

**VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda**

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
 Recommendations of Boards, Commissions & Committees (Green) \_\_\_\_\_  
 Other Business (Pink) \_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES  
 FROM: David A. Hulseberg, Village Manager *[Signature]*  
 DATE: December 9, 2008 (BOT) Date: December 18, 2008  
 TITLE: PC 08-32: 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School)  
 SUBMITTED BY: Department of Community Development *[Signature]*

**BACKGROUND/POLICY IMPLICATIONS:**

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petition requests that the Village take the following actions on the property located within the R2PD Single Family Residence Planned Development District:

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. (DISTRICT #1)

The Plan Commission recommended approval of this petition with amended conditions. Please place this item on the December 18, 2008 Board of Trustees agenda.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Village Attorney X \_\_\_\_\_  
 Finance Director X \_\_\_\_\_  
 Village Manager X \_\_\_\_\_ *[Signature]*  
 Date \_\_\_\_\_  
 Date \_\_\_\_\_  
 Date 12/10/08 \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP, Director of Community Development *WH*

**DATE:** December 18, 2008

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

Attached please find the following items for Village Board consideration as part of the December 18, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-32;
3. An Ordinance granting an amendment to a conditional use for a planned development, with a variation from parking requirements and a use exception for a day care center in the R2PD Single Family Residence Planned Development District; and
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition with conditions. In addition to the five conditions in the staff report, the Plan Commission has recommended the addition of the following condition:

The petitioner shall bring any portion of the subject building, which is to be occupied by or ancillary to the subject day care facility, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code.

To address the condition noted above, staff is also transmitting a status memo along with a letter to the petitioner dated December 8, 2008 and their response letter relative to the condition added by the Plan Commission;



**MEMORANDUM**

**TO:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP, Director of Community Development *WH*

**DATE:** December 9, 2008

**SUBJECT:** PC 08-32; 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School) – Condition requiring ADA/IAC improvements

On November 17, 2008, the Plan Commission recommended approval of the zoning actions associated with the petition with conditions. In addition to the five conditions in the staff report, the Plan Commission has added the following condition:

The petitioner shall bring any portion of the subject building, which is to be occupied by or ancillary to the subject day care facility, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code.

At the request of the petitioner, this item was continued to the December 18, 2008 Village Board Meeting to allow the petitioner and staff time to inspect the facility as it relates to the additional condition by the Plan Commission. Following the inspection by staff, a letter was drafted on December 8, 2008 to the petitioners. This letter detailed the condition as recommended by the Plan Commission that all areas to be used by Creative Day within St. John's old school building shall be brought up to the same standards required for new construction regarding the Americans with Disabilities Act and the Illinois Accessibility Code. This letter is attached. Though this condition was not proposed by the Community Development Department, staff has identified some of the improvements that would be required and has estimated those costs.

Staff received a response to said letter from the petitioner, William Dennis, on December 9, 2008. The letter from Mr. Dennis is attached. The petitioner indicated that he has been in consultation with the Illinois State Capital Development Board, a contractor, and an architect. Mr. Dennis states that these individuals have informed him that, as the Americans with Disabilities Act and the Illinois Accessibility Code is written today, Creative Day would not be required to make additional improvements related to the ADA/IAC. However, the Plan Commission's recommended condition would require the petitioner to go beyond what the ADA/IAC would require, obligating them to meet the same standards as new construction.

Within his letter, Mr. Dennis states that the costs associated with meeting this condition could effectively keep Creative Day Learning Center from opening at the proposed location. He has expressed to staff that they do not want to withdraw the petition, but is asking the Village Board to

approve their petition without the added condition to provide for the full accessibility accommodation as recommended by the Plan Commission.

Staff notes that four options are available to the Village Board:

1. Approve the petition as recommended by the Plan Commission.
2. Approve the petition, but strike or amend the additional accessibility requirement recommended by the Plan Commission.
3. Deny the petition in its entirety.
4. If the Board wants further consideration of the accessibility condition recommended by the Plan Commission prior to consideration by the full Village Board, the Board could remand the petition back to the Plan Commission.

VILLAGE OF LOMBARD  
 255 E. Wilson Ave.  
 Lombard, Illinois 60148-3931  
 (630) 620-5700 Fax (630) 620-8222  
 www.villageoflombard.org



Village President  
 William J. Mueller

Village Clerk  
 Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1  
 Richard J. Tross, Dist. 2  
 John "Jack" T. O'Brien, Dist. 3  
 Dana L. Moreau, Dist. 4  
 Laura A. Fitzpatrick, Dist. 5  
 Rick Soderstrom, Dist. 6

December 8, 2008

William Dennis and Cheryl Holtz-Dennis

442 N. Park Ave.

Lombard, IL 60148

RE: ADA/AC Requirements for Creative Day Learning Center

Dear Mr. Dennis and Mrs. Holtz-Dennis:

I am writing this letter in response to your request for clarification regarding the condition that the Plan Commission has added to their recommendation for approval of PC 08-32. This condition is as follows:

The petitioner shall bring any portion of the subject building, which is to be occupied by or ancillary to the subject day care facility, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code.

The intention of this condition is that all areas to be used by Creative Day within St. John's old school building shall be brought up to the same standards required for new construction regarding the Americans with Disabilities Act and the Illinois Accessibility Code. The installation of an elevator was specifically excluded by the Plan Commission. As you have expressed concern about the potential costs associated with this condition, staff has researched the requirements of this condition and has conducted a walkthrough evaluation of the spaces to be used by Creative Day. Below are some of the improvements staff has identified and their estimated cost:

|   |                           |
|---|---------------------------|
| Chairlift   | \$12,000 - \$17,000       |
| Two proposed openings in classrooms (Proper width - no additional cost) | (Meets width requirement) |
| Doors 3' wide   | \$200                     |
| Door levers   | \$4000                    |
| Downstairs washroom enhancements  | \$7500                    |
| Upstairs washroom build-out to meet size requirements                   | \$23,700 - \$28,700       |
| <b>Total estimated cost</b>   |                           |

The above table is not meant to be inclusive of all costs associated with this condition but rather to give you an estimated budget to work from. Please have your architect review these items and provide you with a more precise estimate.

"Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."  
 "The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Village Manager  
 David A. Hulseberg

Creative Day Learning Center  
ADA Requirements Letter

These are the primary items identified by staff at this time. However, this list is subject to further review and may be revised at a future point in time.

Please note that this list is exclusive of any requirements of the State Fire Marshal or DCFS that would be applicable regardless of the added condition of approval. Creative Day Learning Center will still have to meet all separate life safety requirements.

The Village Board will consider this petition and the recommended conditions of approval at its December 18, 2008 meeting. However, if you have any concerns regarding this condition, please provide said concerns in writing to me by Tuesday, December 9, 2008 so we can inform our Village Board accordingly. If you find this condition acceptable, please notify us of this as well.

Sincerely,

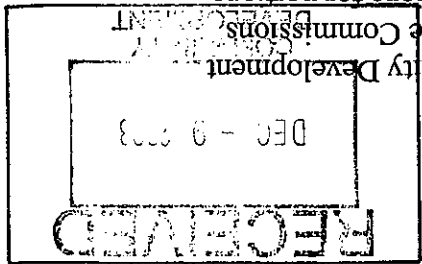
**VILLAGE OF LOMBARD**  
**Department of Community Development**



Stuart Moynihan  
Associate Planner

C: David A. Hulseberg  
William J. Heniff  
Chris Stilling

H:\CD\WORD\USERS\RPCAS\SES\2008\FC 08-32\ADA compliance letter.doc



This is in response to a request from Stuart Moynihan from the Community Development Department to know Creative Day Learning Center's stance regarding the ADA regulations for portions of St. John's Lutheran Church 'Old School' that are to be used for Creative Day's day-to-day operations due to 'life safety' issues.

Creative Day has consulted with Doug Gamble of the Illinois State Capital Development Board, a contractor experienced in ADA compliance issues and an architect also familiar with ADA compliance issues and none of them believe Creative Day Learning Center is mandated to convert St. John's 'Old School' to ADA compliance. This is relying upon Section 400.510 (b) page 105 of the Illinois Accessibility Code, which reads as follows:

**All Public Facilities - Alteration Costs 15% or Less.**

If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction. Further, after discussing this issue with Mr. Gamble, he referred to the \$100,000.00 alteration threshold. Meaning that if the alterations are under \$100,000.00 ADA compliance is limited to those areas altered and not to the remainder of the structure.

This Section is interpreted to mean that the alterations themselves, not the entire used space are to comply with applicable requirements. The only alteration that relates to access for handicapped individuals is the opening of the walls from each classroom to the office for access to the bathroom on the first floor. No bathroom is being altered, no stairwell, or entrance is being altered. The only alterations being considered that pertain directly to accessibility issues are one wall in each classroom. Additional modifications to the fire protection system and updating the kitchen are also planned but are not accessibility issues.

The entire cost of alterations necessary to open Creative Day Learning Center are under \$50,000.00 and therefore well under 15% of the reproduction cost of the facility. Just as a reference the 'New School' cost over \$6,500,000.00 to build and if built today would be substantially more and that is substantially a substitute for the 'old school'. Further, the alterations are under the \$100,000.00 threshold referenced in the Illinois Accessibility Code.

To further comply with the Community Development Department's request, Creative Day answers that if mandated to comply with all ADA requirements outlined in their recent correspondence from Village Staff it would more than double the build-out costs and effectively keep Creative Day Learning Center from opening at St. John's Lutheran 'Old School'. Creative Day has only been able to negotiate a lease for two years with St. John's. While there is the possibility of extending lease periods beyond that time, there are no guarantees that further leases will take place. Creative Day Learning Center would be hard pressed to recoup this additional investment in two years. St. John's has discussed many different long range plans for the 'Old School' including tearing the building down.

Creative Day Learning Center is owned and operated by Cheryl Holtz-Dennis and as such does not have the resources that larger, corporate day care centers have to comply with this type of mandate. Additionally, Creative Day Learning Center is not equipped with the manpower and/or training to take on handicapped individuals as outlined here. Additionally, after writing this I spoke to Mr. Gamble of the Illinois Capital Development Board and he will be replying by e-mail, which I will forward on to you as soon as I receive it.

Thank You,  
Bill Dennis for Cheryl Holtz-Dennis  
Creative Day Learning Center



VILLAGE OF LOMBARD  
 255 E. Wilson Ave.  
 Lombard, Illinois 60148-3931  
 (630) 620-5700 Fax (630) 620-8222  
 www.villageoflombard.org



Village President  
 William J. Mueller

Village Clerk  
 Brigitte O'Brien

Trustees

Greg Alan Cron, Dist. 1  
 Richard J. Tross, Dist. 2  
 John "Jack" T. O'Brien, Dist. 3  
 Dana L. Moreau, Dist. 4  
 Laura A. Fitzpatrick, Dist. 5  
 Rick Soderstrom, Dist. 6

Mr. William J. Mueller,  
 Village President, and  
 Board of Trustees  
 Village of Lombard

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

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Creative Day Learning Center, requests that the Village take the following actions on the property located within the R2PD Single Family Residence Planned Development District:

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;

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

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.

