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FRED BUCHOLZ
DUPAGE COUNTY RECORDER
AUG. 14, 2009 10:26 AM
OTHER 06-07-216-025
008 PAGES R2009-126890

**REVISED
ORDINANCE 6306**

**ORDINANCE AMENDING ORDINANCE 5665, GRANTING A
CONDITIONAL USE FOR A PLANNED DEVELOPMENT,
WITH A VARIATION FROM PARKING REQUIREMENTS
AND A USE EXCEPTION FOR A DAY CARE CENTER,
UNDER TITLE 15, CHAPTER 155 OF THE CODE OF
LOMBARD, ILLINOIS**

PIN: 06-07-216-025 and 06-07-217-017

Address: 215 and 220 S. Lincoln Street, Lombard, IL 60148

Return To:

**Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 6306
Revised July 30, 2009

**AN ORDINANCE AMENDING ORDINANCE 5665 GRANTING A
CONDITIONAL USE FOR A PLANNED DEVELOPMENT, WITH A VARIATION
FROM PARKING REQUIREMENTS AND A USE EXCEPTION FOR A DAY
CARE CENTER, UNDER TITLE 15, CHAPTER 155 OF THE CODE OF
LOMBARD, ILLINOIS**

(PC 08-32; 215 and 220 S. Lincoln Street)
(St. John's Evangelical Lutheran Church & School)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned R2PD Single Family Residence Planned Development District; and,

WHEREAS, an application has been filed requesting approval of an amendment to the conditional use for the St. John's Evangelical Lutheran Church & School Planned Development, as established by Ordinance 5665, to provide for a Day Care Center;

WHEREAS, said application also requests approval of a use exception pursuant to Section 155.508 (B) of the Zoning Ordinance of the Lombard Village Code to provide for a Day Care Center;

WHEREAS, said application also requests approval of a further variation from Section 155.602 (C), Table 6.3 of the Zoning Ordinance to not require additional parking spaces to be constructed as part of the petition;

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on November 17, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the zoning actions described herein, subject to conditions; and,

WHEREAS, at the Village Board meeting of December 9, 2009, the President and Board of Trustees remanded the petition back to the Plan Commission to consider additional information; and

WHEREAS, the Plan Commission, at its meeting of January 26, 2009, considered the additional testimony and materials relative to the remand from the Village Board; and

WHEREAS, in consideration of this additional information, the Plan Commission has forwarded its findings with no recommendation to the Board of Trustees; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the following amendment to the conditional use for a planned development, use exception, and variation as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance (major changes to a planned development), amend the conditional use for the St. John's Evangelical Lutheran Church & School Planned Development, as established by Ordinance 5665, to allow a private day care center to be operated within the old school building;
2. Approve a use exception, pursuant to Section 155.508 (B) of the Zoning Ordinance, for a private day care center; and
3. A further variation from Section 155.602 (C), Table 6.3 of the Zoning Ordinance, as approved by Ordinance 5665, to not require additional parking spaces to be constructed as part of the petition.

SECTION 2: That this Ordinance is limited and restricted to the properties located at 215 and 220 S. Lincoln Street, Lombard, Illinois and legally described as follows:

Parcel 1:

LOT 1 IN ST. JOHN'S PLAT OF CONSOLIDATION OF PART OF LOT 8, ALL OF LOTS 9, 10, AND 11, AND PART OF LOT 12 IN BLOCK 27 IN THE TOWN OF "LOMBARD", BEING A SUBDIVISION IN SECTIONS 5, 6, 7, 8 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF CONSOLIDATION RECORDED OCTOBER 17, 1997 AS DOCUMENT R97-158850, IN DUPAGE COUNTY, ILLINOIS.

Parcel 2:

LOT 1 IN ST. JOHN'S SECOND PLAT OF CONSOLIDATION OF PART OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 13, 2006 AS DOCUMENT R2006-198281, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-07-216-025 and 06-07-217-017; (the "Subject Property").

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall occupy only two classrooms (Rooms 101 & 103) and one office on the first floor the St. John's Lutheran old school building, making periodic use of the kitchen and gymnasium in that building. As an alternative, the petitioner may occupy the room on the lower level which is directly adjacent to the kitchen for the daycare use. But for its use as a lunchroom, in no event shall the room adjacent to the kitchen be used for daycare purposes in conjunction with Rooms 101 and 103.
2. Should the petitioner seek to make a substantial change the proposed use such as, but not limited to, expanding the proposed day care center by occupying other rooms on the subject property or increasing the number of children accommodated at the facility beyond forty (40), a conditional use amendment will be required.

3. Any portions of the existing school building not indicated in condition one (1) shall be used exclusively for capital plant, storage purposes, offices and/or meeting space. Should any additional use be proposed beyond these uses, a conditional use amendment will be required.
4. The petitioner and property owner shall agree upon a location within the southern parking lot to designate four (4) parking spaces for Creative Day drop-off/pickup, subject to the review by the Director of Community Development. Signage shall be installed at these parking spaces indicating that parking is reserved for Creative Day drop-off between 7:00 a.m. and 8:30 a.m. and pickup between 4:00 p.m. and 5:30 p.m. on Monday through Friday.
5. Previous to occupying the old school building, the petitioner shall meet all requisite code compliance and life safety issues. Also, the petitioner shall apply for and receive a building permit for any interior building improvements.
6. If rooms 101 and 103 are used for daycare purposes, the petitioner shall bring that portion of the subject building, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code, and shall include the following:

Room/Area	ADA Improvements
Stairwells/Hallway	Chairlift from ground level to first floor (stairway), and compliant handrails
Classroom 1	Lever door handles
Classroom 2	Lever door handles
Office	Lever door handles
Lunchroom	Lever door handles
Upstairs Bathroom	Build-out to accommodate wheelchair turning radius, ADA compliant sink, grab bars, ADA compliant fixtures, and ADA compliant doorway width

7. In the event the petitioner decides to only occupy the downstairs level, the following improvements will be required:

Room	ADA Improvements
Downstairs Bathroom	ADA compliant bathroom stall, ADA compliant sink, grab bars, ADA compliant fixtures, and ADA compliant doorway width
Lunchroom	Lever door handles

8. If the first level classrooms (Rooms 101 and 103) are used for the day care use, the petitioner shall provide for and install a required chairlift within eighteen (18) months from the date of approval of this Ordinance.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 5th day of February, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this 19th day of February, 2009, pursuant to a roll call vote as follows:


Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

Absent: None

Approved by me this 19th day of February, 2009.

Ordinance No. 6306 Revised
Re: PC 08-32
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William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published in pamphlet from this 23rd day of February, 2009.


Brigitte O'Brien, Village Clerk



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a
copy of

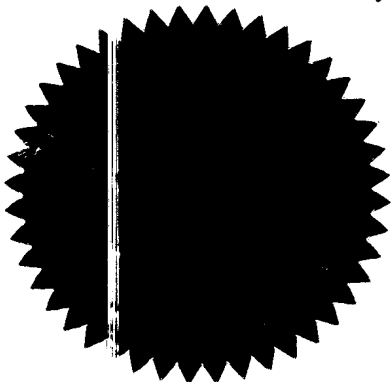
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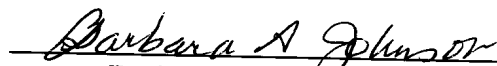
PIN: 06-07-216-025 and 06-07-217-017

Address: 226 and 218 W. ST. CHARLES RD.,
LOMBARD, IL

of the said Village as it appears from the official records of said Village duly approved this 19th day of September, 2009.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 10th day of August, 2009.





Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois