the plans such that access to the fire department connections is acceptable to the Fire District.

Trash Enclosures – The existing trash facilities do not comply with Village Code in that there are several dumpsters scattered throughout the rear drive aisle area of the building. Staff has advised the applicant that consolidated and improved trash dumpster enclosures needed to be provided. The plans show that four new split-face block trash enclosures matching the color of the building will be installed at several locations along the east building wall. Staff supports the new enclosures, but we have noted that shopping center management will need to coordinate the timing of the dumpsters being emptied, since the dumpsters would not be accessible when vehicles are stacked in the pick up lane waiting to pick up day care students.

Drop-Off/Pick-Up Lanes – The plans show the proposed striping for the morning drop off lane in front of the building and the afternoon/evening pick up lane behind the building. With the striping plan adjustments recommended in the Special Use for Day Care Center section of this report, staff believes that the drop off and pick up operation will be adequate.

Overall, staff supports the Zoning Code Text Amendment, Special Uses, and PUD Plan Modifications necessary to allow for the indoor children's recreational and party facility and day care. There are, however, several aspects of the plans that require further revisions. If the Plan Commission concurs, staff is comfortable working with the applicant to ensure that the remaining plan revisions are made in accordance with the staff recommendations, as well as in accordance with any additional recommendations of the Commission.

Staff recommends approval of the Zoning Code Text Amendments to list indoor children's recreational and party facility as a Special Use in the B-3 Service District, the Text Amendment to add the use to the schedule of parking requirements, the Special Use for to allow for the operation of an indoor children's recreational and party facility, the Special Use to allow for the operation of a day care center, and the minor PUD Plan Modifications, subject to the following conditions:

1. That there shall be no outdoor storage of materials or merchandise, no outdoor installation of amusement equipment or devices, and no outdoor recreational activities associated with the recreational and party facility use;
2. That all equipment and amusement devices shall comply with all applicable building codes;
3. That the applicant shall be responsible for ensuring that adequate adult supervision and staff is provided so as to provide and maintain a safe environment for all recreational and party facility customers;

4. That the front drop off lane for day care students shall be revised to be eight feet in width, and that a revised plan clearly showing the striping and drive aisle dimensions shall be submitted for staff review and approval;
5. That an additional means of providing a barrier between the pick up lane and outdoor playground shall be provided, and that the revised plan showing the barrier shall be submitted for staff review and approval;
6. That a revised plan showing all new and revised signage shall be provided for staff review and approval;
7. That the applicant shall be responsible for maintaining a traffic enforcement agreement with the Carol Stream Police Department to allow for enforcement of traffic and parking requirements on the property;
8. That the applicant shall be responsible for coordinating trash dumpster service times so as to avoid a conflict between trash service operations and day care student pick up;
9. That prior to the issuance of a building permit, the applicant shall revise the plans such that access to the fire department connections is acceptable to the Fire District;
10. That prior to the issuance of a building permit, the applicant shall revise the plans to clearly indicate the type and height of all new fences to be constructed on the property;
11. That the applicant shall apply for and submit payment for the necessary amusement and game room licenses on an annual basis; and
12. The businesses and property shall be operated and maintained in accordance with all applicable state, county and village codes and requirements.

Commissioner McNally noted that there is parking for 10 employees and asked how many employees are anticipated and generally there are two teachers per classroom and when fully occupied approximately 26. Does this include the two adults at the front door to escort the children in and out and Mr. Spatz said that with two teachers per room, one would be gathering the kids and the other checking the pickup. He said that since this is pre-school, the times of attendance tends to be at the parents convenience. Commissioner McNally asked if there will be a nurse on hand and Mr. Spatz said that there will be several qualified staff, if the child is sick they may not enter and if they become ill, there is an isolation room for them to wait until a parent comes to pick them up. In an emergency DCFS requires that we call 911 and the parents. In regard to the question of special needs children, will there be facilities for them and Mr. Spatz said that there is currently a child with cystic fibrosis that has no problem. But there will not be facilities or staff that could care for a severely disabled child. Commissioner McNally said that it would seem that there would not be enough parking for employees if the facility is at capacity. Mr. Bastian said that the parking ratio was developed for the recreational facility/ party use, the parking for the day care is the same parking requirement, which is 1 parking space for each 250 sq.ft. for the day care use. Mr. Spatz said that there are 161 parking spaces for that area in the PUD and they will be far under-using those spaces.