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 17, 2008. William Dennis, husband of Cheryl Holtz (owner and operator), 442 N. Park Ave., Lombard, presented the petition. He stated that he and his wife have been residents for twenty years. Creative Day Learning Center was opened in 1981 in Villa Park and has been operating for twenty-six years. An expansion of another program in Villa Park led them to seek another place to operate their business and they have been out of the Villa Park location since July actively looking for another space. He stated that they have always wanted to do business in Lombard and that they have not found an acceptable space other than the proposed space.

He stated that they wish to occupy the old school across the street from the new school building at St. John's. He stated that Creative Day approached St. John's looking for space rather than the other way around. A friend of theirs had mentioned that there was empty space in the old school. They had discussions with St. John's and afterward it was decided that they could take two rooms on the first floor. He stated that state agencies such as DCFS, the Health Department, and state Fire Marshal had inspected the areas they proposed to occupy. The state agencies were considered of time constraints involved and after going through the school, it was determined they could occupy the first floor with some modifications. State regulations mandate that as of October 1st they have to conform to strict standards for kitchens similar to restaurants - it has to be a fully commercial kitchen and the heat and smoke detectors and strobes must run throughout the building. Creative Day plans to do this.

Mr. Dennis stated that Creative Day only plans to have 40 students. He mentioned concerns about bathrooms and sprinkling and stated that they could never expand to the third floor as it would require sprinkling and Creative Day couldn't absorb that cost. After talking to state agencies, they were told that if they stayed on the first floor, there would be adequate windows for egress.

They were informed about applying for the conditional use after coming to the Village. They had initial meetings with all the departments and staff told them what they needed to do. David Hulseberg and other heads of departments asked questions and they were answered. The answers seemed to be adequate. Recently, they were informed it was strictly a zoning issue of putting a for-profit business in a residentially zoned area. In order to address that issue, you have to look at that area and the property to understand that the area is not predominantly residential in nature. He mentioned churches, the library, parking lots, condominiums and homes. He stated that he had received the letter of complaint sent by Ms. Ness. He stated that they were informed about the contentions concerning the new school so they walked the area on Ash Street and talked to residents including Mrs. Ness. Other than Mrs. Ness and one of her neighbors who had concerns about St. John's in general, no one had any concerns in the immediate area about the proposal. A few were actually glad.

Mr. Dennis asked how this could be a precedent. They found out about the decision to recommend denial earlier this week. He believes there are private day center centers in churches elsewhere in Lombard and mentioned The Growing Place on Madison. He stated that there are many large home day care facilities and mentioned websites that take groups within that area in homes. He also mentioned other facilities in other communities that have this situation.

Regarding the tax situation at the church, he stated that would be handled easily. The church will have an income from this which would be no different then them renting out their hall. From previous experience with churches, the church understands they have to pay tax on that and that has not been an issue. He stated that the request will not set an undue hardship or precedent for this community. This use is compatible with the area and what is across the street. He again stressed that Creative Day approached the church looking for space. This area has the green space that they require for the day care. He stated that they were asked to cap at forty children and are agreeable to that as Mrs. Holtz wants to keep it small. She likes to have a personal relationship with the kids and their parents. She is not an absentee director - she is always there.

He mentioned that the church may have inadequacies but stated that he could not speak for the church.

Mr. Dennis then referred to an architect stamped building plan which shows the improvements they will be making. He indicated that the architect put the basement as the first floor. The kitchen will have a commercial grade triple sink, prep sink, convection oven, and freezer and refrigerator. The remainder of the kitchen would be used by St. John's. The lunchroom would be shared with other uses by the church. He stated that they do not need to have upgraded toilets right in the room which satisfies the state agencies. He referred to the removal of walls on the second floor and the doorways that would have to be cut to make way to the bathroom. The concern about going through load-bearing walls is non-existent. Creative Day will use classroom number one and over time would move into the second classroom as enrollment became bigger.

He stated that with regard to fire equipment there are pull stations and emergency lighting. Smoke detectors and strobes will be put in the gym and down each hallway. There will be one in each stairwell, one in each classroom, and one in bathroom. The windows are of sufficient diameter should they need egress. Air conditioning would also be put in each classroom.

Mr. Dennis indicated that a schedule could be worked out to use the playground in the back of the building. CDC has an active curriculum as mandated by DCF and the state. There is a library across the street which could be used. Mrs. Holtz also likes to take field trips on the train and would utilize some things in the area like the pool at Moran Water Park. He stated that the amenities in the area are conducive to her business. He mentioned Lilacia Park. He emphasized again the area is very conducive to the type of drop off and pick up they will be conducting. He mentioned the traffic study which came back favorably. St. John's has a very structured drop off and pick up and he explained the procedure. He mentioned their major drop off time would be from 7 a.m. to 8:15 a.m. with pick up time being after 4:00 p.m. resulting in minimal overlap. He mentioned that the eight spaces on Lincoln Avenue can't be counted toward parking but they can be used. He stated that there are more than enough spaces to accommodate both the school and the day care. He stated that staff has said there should be four spots reserved for Creative Day in the parking lot. He stated that the parish administrator said there would be no problem with this.

Mr. Dennis discussed the variation for parking. He stated that the church does not have uses that overlap with the day care times. There may be a rare funeral which might overlap. The parking spaces are not being used at the same time.

Creative Day will use two classrooms and will have four teachers. He mentioned the things they have already done to improve the space. They painted one of the rooms and kitchen at a cost of about \$4,000. They have received estimates from Fox Valley for fire equipment. He had contacted a carpenter and plumber for the kitchen and wall break outs. They have had the locks changed on doors. They have paid for a traffic study and the application. He estimated they have spent \$10,000 to get to this point of preparing to occupy the space. He stated that he hopes the Commissioners look at all the issues and the nature of the immediate neighborhood. He felt that this use would not adversely affect the residential neighborhood as this proposal will not set a precedent as The Growing Place has been there for 30 years. He stated that several home day

cares are within the vicinity. Unless staff has done research, there are these types of small businesses in homes or in churches that have the same impact on the community.

Chairperson Ryan then opened the meeting for public comment.

Tracy Bingham declined to speak.

Kenneth Bohl, 213 W. Ash St., stated that he lives three homes west of Lincoln on Ash. He stated that as a neighbor, his impression of Creative Day is that it is a fine organization. He has met and was very impressed with William and Cheryl and wishes them the best. He indicated that he takes exception that this is the place for their business and had three concerns.

Mr. Bohl believes the old building to be inadequate. He believes the proposal is lacking handicap accessibility and does not see it addressed in the proposal. This is the law. This is a new use proposed for the building and therefore, should be brought up to compliance. There are also issues with fire escape. It was stated two years ago that this was inadequate. Escaping from the window would mean taking a flying leap out of the windows and he felt that should not be part of the plan. He asked if St. John's tax advantages as a religious institution had been addressed as this represents an unfair competitive advantage over day cares in private facilities. He stated that if they are to have forty children there is an overlap with the school regarding parking. He stated that he has seen the review group report that some study has been done and that the parking is adequate. He indicated that as a neighbor, he has tried to get out in time of traffic congestion and has been totally frustrated. The reality is that people are stopped waiting blocking the street.

Chairperson Ryan asked if anyone would speak in favor of the petition.

Janet Imbrogno, 14 Lincoln Court, stated that she had come in support of the petition and that she would like to read a letter of support from another woman that could not attend. The letter was from Alice Glennon, 331 W. Brookfield Street. She stated that she has lived in Lombard for thirteen years and is raising three children. She has known the petitioners for ten years, they have lived in Lombard for twenty-one years, and have been on many committees. She understands the concerns about the proposal but asked how many other businesses are in that area? Creative Day is unique and gives a personal touch. It gives the young children a home away from home feeling with a great environment. Mrs. Holtz's business will bring in more revenue while they will use other community facilities. It will be a great asset. The letter stated that she had witnessed the owners and their relationships with kids who used to go there.

Ms. Imbrogno stated that she has knows both of the petitioners and that they were looking for a place in Lombard. She said she was trying to help and it was her idea that they approach St. John's. She stated that Cheryl is Lutheran and a thoughtful person and she knows how thoughtful St. John's has been in Lombard. She stated that she thought it was the perfect fit, and she hopes that it can be worked out.

Karen Ness, 219 W. Ash St., stated that she had submitted a letter with complete objections. She stated that this is a for-profit business wanting to operate in a non-profit, non-commercial area.

She asked if a request like this one was ever approved before. She asked should the action be approved could any owner be allowed to operate a commercial business on their property. She mentioned the parking plan that St. John's has and stated that she wished they would use it. She mentioned how she used to live in a residential area before St. John's decided to expand. She stated that property values continue to drop because of St. John's intrusion.

Mr. Dennis offered to respond to the comments made. With regard to the ADA, the petitioners had not heard back from them. However, they had talked to state agencies and it was not deemed necessary to be handicap accessible to operate in that building. With regard to the windows, the egress is for firemen to get to the children and get them out. If they had to one could hold a child's arm and lower them to the ground. With regard to parking overlap, there will be four spaces taken all day. The rest is used for drop off and pick up. All forty kids will not be dropped off or picked up at one time. Part of the problem with Ash Street is that the parking on Ash is from the condos across the street who also park in St. John's. With regard to tax advantages, he stated that Creative Day will pay rent just like anywhere else and that St. John's is looking into property taxes. There is no competitive advantage; it's just that this space is open and there are no other sufficient green spaces in Lombard. Creative Day will have four dedicated parking spaces with signs within the parking lot of St. John's. With regard to this being a residential area, he stated that while Creative Day is a business, it is also a school. The Village of Lombard chooses to zone churches as residential and this is like a campus. There are more parking spaces than there are buildings on that block. He stated that to say this is a purely residential zoned area is a misnomer.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff has prepared a report and is submitting it to the public record in its entirety. Additionally, staff has received from the petitioner: a letter from the petitioner, five letters of support, and an interior plan to be submitted to the record.

The petitioner, Creative Day Learning Center, is proposing a private, commercial day care center at the former site of the St. John's Lutheran School, 215 S. Lincoln Avenue. The petitioner wishes to occupy two classrooms and an office within the "old school" building on the east side of Lincoln Avenue. The petitioner will also use the kitchen, gymnasium, and outdoor play areas at the old school building. The petitioner states that the Illinois Department of Children and Family Services has reviewed Creative Day Learning Center's proposal to accommodate forty (40) children with four (4) employees. Pursuant to Ordinance 5665, which established the planned development, a conditional use amendment, use exception and parking variation are required.

Both public and private schools are listed as conditional uses within all residential zoning districts in the Village. Day care centers have not been established by the Zoning Ordinance as appropriate uses within residential zoning districts as they are listed neither as permitted uses nor conditional uses. Day care centers, being commercial enterprises are listed only as conditional uses, only within commercial zoning districts.

In 2005, the Board of Trustees approved Ordinance 5665 granting a conditional use for a planned development along with a parking variation to allow the construction of a new private elementary school at 220 S. Lincoln Street, located directly west of the subject property. During the public hearing process, the property owner indicated that the old school building was outdated and generally an inadequate learning facility for children. Due to this testimony, one of the conditions of Ordinance 5665 required that any proposed day care facilities, pre-school activities, or elementary school activities within the old school building proceed as an amendment to the conditional use for a planned development. Therefore, the Village would have the opportunity to review proposals for any such uses. In addition, since day care centers are not listed as a permitted or conditional use within the underlying R2 Single-Family Residence District zoning on the subject property, a use exception is necessary as well.

