



# Agenda Cover Memorandum

**Meeting Date:** March 7, 2016

**Meeting Type:**  COW (Committee of the Whole)  City Council  Budget Workshop

**Item Title:** Approve the first reading of an ordinance for a special use for an assisted living facility in the B-2 General Commercial District, at 501 Busse Highway, Zoning Case Number SU-16-04 subject to 11 stipulations.

**Action Requested:**

<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	For discussion
<input type="checkbox"/>	Feedback requested	<input type="checkbox"/>	For your information

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**Background:**  
DK Acquisitions, applicant, requests a special use for an assisted living facility in the B-2 General Commercial District at 501 Busse Highway. The applicant also had applied for site plan review for the site which included a retail commercial building in addition to the assisted living facility. The site plan has been approved on a vote of 6-1 by the Planning and Zoning Commission (PZC) and it is the special use that is before the Council.

The applicant requests a special use for a four-story, 99,000 square foot assisted living facility containing approximately 110 beds (70 assisted living / 40 memory care). A special use is required for an assisted living facility in the B-2 General Commercial District.

The applicant is proposing a height of 52 feet for the assisted living facility, instead of the permitted 40 feet. This would be an exception to the special use request under section 4.6.D.3.b, which identifies under special uses that the PZC may recommend "exceptions" to the zoning district requirements and the City may approve.

OKW Architects, the architect for the applicant and Terra Consulting Group, Ltd., the civil engineer for the applicant, prepared plans, dated December 28, 2015, and December 15, 2015, respectively. Kenig, Lindgren, O'Hara, Abonna, Inc. (KLOA) prepared a traffic impact study dated December 21, 2015. Terra Engineering also submitted a preliminary drainage analysis dated December 29, 2015.

Section 10.3.A of the Zoning Ordinance states assisted living facilities, independent living facilities and nursing homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. The location, design and operation of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.
2. The facility shall be harmonious with surrounding buildings, in respect to scale, architectural design and building placement. If located within a residential district, the facility shall not alter the residential character of the neighborhood.
3. The surrounding street network shall be capable of accommodating the traffic generated by the facility.

**Agenda Cover Memorandum (Cont.)**

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The Planning and Zoning Commission held a public hearing on the case on February 9, 2016. The Commission recommended approval of the special use by a vote of 6-1, with 2 members absent, subject to 11 stipulations:

1. Allowing an exception for a 52-foot building height for the assisted living facility, instead of the permitted 40-foot height.
2. Meeting the requirements for assisted living facilities as outlined in Section 10.3.A.
3. Meeting all landscaping and screening requirements in Section 13 of the Zoning Ordinance.
4. Any exterior building or site lighting shall be restricted to a maximum of 16 feet in height, and all other exterior light requirements should be met, per Section 11.3 of the Zoning Ordinance.
5. Any proposed signs must comply with the Section 14 of the Zoning Ordinance.
6. Final building design and site layout must be approved by the Appearance Commission.
7. Obtaining an administrative resubdivision to consolidate the property into a single lot of record.
8. All refuse storage areas shall be screened in accordance with Section 13.13.A of the Zoning Ordinance, and all loading areas shall meet requirements in Section 12.15.A.
9. All mechanical equipment must be screened in accordance with Section 11.4.I of the Zoning Ordinance.
10. Ensuring that the applicant satisfies all comments by the City Engineer.
11. The applicant must satisfy any requirements that may be offered by the other City Departments, including the Fire Department.

Resident concerns at the hearing included the unknown name of the retailer, height of the building and stormwater management. The applicant identified that they are speaking with two potential operators, both with significant national reputations, and the two companies were not named because they are currently in negotiations. The applicant's architect identified massing of the building creates character with tallest portion of the building will be pushed to the back of the property. The applicant's engineer testified that all stormwater would be contained on site.

**Recommendation:**

Approve the first reading of an ordinance for a special use for an assisted living facility in the B-2 General Commercial District, at 501 Busse Highway, Zoning Case Number SU-16-04 subject to 11 stipulations.

**Budget Implications:**

Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, Is this a Budgeted Item:

Yes  No  Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

**Attachments:**

- Draft Ordinance
- Draft February 9, 2016 PZC Minutes
- Staff Report and Proposed Plans