STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
Prepared By: Sam Hubbard, Development Planner
Meeting Date: August 24, 2016
Date Prepared: August 19, 2016
Project Title: Kensington School
Address: 840 E. Kensington Road

BACKGROUND INFORMATION

Petitioner: Charles Marlas
Address: 743 McClintock Drive
Burr Ridge, IL 60527

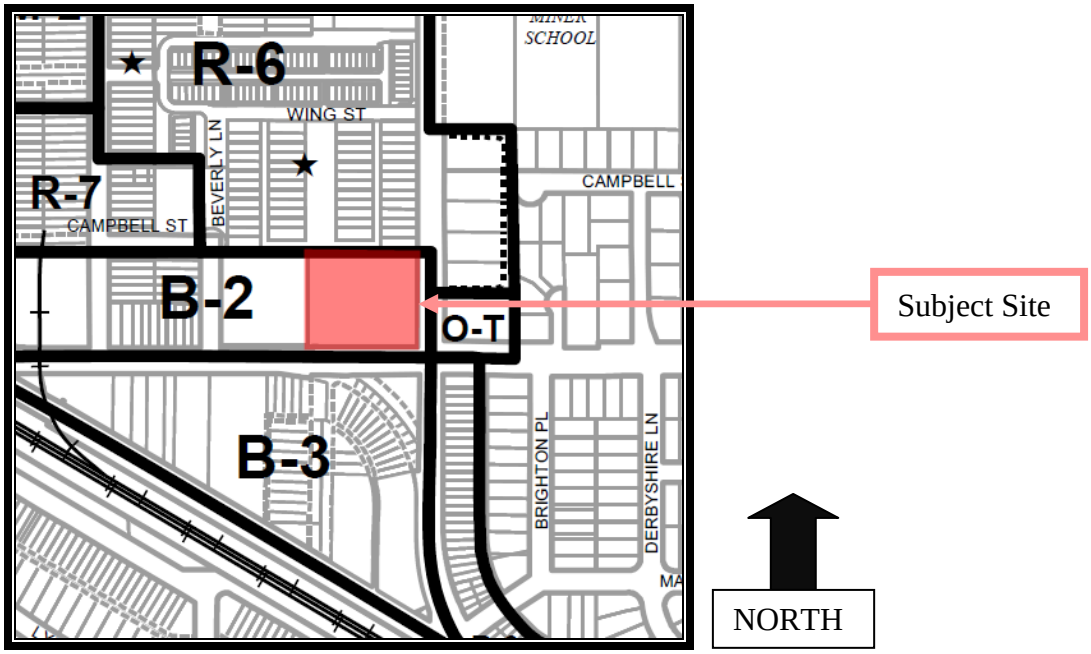
Existing Zoning: B-2, General Business District

Requested Action:

- A Special Use to allow a Day Care Center in the B-2 district.
- Amendment to PUD Ordinances #06-043, 07-007, 07-077, 14-015.

Variations Required:

- Chapter 28, Section 6.13-3 to allow a 4 foot tall fence in the front yard along Dryden Avenue where 3 feet is permitted.
- Chapter 28, Section 6.5-2 to allow accessory structures (dumpster enclosure and playground equipment) within the front yard along Dryden Avenue where accessory structures must be located in a rear yard.
- Chapter 28, Section 6.15-1.2b to allow no shade tree in the landscape island located at the western end of the northern parking row where one 4-inch shade tree is required.



Surrounding Properties

Direction	Zoning	Existing Land-Use	Comprehensive Plan
North	R-6 Residential	Single Family Homes	Moderate Density Multi Family
South	B-3 Commercial	Mariano's Food Store	Commercial
East	O-T Office	Office Building	Offices Only
West	B-2 Commercial	Commercial Shopping Center	Commercial

Background:

The subject site is approximately 87,237 square feet (2.0 acres) in size and located at the northwest corner of Dryden Avenue and Kensington Road. The site is part of the Arlington Market PUD, approved in 2006 and amended in 2010, 2011, and 2014. The amendments pertained to the north portion of the project which allowed for a change from condominiums to townhomes (Arlington Crossings) and later to allow for modifications to the Plat of Subdivision and variations for the single family homes in the mid portion of the PUD. The south portion of the PUD consists of two commercial lots, and is approved for approximately 42,000 square feet of commercial space. Lot 1 has been developed for approximately 16,500 square feet of commercial space and includes Eros Restaurant, Subway fast food, a dental office and a bank with a drive through. Lot 2 is currently vacant, although Lot 2 does include a large underground detention vault that provides detention for the commercial lots and the residential to the north within the PUD.

Kensington School as described by the petitioner is classified as a day care, not a preschool. A summary of the project is attached and the day care will include approximately 150 children and 23 staff. Hours of operation will be 6:30am to 6:30pm and there will be two programs offered: Preschool program offered in two sessions (AM and PM), and a Full Day program (6:30 am to 6:30 pm). The site plan includes a large outdoor playground area for the children which would be fenced around the perimeter. Parking includes 48 spaces in front of the building, with a 49th space already existing in the northwest corner of the site. Circulation within the site would be through a two way circular drive aisle, which would be one way on the northern side and two way on the southern side.

Kensington School is seeking approval of a Special Use and an amendment to the PUD to allow for a 15,352 square foot day care. There are existing easements on the property, specifically, easements for pedestrians living in the homes to the north within the PUD to connect to the required outdoor plaza when lot 2 is built upon, easements for utilities, and a drainage easement. These easements will need to be amended and can be amended through a separate process that does not require approval by the Plan Commission. The specifics of the easements will be detailed later in this report.

Over the last several months, staff has worked with the petitioner on several positive changes to the plans. The present iteration of the plans is a result of this effort, which has included changes to landscaping elements, site design, and the architecture of the building.

Zoning and Comprehensive Plan

The subject site is zoned B-2, subject to a Planned Unit Development approved in 2006. The Village's Zoning Ordinance lists a day care as a special use in the B-2 district. Approval of a Special Use Permit is based upon the following criteria:

- That said special use is deemed necessary for the public convenience at this location.
- That such case will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.
- That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

The petitioner has provided a bullet point list of eight points as justification towards Special Use Permit approval. With regards to the first criteria for Special Use Permit approval, staff concurs with the petitioner that the use is necessary for the public convenience at this location. The day care will provide a service to the nearby residents with children, and as indicated in the market study, most surrounding day care facilities are at capacity, which illustrates a need for this type of service at this location. In addition, the petitioner has provided information from the real estate broker on efforts to sell the property for retail commercial, but those efforts have not come to fruition. Staff has reached out to two local brokers and those findings are discussed in the Marketability of Site section later in this report.

Regarding the second criteria for Special Use Permit approval, staff concurs that this standard will be met. There is no evidence that the proposed development will be detrimental to the health, safety, morals, or general welfare of the vicinity. Staff notes that the traffic study indicates there will be no decrease to the level of service at primary entrance to the commercial portion of the Arlington Market PUD, which demonstrates sufficient capacity to handle traffic during peak demand. Further details on the traffic generation are provided later within this report.

The proposed use complies with the regulations of the Zoning Ordinance and the petitioner will be required to conform to all conditions of the ordinance granting zoning approval. In this regard, the final criterion for Special Use approval has been met.

In addition to the Special Use, an amendment to the PUD is required as this proposed use and site plan are a substantial change from the PUD approved for the site, which was approved for an additional 23,000 square feet of commercial space with a plaza / focal point and pedestrian connection to the residential area to the north. The overall PUD was approved as a mixed use integrated development with a commercial strip to allow for multiple tenants / uses. See Exhibit A for the previously approved plan showing the commercial portion of the PUD.

Hickory Kensington TIF District
This property is within the Hickory Kensington TIF District. One of the many purposes of the TIF District Redevelopment Plan is to increase goods and services and tax revenues within the (TIF) redevelopment project area. Development of the commercial site for the day care will generate property tax increment which is a positive, however, the type of development as a single use (day care) does not provide a mix of tenants that would increase goods and services. A commercial shopping center will likely include multiple tenants providing various services / uses and provide property tax increment as well as sales taxes and possibly food and beverage taxes. A commercial shopping center also provides services to a wider population, while a day care is more specific as a use.