Creative Day Learning Center plans to lease space from St. John's Lutheran Church within the old school building. Staff has concerns that these facilities remain outdated and inadequate for educational uses as was represented during the previous public hearing.

Staff notes that during a comprehensive review of the property, an item of concern has arisen. According to the property owner, a second church has been meeting within the old school gymnasium. The parish administrator has indicated that this church meets on Sunday from 2:00 p.m. until 5:00 p.m. The church, Rehoboth Empowerment Christian Church, is not affiliated with St. John's Lutheran but is allowed to use the gymnasium space for free. As this use is not consistent with the conditions of approval of Ordinance 5665, the property owner has been informed that a conditional use amendment would be necessary to allow the church to continue its current operation within the old school building. In the alternative, the second church could move its worship service into the church building without the need for zoning relief.

Ordinance 5665 also granted a variation from the required number of parking spaces on the subject property. As the proposed day care center would be a new use not providing any new parking spaces on the property, a further parking variation is necessary.

The Zoning Ordinance considers each use within the overall development as a separate and distinct use for which parking would need to be provided. Although the existing parking lot serves both the church and school, primary parking demand on weekdays is generated from the school activities and not the church.

The Zoning Ordinance requires that a day care center provide two (2) spaces per one thousand (1000) square feet of floor area. As the two classrooms and office proposed to be occupied by Creative Days total 2011 square feet in area, the petitioner would need to provide four (4) additional parking spaces.

The Village's traffic consultant KLOA has conducted a review and has indicated that a day care center of this size would have a peak parking demand of seven (7) spaces including a constant demand of four (4) parking spaces for employees. KLOA finds that these spaces could be accommodated within the parking area in the adjacent right-of-way or the southern parking lot.

Staff has reviewed the operations of the proposed day care center for compatibility with surrounding land uses. As part of this review, staff has considered that the area surrounding St. John's Lutheran Church/School site is particularly sensitive to intensified uses as many of the properties are residential.

The petitioner has stated that the proposed use would operate in a manner similar to the school which previously occupied the building but on a smaller scale. It is staff's opinion that although a private day care facility may operate in a similar manner, the use is inherently different as a commercial entity. It is the goal of most commercial businesses to grow into larger, more profitable businesses. Staff believes that the St. John's campus has reached its usage capacity and that an introduction of new uses may adversely affect the neighborhood.

KLOA reviewed the proposed development and visited the site to determine the impacts of the proposed use.

The petitioner proposes to conduct drop-off and pickup activities within eight public parking spaces on the eastern side of Lincoln Avenue. During drop-off and pickup activities, parents will enter the old school building to bring their children to or retrieve them from the classrooms. According to the petitioner, the primary times for drop-off will be between 7:00 and 8:00 a.m. and for pickup between 4:00 and 5:30 p.m.

KLOA finds that the existing drop-off and pickup procedures currently utilized by St. John's work well, causing little conflict on adjacent rights-of-way.

KLOA has recommended that some spaces within the southern parking lot be allocated for Creative Day drop-off and pickup as an alternative to the public spaces located on Lincoln Avenue should those spaces be occupied.

The proposed use is contrary to the objectives of the current Comprehensive Plan. As previously stated, the Comprehensive Plan identifies the property for public and institutional uses. The introduction of a commercial entity onto a property which is intended to be used for public and institutional uses sets a precedent not only for that property but other such properties as well. It is staff's concern that the old school building will eventually begin to serve a truly commercial function through the proposed day care use, its future growth, or the introduction of other business entities.

Staff is not supportive of the conditional use amendment to the planned development and use exception as the request does not meet the following standards as required by the Zoning Ordinance:

A. Standards for Conditional Uses

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.

As the subject property is located in a primarily residential area, the establishment of additional entities, commercial or otherwise, does have the potential to be injurious to the enjoyment of other property in the immediate vicinity and to diminish property values. Staff believes that as the subject property, which currently supports multiple uses, nears its operational capacity, this potential becomes greater.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.  
The Comprehensive Plan identifies the property for public and institutional uses. Staff finds that, from a land use perspective, a commercial day care center as proposed would be not compatible with the religious/institutional uses on the property.

B. Standards for Planned Developments

General Standards

4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.

Staff finds that the petitioner's proposal is not within the public interest as the potential for incompatibility with surrounding land uses outweighs the potential public benefit.

Standards for Planned Developments with Use Exceptions

1. The proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.  
Staff finds that the proposed use may diminish the overall quality of the planned development as the proposed use has the potential to interfere with the operations of the existing uses. The addition of the proposed use is not expected to benefit the existing uses (other than financially).

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.

For the reasons stated above, staff finds that the use will potentially have a detrimental influence to the surrounding properties.

Staff does not believe that the Standards for Planned Developments and Standards for Conditional Uses have been met. However, in the event that the Plan Commission finds that the standards required by the Zoning Ordinance have been met and that the proposed use will enhance the planned development, it is staff's opinion that a recommendation for any favorable action should include the five conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.



Commissioner Sweetser stated that there were a lot of uses mentioned. She felt they would have to determine whether it's an appropriate use for that zoning and then take a look at the terms and definitions used. There have been a number of terms used such as private and commercial. They should look at the operation itself however it is classified. In terms of day care centers being commercial, that may be true of Kindercare but other day care centers such as The Growing Place are 501c3's. The staff report mixes terms and does not allow a fair understating of what is going on. If you take a 501c3 and you take a look at one of those which will be capped at forty, that would be contradictory to the staff report that states it would be growing. If you compare it to a 501c3, you would not be able to tell the difference as to the category it falls under.

Commissioner Olbrish stated that the petitioner had addressed a lot of his concerns. The history of this site goes back several years. He recalled that when he questioned the petitioner a few years ago as to what was wrong with the old building, St. John's replied that it would be better than trying to correct an old, old building. He stated that one of his concerns, as set forth in staff report, is about code enforcement and life safety issues in the old building. He stated that he must go back to the church and why they couldn't use the old existing building. He indicated that he does not think they should force anything new on the neighborhood. He has driven down that block in the afternoon and the traffic is a disaster. He mentioned all the amenities and they are private uses. He has major concerns about it being a commercial endeavor as well as the life safety issues.

Commissioner Cooper stated that she was not part of the new school discussion and what the future intention for the old school was.

Chairperson Ryan answered that one of the things discussed at great lengths at that time was that the old building could only be used for storage and meeting rooms and that it would not be used for anything for kids. He asked staff to look at the previous discussions.

Mr. Moynihan read condition #2 of Ordinance 5665:

That upon the opening of the new school, the existing school building shall be used exclusively for capital plant, storage purposes, offices and/or meeting space. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facilities, pre-school activities or elementary school activities within the old school building, a conditional use amendment will be required.

Commissioner Flint stated that his initial thought was that this use would be similar to First Church where there is a day care and nursery co-op. One of his concerns is the life safety issue which needs to be dealt with. ADA compliance is also an issue and that should be brought up to code.

Commissioner Sweetser stated that she was not sure if they should give credence to the state agencies. She asked if that was something that the Plan Commissioners should accept or if it was their responsibility to question them and find out additional information.

Mr. Heniff stated that a building permit and a Certificate of Occupancy would be necessary. This would force the petitioner to bring these issues up to code. The applicability of ADA requirements would be determined.

Commissioner Sweetser stated that there should be no question one way or another. She asked if they would have to meet these requirements and if they should condition it or not. Mr. Heniff stated that this was accurate.

Commissioner Sweetser said the ordinance speaks about St. John's intention to have a day care center. She asked if that was the case. Mr. Moynihan stated that St. John's has stated that they have no plans to start their own day care center.

Mr. Heniff stated that the request is for a conditional use amendment to the planned development. The provision applies to the property and that is why the term "St. John's or any subsequent property owner" was included.

Chairperson Ryan asked if that could be why ADA doesn't have to be brought up to code. Commissioner Sweetser stated that we can't assume that. She stated whatever needs to be done, needs to be done.

Chairperson Ryan indicated that if the ownership still reflects St. John's that could be the reason why the ADA requirements would be grandfathered.

Mr. Heniff stated that if it is determined they need to meet ADA requirements then they will have to.

George Wagner stated that it could be added as a condition of approval.

Commissioner Flint stated that they could condition accessible toilets, getting to the classrooms, etc.

Mr. Wagner stated that the ADA applies where there is new construction or repairs over a certain amount. He stated he doesn't think it is related to the owner.

Chairperson Ryan stated that he believed that the number is over fifty percent of the cost of the building. That is why it becomes an important point. It says it's fifty percent of the cost of the value of the building. The petitioner is talking about two classrooms; their remodeling could be waived if correct. He asked staff if that was their understanding.

Mr. Heniff stated that he did not know the full provisions. If they are obligated to make those changes through the IAC and ADA requirements for new businesses, then they will complete the improvement prior to occupancy.

Chairperson Ryan stated that using the fifty percent rule they will never be required to make those improvements.

Commission Cooper stated that in looking at the land use plan, the comments from the staff report indicate that this is a residential area. She stated that to the north is all green space and to the east of property it's residential and institutional. Three blocks south it's multifamily. She would beg to differ with the comment that this is primarily a residential area. There are a lot of synergies with the land uses. She stated that when she personally thinks of safety, you want eyes on the street. Bringing people to this vacant building could make it a safer more welcoming community.

Commission Sweetser suggested that they add one extra condition to require that the areas being used by the petitioner be brought into compliance with full ADA standards. Specifically, she indicated the two classroom spaces, the kitchen, bathrooms, and entrance and exit.

Commissioner Sweetser motioned to approve PC 08-29. The motion was seconded by Commissioner Flint.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use amendment, planned development use exception, and variation **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission does not accept the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, by a roll call vote of 4 to 1, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 08-32 subject to the following conditions.

1. The petitioner shall occupy only two classrooms 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.

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.

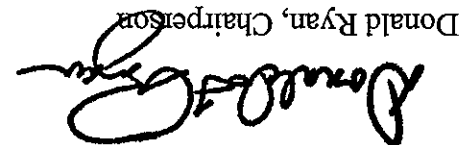
3. Any portions of the existing school building not indicated in condition one (1) shall be used exclusively for capital plant, storage purposes, offices and/or meeting space. Should any additional use be proposed beyond these uses, a conditional use amendment will be required.

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. The petitioner shall bring any portion of the subject building, which is to be occupied by or ancillary to the subject day care facility, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson

Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Lombard Plan Commission  
**FROM:** Department of Community Development  
**PREPARED BY:** Stuart Moynihan, Associate Planner  
**HEARING DATE:** November 17, 2008

**TITLE**

**PC 08-32; 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School):** The petitioner requests that the Village take the following actions on the property located within the R2PD Single Family Residence Planned Development District:

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.

The petitioner, Creative Day Learning Center, is proposing to occupy two classrooms and an office in St. John's old school building for use as a private day care center.