Commissioner Smoot asked about the river with bumper boats and Mr. Spatz said that it is actually a pool with three foot of water in four foot walls with rails to enter the boats and they try to destroy the enemy. He noted that it would be very boring for adults, but little kids love it. In response to the question of how many day care facilities he runs now, Mr. Spatz said that they operate four daycare facilities, only one facility has a recreation facility with it. In the case of private parties, two adults are required to stay with every four children, and if it is a day care activity there are two to three staff members. Commissioner Smoot asked if a manager would

be there at all times and they will be hiring others that are highly qualified in pre-school. He asked if there will be a police background check to be sure there are no pedophiles and Mr. Spatz said that they will research all applications and check references and backgrounds.

Commissioner Spink said that she is concerned about the drop-off area for when one or more children have to be taken out of car seats and then again when one or more children have to be put back into car seats. Mr. Spatz said that the five spaces are meant for "drop off", if the child is an infant or has special needs; the parents are urged to park in the regular area and walk or carry the child in and not use the "drop off" zone. She asked what information is required from the parents in order to sign up a child. Mr. Spatz said that to register the parent must provide a name and signature of any person who has the right to bring or pick up the child. In response to the presence of a nurse for the classes, Mr. Spatz said that the manager has to be certified to provide certain emergency actions as part of their training. There was discussion regarding bathroom procedures for the children and Commissioner Spink said that she is concerned there are facilities will be available for both accompanied or not to be able to wash their hands. Commissioner Spink asked if there will be equipment in the outside area for play and Mr. Spatz said that they will have the usual playground equipment. There was discussion regarding parents or other adults being allowed to remain at the facility to watch their child and Mr. Spatz said that there is not a problem about that.

Commissioner Manzullo said that he has never seen a combination day care and recreation facility together and asked how many of these does he operate? Mr. Spatz said that there is one in Louisiana, one in Chicago, called Pump It UP and it adjoins a day care center. The only other operation like this is the one in Louisiana. Commissioner Manzullo asked if the doors were going to open during the day or locked. Mr. Spatz said that every classroom has a window that can be opened to the center hallway. Commissioner Manzullo said that any special use involving children brings any security issues up ten notches and that is why there are so many questions regarding security and safety. He asked if there were going to be security cameras through-out the building and was told yes. It was stated that all of the requirements that DCFS for day care will be met.

Commissioner McNally moved and Commissioner Spink made the motion to recommend approval the requests for Zoning Code Text Amendments, in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 4 Commissioners Patella, McNally, Spink & Michaelsen

Nays: 3 Commissioners Manzullo, Smoot & Christopher

Commissioner McNally moved and Commissioner Spink made the second to recommend approval of the Special Use – Day Care Center Special Use–Indoor Children's Recreational and Party Facility in accordance with staff recommendations with the addition of cross walk markings. The results of the roll call vote were:

Ayes: 4 Commissioners Patella, McNally, Spink & Michaelsen

Nays: 3 Commissioners Manzullo, Smoot & Christopher

Commissioner McNally moved and Commissioner Spink to recommend approval of the modifications of the PUD as recommended by staff. The results of the roll call vote were:

Ayes: 4 Commissioners Patella, McNally, Spink & Michaelsen

Nays: 3 Commissioners Manzullo, Smoot & Christopher

These matters will be brought to the Village Board when all changes that have been agreed to are submitted to Staff.

Commissioner Manzullo moved to close the public hearing and Commissioner Spink made the second. The results of the roll call vote were:

Ayes: 6	Commissioners Patella, McNally, Manzullo, Christopher, Spink and Michaelson
Nays: 1	Commissioner Smoot

Commissioner Smoot moved and Commissioner Manzullo made the second to cancel the meeting for January 26, 2009 since there are no petitions to present.
The results of the roll call vote were:

Ayes: 7	Commissioners Patella, McNally, Manzullo, Smoot, Christopher, Spink and Michaelson
Nays: 0	

Commissioner McNally moved and Commissioner Christopher made the second to adjourn at 9:45 p.m... The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD