

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: Case 24-46 – Text Amendment for Child Care Centers in B-2 Downtown Transition

APPLICATION INFORMATION

APPLICANT	Village of Homewood
ACTION REQUESTED	Text Amendment
ADDRESS	N/A
PIN	N/A

LEGAL NOTICE Legal notice was published in *Daily Southtown* on November 6, 2024. No mailed notice is required for this proposed text amendment.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Revised Text – Section 44-03-04	1	Noah Schumerth, Asst. Dir. ECD	11/08/2024
Revised Text – Section 44-04-06	1	Noah Schumerth, Asst. Dir. ECD	11/08/2024
Zoning Map	1	Village of Homewood	N/A

BACKGROUND

The Village of Homewood has initiated a text amendment to permit the operation of *child care center* uses as a special use in the following zoning districts:

- B-2 Downtown Transition

Currently, *child care centers* are only permitted in the B-3 General Business zoning district as a special use. The proposed amendment would allow for the expansion of locations where a special use permit for a child care center use may be considered for approval.

DISCUSSION

Current Zoning

The current zoning ordinance, adopted in 2023, modified where childcare centers are permitted to operate within the Village of Homewood. The former zoning ordinance allowed child care centers as a special use in all single-family residential districts and some commercial districts. Today, the zoning ordinance only allows child care centers as a special use in one commercial zoning district. No child care centers are currently permitted in residential districts, except as home day cares operating as a permitted home occupation.

The 2023 zoning changes for child care centers is illustrated in **Table 1**.

Table 1. Homewood Zoning for Child Care Centers

Districts Allowing Child Care Centers prior to January 11, 2023	Districts Allowing Child Care Centers following January 11, 2023
<p><u>Residential Districts:</u></p> <ul style="list-style-type: none"> • R-1 Single Family Residence (S) • R-2 Single-Family Residence (S) • R-3 Townhouse/Transition (S) • R-4 Multiple-Family Residence (S) <p><u>Commercial Districts</u></p> <ul style="list-style-type: none"> • B-2 Community Business (S) • B-3 Service Commercial (S) 	<p><u>Residential Districts</u></p> <ul style="list-style-type: none"> • None <p><u>Commercial Districts</u></p> <ul style="list-style-type: none"> • B-3 General Business (S)

(S) Special Use Permit required for use

Peer Communities

To assess Homewood’s current zoning requirements, staff completed an analysis of eight south suburban municipalities with similar community areas (large commercial corridor, neighborhood commercial areas, etc.) to those found in Homewood. Staff assessed the following:

- Where child care centers are permitted, whether as a by-right permitted use or special use
- Additional use standards applied to child care centers

Staff findings from the assessment of peer communities can be found in **Table 2**.

Table 2. Zoning for Child Care Centers in Other South Suburban Communities

City/Village Name	Child Care Centers in Residential Districts?	Child Care Centers in Commercial Districts?	*Conditions/Requirements
Tinley Park	Special Use	Special Use	
	Multi-family districts only	Community and regional commercial districts only	
Orland Park	Special Use	Special Use	Minimum 5 acre lot size in single-family residential districts
	Single-family residential districts only (with restrictions)	All commercial, downtown, and historic districts	
Matteson	Not Permitted	Special Use	
	Home daycares only	All commercial and mixed-use districts	
Lansing	Not Permitted	Special Use	Also permitted as accessory use in light manufacturing district
	Home daycares only	Community and general commercial districts only	
Mokena	Not Permitted	Special Use	
	Home daycares only	All commercial districts	
New Lenox	Special Use	Special Use	
	Multi-Family Districts Only	All commercial, office, and mixed-use districts	
Frankfort	Special Use	Special Use	
	All residential districts	All commercial and office districts	
Country Club Hills	Special Use	Special Use	All child care centers must occupy a minimum of 2,500 s.f. floor area
	Single-family residential districts only (with restrictions)	All commercial districts	

The staff finds the following:

- All communities studied allow child care centers as a special use in most commercial districts. All communities allow child care centers in “neighborhood” or “community” commercial districts (similar to Homewood’s B-2 and B-3 districts)
- All communities include home day cares as a permitted home occupation in single-family districts, most with restrictions on size and location, which is consistent with Homewood’s zoning ordinance
- Homewood’s current zoning requirements for child care centers are significantly more restrictive than those found in other communities in the region, especially in the number of commercial districts where child care centers are permitted.

Recommended Changes

Staff recommends the following amendments to the zoning ordinance for consideration by the Planning and Zoning Commission:

- 1. Amend Table 44-03-04 to allow child care centers as a special use in the B-2 Downtown Transition district.**

Justification: This change aligns with other municipalities in the region, which uniformly allow childcare centers in lower-intensity commercial districts, such as Homewood’s B-2 Downtown Transition and B-3 General Business districts. The change will permit suitable sites within the B-2 district, including existing child care centers, to be used as child care centers in the future. Child care is a transitional use between commercial and residential uses, as the B-2 district serves as a transitional zone between downtown commercial and nearby residential uses. Allowing child care centers aligns with the purpose of the B-2 zoning district, which is to support “a mix of residential and non-residential uses and contextually sensitive infill development in a pedestrian-oriented environment.”

The amendment does not include adding child care centers as a special use in the B-1 Downtown Core and B-4 Shopping Center districts. The B-1 Downtown Core district is designed to “establish a destination for retail, dining and entertainment in the Village.” The addition of child care centers as a special use would not be in alignment with the stated intent and purpose of this district.

The B-4 Shopping Center district is designed to support “retail uses which serve both the residents of the Village and surrounding areas.” Allowing childcare centers in this district would not align with the stated intent and purpose of the district. Staff also finds that the B-4 district is not suitable for uses that may serve high volumes of children and other vulnerable users.

- 2. Amend Section 44-04-04 to require additional standards for child care centers, including:**
 - a. Child care centers shall be located only in buildings that have a single principal use.**
 - b. Structures used for a child care center shall be located in freestanding buildings.**

Justification: Many properties in the B-2 Downtown Transition district are storefront properties, built “wall-to-wall” with other buildings with limited facilities on-site, such as parking lots and open spaces. These sites present challenges that make the operation of childcare centers uniquely difficult and less suitable. These requirements ensure that childcare centers are restricted to larger sites with higher

amounts of open space and area necessary for pick-up/drop-off zones and off-street parking. Requiring freestanding, single-use buildings reduces public safety risks by limiting potential fire spread and improving building security.

- c. Structures used for a childcare center shall be a minimum of 3,000 square feet in gross floor area.**

Justification: Restrictions such as minimum site acreage or building floor area are common to ensure that childcare centers are restricted to spaces that are large enough to adequately support childcare. This restriction will limit childcare centers to a limited range of more appropriate locations within Homewood's commercial districts. The average size of a child care center in the State of Illinois is 85 children (excluding home and family day care facilities, which Homewood administers separately as a home occupation use). According to the Department of Children and Family Services, the minimum required square footage per child is 35 square feet. The average childcare facility in Illinois requires 2,975 square feet of floor area (85 children x 35 square feet). This restriction ensures that the average-size childcare facility would be allowed by the zoning ordinance.

Text Amendment Standards

In the consideration of this proposed text amendment, the Planning and Zoning Commission should consider the following standards:

1. Is the proposed text amendment consistent with the stated goals of the Comprehensive Plan? The proposed text amendment meets Objective 1.4 of the 1999 Comprehensive Plan, "Establish a transition zone between surrounding the current downtown where, depending on market timing, changes in zoning from residential to commercial or mixed-uses would be favorably considered depending on the specifics of the proposal." The proposed amendment will permit a use which is suitable in transitional residential and commercial areas. The amendment allows child care centers to be considered depending on a case by case basis through the special use permit process.
2. Does the proposed text amendment address a particular issue of concern for the Village? The proposed text amendment addresses an increasing demand for child care centers as an amenity within the Village of Homewood and requests to Village staff about available space. The proposed amendment addresses a 2023 change in the Village Zoning Ordinance that created nonconformity of a child care center in a zoning category that does not support the use.
3. Will the proposed text amendment impose any unreasonable hardships on existing uses? The proposed amendment will not impose hardship on existing properties. Some properties may be brought back into conformance with the Village zoning ordinance.
4. Have major land uses, conditions, or circumstances changed since the original zoning ordinance text was established? There are currently very limited opportunities for child care centers within the Village. The ordinance was changed in 2023 in a manner which restricted the location of child care centers to the B-3 General Business district, removing them as an allowable use from other zoning districts.

5. Is the requested change compatible with the existing uses and development patterns of the community? Child care centers provide children's care, education and recreation, which is compatible with some residential and downtown transition areas. The proposed amendment will permit child care centers as a special use, allowing for a review of surrounding uses and development patterns with each proposal. The text amendment is written with restrictions that address likely conflicts between child care centers and surrounding development patterns.
6. Will the proposed change be detrimental to the health, safety or welfare of the neighborhood or of the Village as a whole? The proposed change will not negatively impact the health, safety and general welfare of the neighborhood.

FINDINGS OF FACT

The staff has prepared the *draft* findings of fact following the standards outlined 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 current zoning ordinance permits child care centers as a special use within the B-3 General Business district.
2. The current zoning ordinance was adopted on January 11, 2023. At that time, child care centers as a special use were removed from all residential districts (R-1, R-2, R-3, and R-4) and commercial districts outside of the B-3 district. Home daycares are approved for use in residential districts (R-1, R-2, R-3, and R-4).
3. Upon completion of research and assessment of the potential impact on health, safety and general welfare, the Village has initiated a text amendment to permit child care centers as a special use in the B-2 Downtown Transition zoning districts.
4. The Village proposes restrictions on minimum gross floor area, and limitations to operate only in single use and free-standing buildings for commercial child care centers in the B-2 district.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

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

Recommend approval of Case 24-46, amendments to the text of the zoning ordinance:

Amend Table 44-03-04 of the Village Zoning Ordinance to add child care centers as a special use within the B-2 Downtown Transition zoning district, and

Amend Section 44-04-06 Child Care Center of the Homewood Zoning Ordinance to add the following standards for child care centers:

1. Operation in the B-2 Downtown Transition district is limited to properties with a single principal use.
2. Operation in the B-2 Downtown Transition district is limited to a freestanding building.
3. Structures used for a child care center shall be a minimum of 3,000 square feet in gross floor area.

AND

Incorporate the Findings of Fact into the record.