

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: November 21, 2024

To: Planning and Zoning Commission

From: Noah Schumerth, Assistant Director of Economic and Community Development

Through: Angela Mesaros, Director of Economic and Community Development

Topic: Cases 24-47 and 24-48: Map Amendment, Special Use Permit for Child Care Center at 18341 Dixie Highway.

APPLICATION INFORMATION

APPLICANT	Wilnetta Robinson
ACTION REQUESTED	Map Amendment, Special Use Permit
ADDRESS	18341 Dixie Highway
PIN	32-06-204-001, 32-06-204-002, 32-06-204-003, 32-06-204-004, 32-06-204-005

LEGAL NOTICE

Legal notice was published in *Daily Southtown* on November 6, 2024. Mailed notice was sent to 31 residents and property owners within 250' of the subject property.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Wilnetta Robinson, Applicant	10/30/2024
Owner Authorization Letter	1	Geoffrey and Suzanne Gendels, Owners	10/28/2024
Property Information Letter	1	Geoffrey and Suzanne Gendels, Owners	10/28/2024
Narrative	1	Wilnetta Robinson, Applicant	10/28/2024
Standards for Map Amendment	2	Wilnetta Robinson, Applicant	10/30/2024
Standards for Special Use	2	Wilnetta Robinson, Applicant	10/30/2024
Staff Exhibits	3	Noah Schumerth, Asst. Dir. ECD	11/13/2024

ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	R-2 Single-Family Residence	Vacant
PROPOSED	B-2 Downtown Transition	Child Care Center
SURROUNDING	N: B-2 Downtown Transition	Bank/Financial Institution
	E: R-2 Single-Family Residence	Single-Family Residential
	S: R-2 Single-Family Residence	Single-Family Residential
	W: R-2 Single-Family Residence	Single-Family Residential

BACKGROUND

The applicant, Wilnetta Robinson of On Cloud Nine Child Care Center, wishes to operate a child care center at the property at 18341 Dixie Highway. The property is currently in the R-2 single-family residential district. Childcare centers are not permitted in the R-2 district. Homewood’s zoning ordinance currently allows child care centers as a special use only in the B-3 General Business district. This property is not adjacent to the B-3 district and could not be re-zoned into that district.

The following approvals are required to allow a childcare center at this location:

1. A text amendment to the zoning ordinance to allow child care centers as a special use in the B-2 district.
2. A zoning map amendment from the R-2 Single Family Residence district to the B-2 Downtown Transition district.
3. A special use permit to allow the operation of a childcare center at the subject property at 18341 Dixie Highway.

HISTORY

The building at 18341 Dixie Highway was constructed in 1972. On August 28, 1990, the Village Board approved a special use permit to allow a child care center at the subject property. This child care center (Homewood Children’s Center) operated until 2014. The building was used for children’s child care services and events intermittently under the same business ownership until 2020. The building has been fully vacant since March 2020.

Per Section 44-07-11 of the Homewood Zoning Ordinance, special use permits automatically expire after the use has been discontinued for one year or longer. The use at the subject property has been discontinued for more than four years, and thus the previously approved special use permit is no longer in effect. Ms. Robinson has applied for a special use permit to operate the child care center at 18341 Dixie Highway.

ZONING MAP AMENDMENT

Discussion

Because the proposed child care center is not permitted in the R-2 Single-Family Residence zoning district. A map amendment is required. Staff recommends that the property be zoned as B-2 Downtown Transition zoning district, because this district is directly adjacent to the property. Ms. Robinson has applied for a

map amendment to the B-2 district. The building is a commercial structure that was previously allowed as a child care center with a special use permit. The property is bordered to the north by other properties located within the B-2 Downtown Transition zoning district. The proposed zoning amendment would not be considered “spot zoning.”

The comprehensive update of the Village Zoning Ordinance in 2023, removed child care centers as an allowed special use in all residential districts (R-1, R-2, R-3, and R-4). Child care centers remain a special use only in the B-3 General Business District. The subject commercial property as currently zoned (R-2) has limited opportunities for reuse (*indoor non-commercial places of assembly and bed and breakfast lodging* are the only non-residential uses allowed).