Marketability of Site for Commercial
The current property owner has indicated that any past interest in the site for commercial uses has never come to fruition for various reasons. Village staff has contacted two local commercial brokers very familiar with the market to analyze the commercial viability of the site. One of the brokers opined that the site was viable for commercial uses but that the asking price was cost prohibitive for construction of a commercial building at this location. Given market demand, they believed the site more appropriate for around 12,000 square feet of commercial space as opposed to the 23,000 square feet approved within the PUD. The second broker felt that the building would likely lease up if built, although it would be tough to attract tenants until the building was actually completed, which means that the building would have to be built on speculation. As banks are hesitant to finance spec buildings, the broker felt that the Village may be holding out for a long shot if requiring only a commercial development on the site. Given these concerns, staff is supportive of the proposed use as a daycare, which would generate tax increment for the TIF and would create a space for a long term service use.

Building, Site Plan and Landscaping
Staff has evaluated the building and site relative to setbacks, height, and all bulk restrictions and found the site to be in compliance with all regulations except as noted below:

Dumpster Enclosure
Dumpster enclosures are classified as “Accessory Structures” and are therefore required to be located within the rear of the property. As the lot is a corner lot with the front yard being along Dryden Avenue, the rear of the property is located along the western side of the site. The only viable location for the dumpster enclosure in the rear yard would place the enclosure within the Pedestrian Access Easement. As such, the petitioner has proposed the dumpster enclosure to be located within the front yard along Dryden Avenue, which requires a Variation. The petitioner has provided a written response to the criteria for Variation approval, as summarized below:

- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
- The plight of the owner is due to unique circumstances.
- The variation, if granted, will not alter the essential character of the locality.

The petitioner’s response to this criterion can be found within their response to the second round of departmental review comments (attached). Staff has reviewed the proposed dumpster enclosure location and recommends the applicant move the enclosure to where it abuts the eastern side of the building, as shown in Exhibit C. The revised location, as recommended by staff, would put the enclosure directly outside the kitchen area of the building and this location would be less prominent as viewed from Kensington Road. The landscaping that surrounds the proposed enclosure can be placed around the revised location. Refuse personnel could access the dumpster by going through the gate and wheeling the dumpster down to the parking lot, or alternatively, the play area fence could be revised so that is doesn’t enclose the dumpster area. If attached to the building, the

enclosure becomes part of the principal structure (and is no longer considered an accessory structure) and the Variation is no longer necessary.

It should be noted that the Design Commission did not take issue with the proposed location of the dumpster enclosure and recommended that the location of the enclosure remain as proposed. However, the Plan Commission has the ultimate authority to make a recommendation on Variations to Chapter 28 and thus the location of the dumpster enclosure.

Playground Equipment
Similarly, playground equipment is classified as an "Accessory Structure" and as such must be located in the rear yard. The play equipment located on the eastern side of the site is located in the front yard and therefore requires a variation. The applicant has provided the justification for Variation approval within their response to the third round of departmental review comments (attached). Staff concurs that the necessary criteria have been met and supports the requested Variation given the commercial use of the property as a day care.

Landscaping
Per Chapter 28, landscaped islands with one shade tree are required at each end of all rows of car stalls. The landscape plan does not contain a shade tree within the parking lot island at the western side of the northern parking row, and therefore a Variation is required. Staff has analyzed the Variation and confirms that the necessary criteria for Variation approval have been met; as this landscape island is located directly above the underground stormwater detention vault, a shade tree in this location would not be practical. Staff is supportive of the requested Variation.

Drive Aisle Width:
The proposed drive aisle widths significantly exceed the code required minimum width of 24', with the proposed widths at 34', 35.02', and 30.5'. The applicant has been asked to reduce the width of the eastern most drive aisle to provide additional greenspace (which would require the elimination of approximately one parking space), however, the plans have not been revised to reflect this reduction and no rationale has been provided as to the necessity for the excess width. Staff recommends a condition of approval to reduce the width of the 35.02 drive aisle to allow anywhere between 24' and 28' in width, which would increase the landscaped area along Dryden to anywhere between 15.42' to 19.42' (existing landscaped area is 8.4').

Existing Easements
There is an existing 20 foot wide utility easement which runs east / west across the rear of the property setback 35 feet from north property line (please refer to 'Existing Easements' attachment). Additionally, there is a 50' drainage easement that also runs east / west along the northern most 50' of the property. The proposed building encroaches into both the drainage easement and utility easement. No documentation has been provided as to whether utilities are located within the easement, but the petitioner is currently researching this and is working to secure permission from all utility companies with rights to the easement so as to allow the proposed encroachment. Prior to bringing this application before the Village Board for final approval, the petitioner must demonstrate whether all parties with rights to the utility easement will permit the proposed building encroachment and /or whether a reduction to the easement width is viable so that the building does not encroach.

Engineering has evaluated the drainage easement, which easement is meant to create an area to accommodate the overland flow of stormwater from the developments to the north during large rain events. The proposed building will not impede this flow as the grading plan has been designed to direct stormwater out towards Dryden Avenue, and Engineering is supportive of the proposed encroachment. However, the applicant must amend the easement to reduce its size so that the building does not encroach into the easement area.

Finally, there is also a 25 foot wide Pedestrian Access Easement setback 31 feet from the west property line of Lot 2. This easement runs north to south 144 feet deep into Lot 2 from the north property line (please refer to 'Existing Easements' attachment page 2). The purpose of this easement is to accommodate a pedestrian plaza as part of the Lot 2 development, providing for a connection between the commercial property and the residential to the north, which is a significant component of the overall master plan for the Arlington Market redevelopment (a copy of the approved site plan for the commercial lots is included as Exhibit A and the approved pedestrian plaza area is shown in Exhibit B). The petitioner has included this element within their proposed plan, but has reduced the scope of the improvement from a plaza area to a walking path with landscaping, as well as slightly shifted the location to the west and reduced the width from 25' to 20'. However, the petitioners plan extends the length of the pedestrian pathway so that it connects down towards Kensington Road, whereas the original easement only went

about two thirds of the way down towards Kensington Road adjacent to the proposed shopping center. Staff is supportive of the revised pedestrian area given that the plaza was meant to serve the commercial uses on Lot 2 (as an outdoor eating area), which commercial uses will be substituted for the daycare. Additionally, although the width will be shortened, the length of the pathway will be extended through to Kensington Road. However, the petitioner must amend the easement to reflect its altered location, reduced width, and increased length.

Staff notes that a small portion of the public sidewalk in the southeast corner of the site overlaps onto the subject property, which will require and easement to the benefit of the Village.

Traffic & Parking

A traffic study and parking analysis prepared by a qualified professional engineer has been submitted and reviewed by staff. This study analyzed the circulation within the site and adjacent intersections to determine the capacity of the area to handle any projected increase in traffic generated by the proposed daycare facility. The study concluded that the addition of the daycare would not negatively affect the Level of Service (LOS) of the surrounding intersections; specifically, the intersection of Kensington and Dryden would continue to function at an overall LOS of "C", and the access drive into the commercial portion of the Arlington Market PUD would continue to function at a LOS of "A" (eastbound) and "B" (southbound). Furthermore, the study evaluated the interior site circulation and found this circulation to be adequate for the projected traffic volumes of the Kensington School. Finally, the study did not recommend and improvements to the driveway access off Kensington Road and it will remain as a two way access drive.

With respect to parking, Staff has analyzed the required parking per Section 28-11 of the Village's Zoning Ordinance. As shown in Table 1, Kensington School requires 34 parking stalls, and 49 are provided, resulting in a surplus of 15 spaces. It should be noted that if the petitioner reduces the drive aisle widths as recommended by staff, which would require the elimination of approximately one parking space, the site would still conform to all parking requirements.

Table 1: Parking Analysis

Use	Parking Ratio	# of Employees	Parking Required
Kensington School	3 spaces/2 employees	23	34 spaces
Total Provided			49 spaces
Surplus			15 spaces

Staff has analyzed the parking study to determine if the provided parking will meet the expected demand for the proposed daycare use. The parking study used an existing Kensington School facility in Elmhurst to estimate the expected parking demand for the proposed facility. Based on the Elmhurst facility, which is of comparable size to the proposed Arlington Heights facility, the petitioner estimates that 37 spaces will be required during peak demand. The 48 spaces within the Kensington School parking lot should therefore be suitable to accommodate the proposed parking for the facility.

The original PUD approval in 2006 required shared parking between both Lot 1 (the existing commercial multi-tenant building to the west of the subject property) and Lot 2 (the Kensington School site). The provision was included on the Plat of Subdivision and has thus been recorded, and the petitioner has acknowledged that they will comply with this requirement. Given the estimated peak parking usage on the Kensington School site, there will be a surplus of 12 spaces available during peak demand, which spaces can be utilized by the businesses on Lot 1 should a parking overflow on that site be generated. Furthermore, since the Kensington School will not be open on the weekends, the entire parking field on the subject property will be available for the businesses on Lot 1 during the weekends.

The petitioner has analyzed the current parking demand within the existing shopping center on Lot 1 to determine its capacity to accommodate any potential overflow from the Kensington School site, if needed. Based on their survey, the petitioner found that only a maximum of 64 of the 88 parking spaces were occupied during peak usage. Staff at the Village conducted an independent survey over four days during the typical lunch rush hours and found 79 of the 88 spaces were occupied during peak usage. In either scenario it appears that Lot 1 has a small to moderate capacity to handle any overflow from the Kensington School site if needed. Finally, it should be noted that, based on the petitioners survey of the parking lot on Lot 1, peak usage on Lot 1 occurs during the lunch hours (11:30am - 12:30pm) and after 6:00pm, while peak usage of the Kensington School site occurs during the 8:30am – 9:30am hours in the morning and 4:30pm – 5:30pm hours in the late afternoon.

Design Commission:

On August 9, 2016, the Design Commission met to discuss the Kensington School development. The draft minutes from this meeting have been attached, which includes the recommendation to approve the project with several conditions (please refer to draft minutes attached). Through the Design Commission process, several positive changes to the plans have resulted, including:

1. An increase to the overall amount of landscaping.
2. The proposed fence has been changed from a white vinyl fence to a decorative metal fence to compliment the architecture of the building.
3. The proposed dumpster enclosure material has been changed from a wooden fence to a masonry wall that matches the brick on the building.
4. The pedestrian walkway element has been included within the development, which element was not present in the original plans as submitted by the applicant.

RECOMMENDATION

The Staff Development Committee has reviewed the Petitioner's request and recommends approval of a Special use for a Day Care and amendments to PUD Ordinances #06-043, 07-007, 07-077, 14-015, as well as Variations to Section 6.13-3 to allow a 4 foot tall fence in the front yard along Dryden Avenue and Section 6.5-2 to allow an accessory structure (playground equipment) within the front yard along Dryden (but not to allow the proposed dumpster enclosure), all subject to the following conditions:

1. Prior to appearance before the Village Board for final approval, the petitioner must provide written confirmation from all utility companies that have rights to the Utility Easement, which states they are amenable to either the proposed encroachments within the Utility Easement or the abrogation or reduction in size of said easement if it is determined that the easement is not necessary. If any amendment or abrogation of the easement is required, this amendment or abrogation must be recorded with the Cook County Recorder of Deeds and proof of this recording must be provided prior to issuance of a building permit.
2. The petitioner must amend the Pedestrian Access Easement to be a 20' wide easement that follows the proposed pedestrian pathway and runs from the northern property line down to the southern property line. This amendment must be recorded with the Cook County Recorder of Deeds, and proof of this recording must be provided prior to issuance of a building permit.
3. The petitioner must amend the existing Cross Drainage Easement as per the requirements of the Engineering Department. This amendment must be recorded with the Cook County Recorder of Deeds and proof of this recording must be provided prior to issuance of a building permit.
4. Prior to issuance of a building permit, the petitioner must provide the Village with an easement for the portion of public sidewalk that encroaches on the southeast corner of the site. This easement must be recorded with the Cook County Recorder of Deeds and proof of this recording must be provided prior to issuance of a building permit.
5. The plans must be revised to relocate the proposed dumpster enclosure and surrounding landscape elements to the location as indicated in Exhibit C, which also may involve the relocation of the 4' tall fence.
6. The plans must be revised to reduce the width of the 35.02' drive aisle so as to be no less than 24' in width and no greater than 28' in width, provided that these reductions still conform to all fire truck turning radius requirements. Such reductions may require the elimination of one parking space.
7. The petitioner shall comply with all applicable Design Commission requirements.
8. The petitioner shall comply with all applicable Federal, State, and Village Codes, Regulations, and Policies.

_____August 19, 2016

Bill Enright, AICP
Deputy Director of Planning and Community Development

C: Randy Recklaus, Village Manager
All Department Heads

EXHIBIT A – PUD Approved Plan

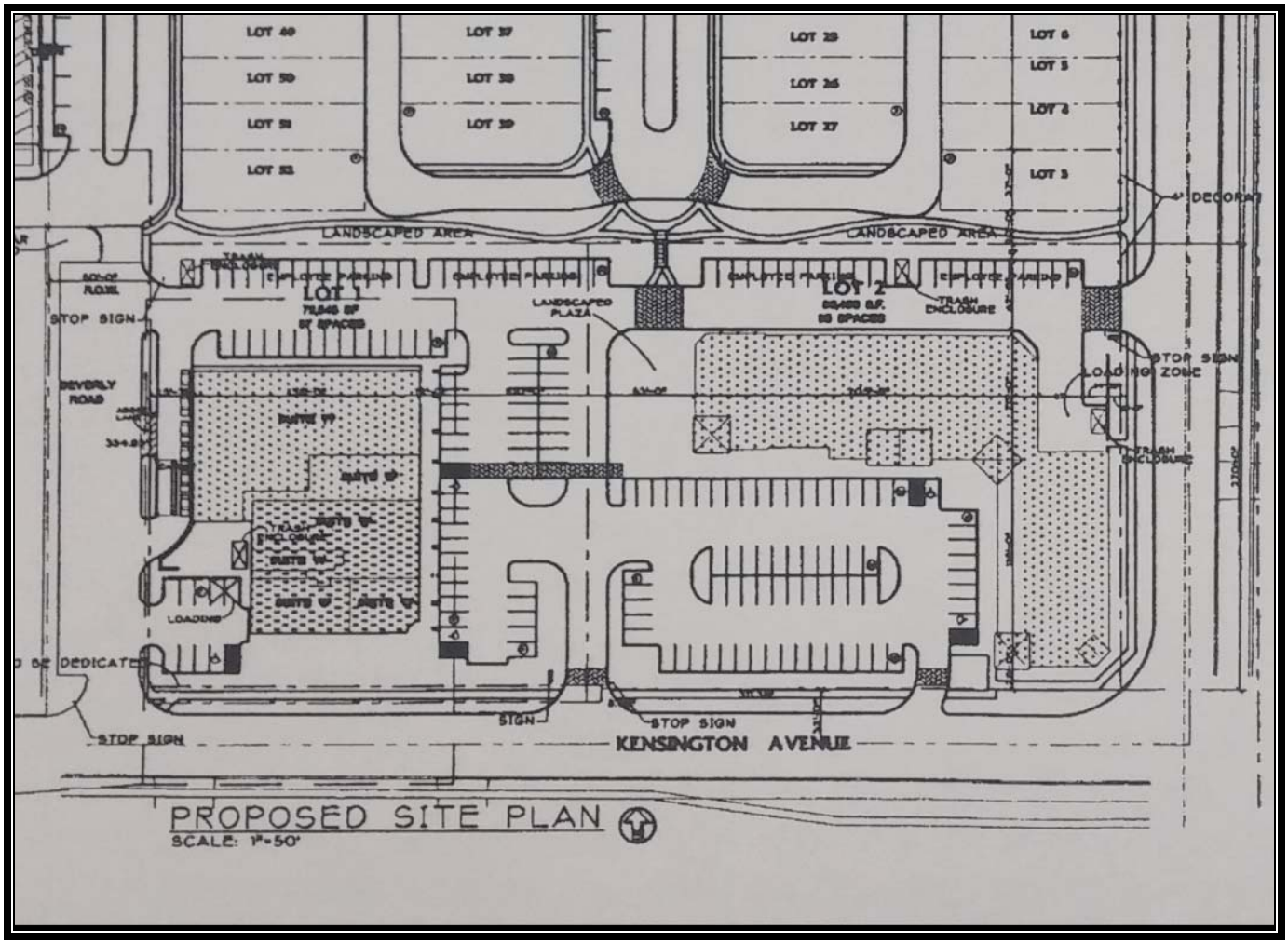
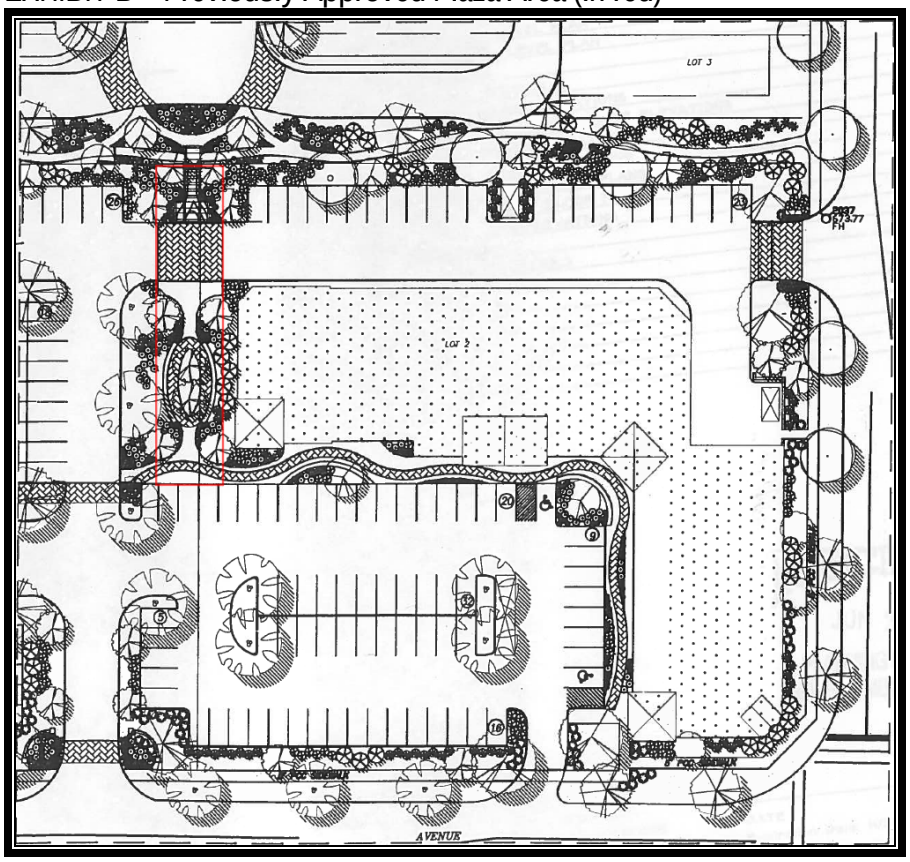