The following bulk and dimensional standards would now apply to this property:

	Current Zoning (R-2 Single-Family Residential)	Proposed Zoning (B-2 Downtown Transition)
Front Setback	25'	0'
Interior Side Setback	5'	5' (<i>standard for B-2 property adjacent to R-2 zoning</i>)
Exterior Side Setback	20'	0'
Rear Setback	30'	16' (<i>standard for B-2 property adjacent to residential</i>)
Impervious Surface Coverage	60% allowed	80% allowed

Due to the location adjacent to residential uses, the interior side and rear setbacks for the R-2 zoning district would still apply to the property. **The current structure meets the requirements of the new proposed zoning for the property (B-2 Downtown Transition).**

The property will also meet all new use-specific requirements proposed in the text amendment (Case 24-46) to permit childcare center uses in the B-2 Downtown Transition zoning district.

Map Amendment Standards

The Planning and Zoning Commission must consider the following standards when reviewing the proposed map amendment:

- a. Does the current zoning or the proposed zoning more closely conform to the stated goals in the comprehensive plan?
- b. Have major land uses, conditions or circumstances changed since the original zoning was established? The original zoning was established several decades ago. The zoning ordinance was updated in 2023 in a manner which restricts the original use of the property. Child care center uses are no longer allowed as a special use in the R-2 Single-Family Residence zoning district.

- c. Do sites exist for the proposed use in existing districts permitting such use? Child care centers are currently only permitted in the B-3 General Business district. There are limited vacancies or suitable sites which could support a new child care center as proposed within the B-3 zoning district.
- d. Is the requested change compatible with the existing uses, development patterns and zoning of nearby properties? The B-2 district is intended as a transitional zoning district with a mix of residential and lower-intensity commercial uses suitable for a downtown environment. While the property is abutted by single-family residential properties in the R-2 district, other commercial properties within the B-2 district are adjacent to property zoned in the R-2 district, and the stated purpose of the B-2 zoning district is to provide a suitable transition to residential uses from the downtown area.
- e. Does the present development of the area comply with existing ordinances? The current development on the site is compliant with B-2 zoning requirements.
- f. Does the existing zoning impose an unreasonable hardship or can a reasonable economic benefit be realized from uses permitted by the existing zoning? The current zoning of the property restricts the potential use of the commercial building on the property. The former use of the property, a child care center, is not permitted to operate under current zoning. Currently, the commercial property has limited opportunities for reuse (with indoor non-commercial places of assembly and bed and breakfast lodging as the only non-residential uses that may utilize the property). The current zoning designation of the commercial structure restricts opportunities for sale and recouping reasonable economic benefit from the property.
- g. What is the extent of the diminishment of property values, if any, resulting from the current zoning? The property value is diminished due to the lack of uses permitted to operate within the existing commercial building on the site.
- h. How long has the property been vacant as compared to development occurring in the vicinity? The subject property has been partially vacant for ten years and fully vacant for approximately four years. The vacancy for this property has been significantly longer than business vacancies in the nearby vicinity along Dixie Highway and 183rd Street (e.g. 2000 Ridge Road; 18215 Dixie Highway).
- i. Is the property physically suitable for the zoned uses or for the proposed use? The property is a commercial building that formerly operated as a childcare center. The building is designed for a child care center, and includes outdoor recreation space compliant with Illinois state requirements for child care centers. The property meets zoning requirements for the proposed use, including parking, screening, and outdoor space design requirements. The property is physically suitable for the proposed use.

The property is not suitable for most uses permitted in the existing zoning district (R-2), except indoor non-commercial places of assembly. The property is more suitable for uses allowed within the B-2 zoning district.

- j. Does the proposed use satisfy a public need? The Village has received a number of requests for child care centers, indicating a potential public need for this service.
- k. Will the proposed change conflict with existing or planned public improvements or adversely impact schools, parks or other public facilities? No conflict with existing or planned public improvements or facilities is anticipated. The proposed use previously operated at the site with no documented concerns regarding public improvements or facilities.
- l. In the vicinity, will the environment or traffic patterns be adversely affected? The Village anticipates that the proposed use could increase traffic around the subject property, briefly during peak “pick up” and “drop off” hours (7:30 am – 8:30 am and 4:00 pm – 5:00 pm on weekdays). The property has a parking lot that is sufficient to accommodate drop-off and pick-up and will help mitigate traffic issues.
- m. To what extent will the proposed change diminish property values of the surrounding properties? The proposed change to zoning is unlikely to reduce property values. The map amendment will create opportunities to end the longstanding vacancy of the building, which may have a positive impact on the surrounding properties. The proposed map amendment will allow the operation of the former use of the property.
- n. Will the proposed change deter the use of properties in the area or contribute to redevelopment? The proposed map amendment will not deter the use of property in the area. The map amendment will allow the use of the existing building for its former use. The proposed map amendment to zone the subject property in the B-2 district could create opportunities for future redevelopment which would not be permitted under the current R-2 zoning.
- o. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the village as a whole? The proposed change will not negatively impact the health, safety, and welfare of the neighborhood.

ZONING TEXT AMENDMENT

The Village of Homewood has proposed a text amendment (Case 24-46) to allow child care centers as a special use in the B-2 Downtown Transition zoning district with restrictions. This allows the proposed child care center to be considered through the special use permit process. Additional standards are proposed for child care centers, including:

- A child care center in the B-2 district may only operate on a property with a single principal use.
- Structures used for a child care center in the B-2 district shall be freestanding.
- A child care center shall be a minimum 3,000 square feet in gross floor area.

SPECIAL USE PERMIT

Discussion

The applicant has applied for a special use permit to allow the operation of a child care center at the subject property. The center will operate within the 3,350 square foot existing building, and will utilize

the full interior and the existing outdoor recreation area abutting the building. The applicant has not proposed significant changes to the site or the exterior of the building.

The applicant proposes a maximum capacity of up to 50-55 students, complies with capacity requirements provided by the Illinois Department of Child and Family Services (DCFS). The applicant does not anticipate more than 40 children utilizing the center at any given time. The center would provide services for children ranging from 6 weeks to 12 years of age. Children 5-12 years of age would receive only before and after school services, while children less than 5 years of age would receive services throughout the day.

The applicant proposes that the child care center would operate between 6:00 am and 7:00 pm on weekdays. No weekend services are proposed. The applicant has stated that the peak hours for student drop-off would be between 7:30 am and 8:30 am, and that peak hours for student pick-up would be between 4:00 pm and 5:00 pm. The applicant has also stated that each family negotiates drop-off and pick-up times as part of their contract for services, and thus drop-off and pick-up times will be staggered throughout each day.

The proposed child care facility would be licensed by the Illinois DCFS. The applicant has not applied for this license but plans to do so upon receiving local approval of zoning changes to permit the use.

Zoning Review

The subject property meets all bulk and dimensional standards for the existing zoning (R-2 Single-Family Residential) and the proposed zoning (B-2 Downtown Transition) for the property.

The property has 16 parking spaces that were installed with the original childcare center. The site requires 12 parking spaces (1 space per 300 square feet * 3,350 square feet = 11.16 spaces, rounded up to 12 spaces). **The site meets the parking requirements for the proposed use. The site also meets all pedestrian access requirements in Section 44-05-04 of the Village Zoning Ordinance.** The staff has recommended two conditions for parking improvements to meet building code requirements. See *Recommended Planning and Zoning Commission Action*.

The applicant plans to meet all use-specific requirements for child care centers as outlined in Section 44-04-06 of the Village Zoning Ordinance. These standards are verified by staff through the Business License review process.

Special Use Standards

The Planning and Zoning Commission shall use the following standards and additional facts when considering the application for this special use:

- (1) Is the special use deemed necessary for the public convenience at that location?
- (2) Will the special use be detrimental to the economic welfare of the community?
- (3) Will the special use be consistent with the goals and policies of the comprehensive plan and other adopted plans of the village?

- (4) Is the special use at the subject property so designed, located, and proposed to be operated, that the public health, safety, and welfare will be protected? The child care center will be licensed and is proposed in a property suitable for the capacity. The design of the site, including a large parking area with a drop-off/pick-up area, will ensure minimal impacts on surrounding streets.
- (5) Is the special use a suitable use of the property and, without the special use, could the property will be substantially diminished in value? The proposed use matches the former use of the property, which was previously approved as a special use by the Planning and Zoning Commission. The building is designed with adequate facilities to support its use and will not generate negative impacts on surrounding properties. The proposed use is not currently permitted to operate on the property and requires approval of the proposed text amendment (Case 24-46) to allow childcare uses in the B-2 zoning district, other uses may be suitable for the property if this special use permit is not approved.
- (6) Will the special use cause substantial injury to the value of other property in the neighborhood in which it is located?
- (7) Will the special use be consistent with the uses and community character of the neighborhood surrounding the subject property? The site is adjacent to commercial property (Chase Bank, 18301 Dixie Highway), and is located at the southernmost commercial corridor along Dixie Highway. A child care center provides a transitional use between the commercial property to the north and the residential property to the south. The proposed use matches the previous use of the property, which operated for almost 30 years in the residential context of this property.
- (8) Will the special use be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the zoning district?
- (9) Will the special use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?
- (10) Does the proposed special use at the subject property provides adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets? The site has two driveways on Evergreen Drive. The placement of driveways on the local street is suitable to avoid congestion impacts on Dixie Highway as an arterial. The site also has direct connections to public sidewalks on the
- (11) Is the subject property adequately served by utilities, drainage, road access, public safety and other necessary facilities to support the special use? The site has necessary facilities to support the use, including parking, pick-up and drop-off area, adequate pedestrian connections to all entrances. The building has outdoor recreation areas suitable to support a licensed child care center. An ADA-accessible parking space and parking lot restriping will be required to meet local building code requirements.

FINDINGS OF FACT

Staff has prepared the draft findings of fact in accordance with the standards set forth in Section 44-07-11 of the Village Zoning Ordinance for special use permit applications. The findings of fact, as proposed or as amended, may be entered into the record:

1. The subject property is a 0.48-acre site comprised of five parcels located at 18341 Dixie Highway, at the southeast corner of Dixie Highway and Evergreen Drive;
2. The subject property is owned by Geoffrey A. Gendels and Suzanne Gendels;
3. The subject property is located within the R-2 Single-Family Residence zoning district;
4. The subject property was used as a child care center, allowed via approval of a special use permit, from 1990 to 2020. The property has been vacant since 2020;
5. The current zoning designation does not allow child care centers;
6. The applicant has proposed a map amendment to change the zoning designation of the property from the R-2 district to the B-2 Downtown Transition zoning district;
7. Child care centers are proposed as a special use in a text amendment initiated by the Village Staff. With the text amendment child care centers are allowed as a special use in the B-2 Downtown Transition district.
8. The proposed child care center meets all applicable standards in the proposed zoning district (B-2 Downtown Transition).
9. The proposed child care center business will operate within the existing commercial building that is adequately served by utilities, access, and on-site parking.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

The Planning and Zoning Commission may wish to consider the following motion:

Recommend approval of Case 24-47 a map amendment for the property at 18341 Dixie Highway from the R-2 Single-Family Residence zoning district to the B-2 Downtown Transition zoning district;

AND

Recommend approval of Case 24-48 to allow a child care center as a special use permit at 18341 Dixie Highway, subject to the following conditions:

1. The applicant must provide a revised site drawing restriping the parking lot for 16 parking spaces in the rear prior to the issuance of a business license or any building permit associated with the proposed use;
2. The applicant must provide one (1) ADA-accessible handicap space on the site prior to issuance of business license or any building permit associated with the proposed use.

AND

Incorporate the Findings of Fact into the record.