EXHIBIT B – Previously Approved Plaza Area (in red)



Plaza Area Close Up

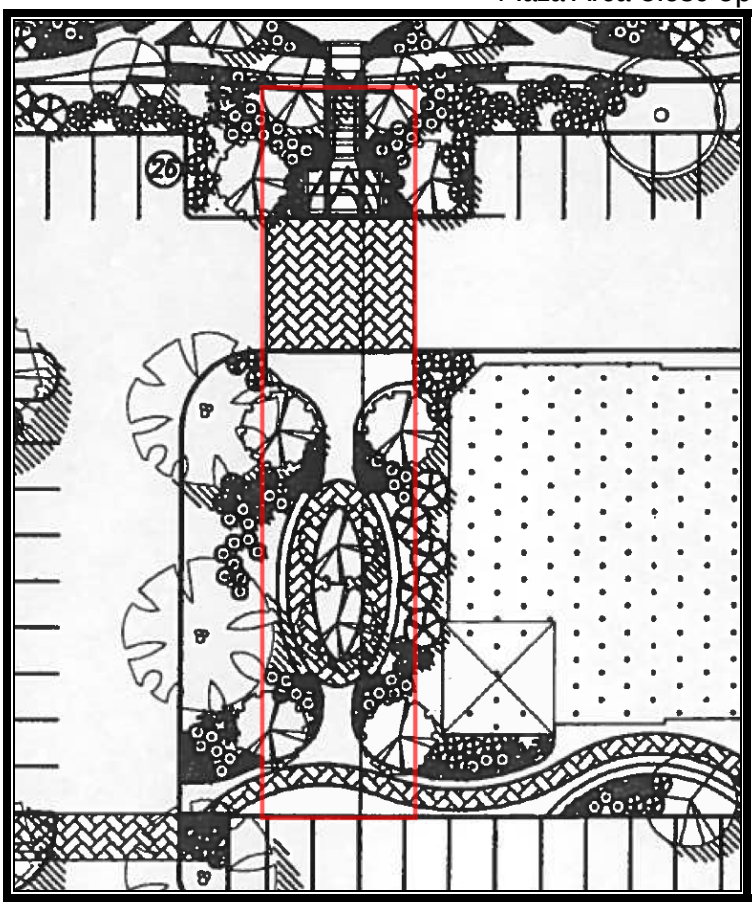
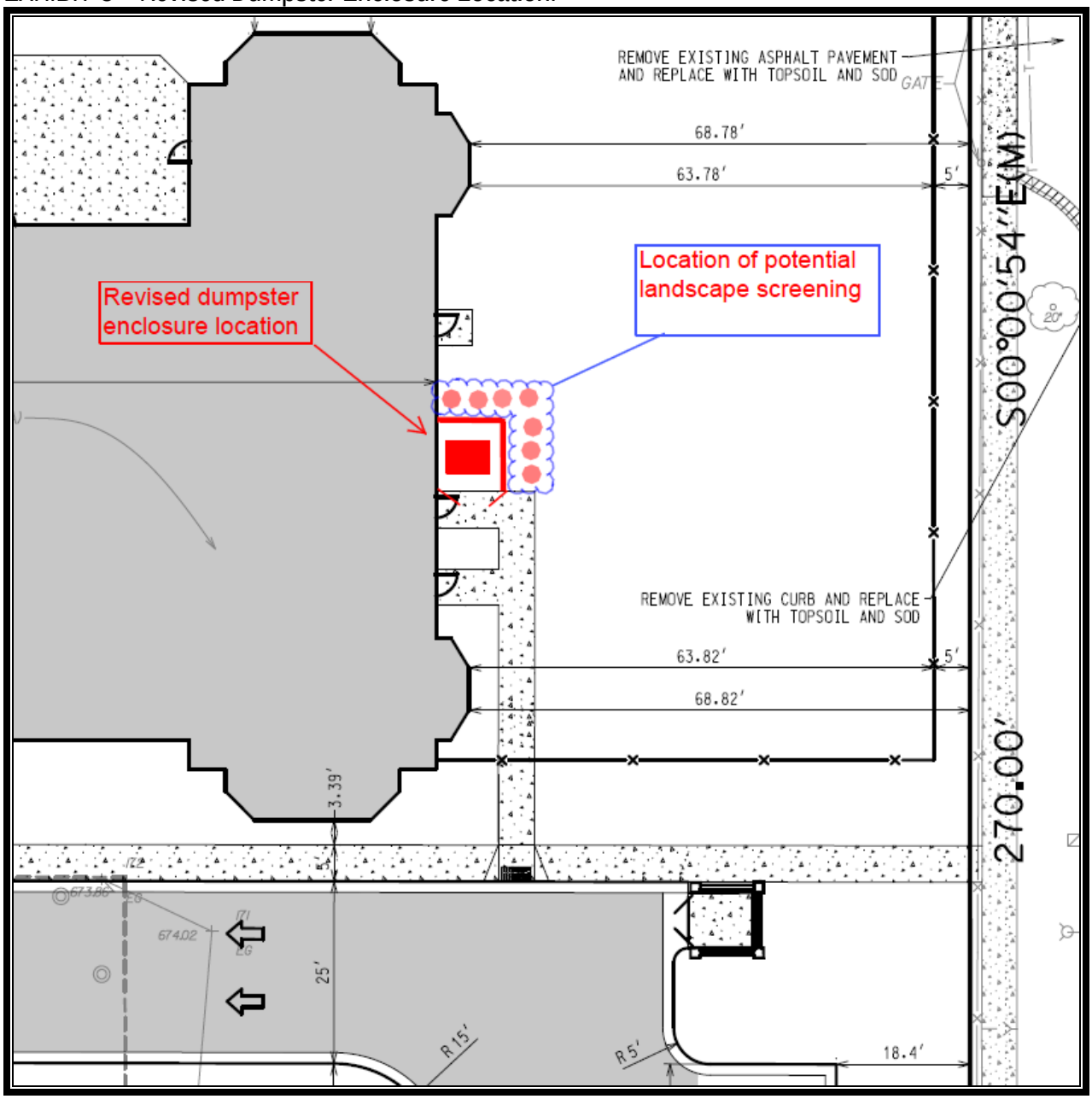



EXHIBIT C – Revised Dumpster Enclosure Location.