**GENERAL INFORMATION**

**Petitioner:** Creative Day Learning Center  
442 N. Park Ave.  
Lombard, IL 60148

**Owner:** St. John's Evangelical Lutheran Church/School  
215 South Lincoln Avenue  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Zoning:** R2PD Single-Family Residence District Planned Development

Existing Land Use: East side of Lincoln: Religious Institution  
West side of Lincoln: Educational Institution,  
Senior/Recreation Center

Size of Property: East side of Lincoln: Approximately 1.97 acres  
West side of Lincoln: Approximately 1.41 acres

Comprehensive Plan: East side of Lincoln: Recommends Public and Institutional  
West side of Lincoln: Recommends Low-Density  
Residential Development

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; developed as single-family residences and  
CR Conservation / Recreation District; developed as the Helen Plum Library and  
single-family residences

South: R5 General Residence District; developed as multiple family residences and R2  
Single-Family Residence District; developed as single-family residences

East: R2 Single-Family Residence District; developed as a Religious Institution  
(Calvary Episcopal Church) and single-family residences

West: R2 Single-Family Residence District; developed as a single-family residences

### ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of  
Community Development on October 8, 2008 and included within the petitioner's application  
packet:

1. Petition for Public Hearing
2. Business description prepared by Creative Day Learning Center, undated.
3. Applicable Response to Standards for:
  - a. Conditional Uses
  - b. Planned Developments (General Standards)

- c. Planned Developments with Use Exceptions
- d. Variations

- 4. Plat of Survey for the subject property, prepared by The Heinze Surveyors, dated April 20, 1964.
- 5. Site Plan for the proposed business prepared by Creative Day Learning Center and drawn on the Plat of Survey for the subject property, prepared by The Heinze Surveyors, dated April 20, 1964.

## DESCRIPTION

The petitioner, Creative Day Learning Center, is proposing a private, commercial day care center at the former site of the St. John's Lutheran School, 215 S. Lincoln Avenue. The petitioner wishes to occupy two classrooms and an office within the "old school" building on the east side of Lincoln Avenue. The petitioner will also use the kitchen, gymnasium, and outdoor play areas at the old school building. The petitioner states that the Illinois Department of Children and Family Services has reviewed Creative Day Learning Center's proposal to accommodate forty (40) children with four (4) employees. Pursuant to Ordinance 5665, which established the planned development, a conditional use amendment, use exception and parking variation are required.

## INTER-DEPARTMENTAL REVIEW REPORT

### PUBLIC WORKS

Public Works has reviewed the petition and has no comments.

### PRIVATE ENGINEERING

The PDS Division of Community Development has no comments on the above petition.

### FIRE AND BUILDING

Upon review of the above referenced request for exceptions and variations for a day care center at St. John's School, the Fire Department/Bureau of Inspection Services has the following comments:

- The day care facility is to follow all requirements of the State Fire Marshal's office in terms of any life safety issues, along with any requirements from the Village.

- Both DCFS and the State Fire Marshal have inspected the proposed facilities and have made their comments regarding safety, etc.
- The Fire Department/BIS still need to walk through and inspect the facility to verify code compliance and life safety issues.

## PLANNING

### Compatibility with the Zoning Ordinance

#### *Conditional Use Amendment and Use Exception*

Staff offers the following definitions as listed in the Zoning Ordinance:

**Day Care Center** is an institution or place in which are received three or more children, not of common parentage, apart from their parent or guardian, for part of or all of a day, but not later than 12:00 a.m. The term "day care center" includes, but is not limited to, the following: nursery schools, child care centers, day nurseries, kindergartens and play groups, but does not include bonafide kindergartens or nursery schools operated by public or private elementary or secondary school systems.

**Schools, Private, Full-time: Elementary, Middle, High** any building, group of buildings or portion of a building used for full-time education which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**Schools, Public, Full-time: Elementary, Middle, High** any full-time school which is licensed by the state and which meets the state requirements of a school.

Both public and private schools are listed as conditional uses within all residential zoning districts in the Village. Day care centers have not be established by the Zoning Ordinance as appropriate uses within residential zoning districts as they are listed neither as permitted uses nor conditional uses. Day care centers, being commercial enterprises are listed only as conditional uses, only within commercial zoning districts.

In 1997, the Board of Trustees granted approval of a conditional use for a religious institution and for a private elementary school (with companion variations) at 215 S. Lincoln Avenue, the east side of Lincoln. As the student population grew, the school had outgrown its existing facility and requested approval for new school on the west side of Lincoln.

In 2005, the Board of Trustees approved Ordinance 5665 granting a conditional use for a planned development along with a parking variation to allow the construction of a new private elementary



school at 220 S. Lincoln Street, located directly west of the subject property. During the public hearing process, the property owner indicated that the old school building was outdated and generally an inadequate learning facility for children. Due to this testimony, one of the conditions of Ordinance 5665 required that any proposed day care facilities, pre-school activities, or elementary school activities within the old school building proceed as an amendment to the conditional use for a planned development. Therefore, the Village would have the opportunity to review proposals for any such uses. In addition, since day care centers are not listed as a permitted or conditional use within the underlying R2 Single-Family Residence District zoning on the subject property, a use exception is necessary as well.

In 2007, the old school building was vacated for educational purposes as the students and faculty were moved into the newly constructed St. John's Lutheran School across the street. Creative Day Learning Center plans to lease space from St. John's Lutheran Church within the old school building. Staff has concerns that these facilities remain outdated and inadequate for educational uses as was represented during the previous public hearing. There are no exterior construction plans or site alterations associated with this petition.

Staff notes that during a comprehensive review of the property, an item of concern has arisen. According to the property owner, a second church has been meeting within the old school gymnasium. The parish administrator has indicated that this church meets on Sunday from 2:00 p.m. until 5:00 p.m. The church, Rehoboth Empowerment Christian Church, is not affiliated with St. John's Lutheran but is allowed to use the gymnasium space for free. As this use is not consistent with the conditions of approval of Ordinance 5665, the property owner has been informed that a conditional use amendment would be necessary to allow the church to continue its current operation within the old school building. In the alternative, the second church could move its worship service into the church building without the need for zoning relief.

#### *Variation for Parking*

Ordinance 5665 also granted a variation from the required number of parking spaces on the subject property. As the proposed day care center would be a new use not providing any new parking spaces on the property, a further parking variation is necessary.

The property has a total of 94 on-site spaces. While there are an additional 30 spaces within the adjacent public right-of-way, the Zoning Ordinance does not allow these spaces to be counted within their parking supply. The Zoning Ordinance considers each use within the overall development as a separate and distinct use for which parking would need to be provided. Although the existing parking lot serves both the church and school, primary parking demand on weekdays is generated from the school activities and not the church.

The petitioner has indicated that the parking area at 215 S. Lincoln Avenue most often fills to less than one-third of its capacity during the hours which Creative Day would operate. Staff

finds this to be an accurate representation and that the additional vehicles generated by this use could be accommodated in the parking lot. The Zoning Ordinance requires that a day care center provide two (2) spaces per one thousand (1000) square feet of floor area. As the two classrooms and office proposed to be occupied by Creative Days total 2011 square feet in area, the petitioner would need to provide four (4) additional parking spaces. As the petitioner will be periodically sharing use of the kitchen and gymnasium with St. John's and because these areas will not create further traffic generation, staff finds that parking need not be provided for these areas.

The Village's traffic consultant KLOA has conducted a review and has indicated that a day care center of this size would have a peak parking demand of seven (7) spaces including a constant demand of four (4) parking spaces for employees. KLOA finds that these spaces could be accommodated within the parking area in the adjacent right-of-way or the southern parking lot. However, should the proposed use be denied, no action regarding the parking variation would need to be taken.

#### Compatibility with Adjacent Land Uses

Staff has reviewed the operations of the proposed day care center for compatibility with surrounding land uses. As part of this review, staff has considered that the area surrounding St. John's Lutheran Church/School site is particularly sensitive to intensified uses as many of the properties are residential.

The petitioner has stated that the proposed use would operate in a manner similar to the school which previously occupied the building but on a smaller scale. It is staff's opinion that although a private day care facility may operate in a similar manner, the use is inherently different as a commercial entity. It is the goal of most commercial businesses to grow into larger, more profitable businesses. Staff believes that the St. John's campus has reached its usage capacity and that an introduction of new uses may adversely affect the neighborhood.

#### *Traffic Analysis*

KLOA reviewed the proposed development and visited the site to determine the impacts of the proposed use. They have completed a report, which is also transmitted with the staff report.

The petitioner proposes to conduct drop-off and pickup activities within eight public parking spaces on the eastern side Lincoln Avenue. During drop-off and pickup activities, parents will enter the old school building to bring their children to or retrieve them from the classrooms. According to the petitioner, the primary times for drop-off will be between 7:00 and 8:00 a.m. and for pickup between 4:00 and 5:30 p.m. There may be some overlap with the drop-off for St. John's school which KLOA states occurs primarily between 7:40 and 7:55 a.m. According to KLOA observations, parents begin staging within the southern parking lot at 2:30 p.m., with pickup times starting at 2:55. At 3:10 p.m., the final group of vehicles has loaded and departed;

and at 4:00 p.m., Creative Day's pickup operation is to begin, avoiding overlap between the two operations.

KLOA finds that the existing drop-off and pickup procedures currently utilized by St. John's work well, causing little conflict on adjacent rights-of-way. With respect to the proposed use, KLOA states that the day care facility is anticipated to generate thirty-five (35) in/out trips during their peak hours.

KLOA has recommended that some spaces within the southern parking lot be allocated for Creative Day drop-off and pickup as an alternative to the public spaces located Lincoln Avenue should those spaces be occupied. It is staff's opinion that, as condition of approval, signage should be used to designate four (4) parking spaces within the southern parking lot 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.

#### Compatibility with the Comprehensive Plan

The proposed use is contrary to the objectives of the current Comprehensive Plan. As previously stated, the Comprehensive Plan identifies the property for public and institutional uses. The introduction of a commercial entity onto a property which is intended to be used for public and institutional uses sets a precedent not only for that property but other such properties as well. It is staff's concern that the old school building will eventually begin to serve a truly commercial function through the proposed day care use, its future growth, or the introduction of other business entities.

#### STAFF RECOMMENDATION

Staff is not supportive the conditional use amendment to the planned development and use exception as the request does not meets the following standards as required by the Zoning Ordinance:

##### A. Standards for Conditional Uses

2. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.*

As the subject property is located in a primarily residential area, the establishment of additional entities, commercial or otherwise, does have the potential to be injurious to the enjoyment of other property in the immediate vicinity and to diminish property values. Staff believes that as the subject property, which currently supports multiple uses, nears its operational capacity, this potential becomes greater.

6. *That the proposed conditional use in not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.*  
The Comprehensive Plan identifies the property for public and institutional uses. Staff finds that, from a land use perspective, a commercial day care center as proposed would be not compatible with the religious/institutional uses on the property.

B. Standards for Planned Developments

*General Standards*

4. *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

Staff finds that the petitioner's proposal is not within the public interest as the potential for incompatibility with surrounding land uses outweighs the potential public benefit.

*Standards for Planned Developments with Use Exceptions*

1. *The proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.*

Staff finds that the proposed use may diminish the overall quality of the planned development as the proposed use has the potential to interfere with the operations of the existing uses. The addition of the proposed use is not expected to benefit the existing uses (other than financially).

2. *Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties.*

For the reasons stated above, staff finds that the use will potentially have a detrimental influence to the surrounding properties.

ALTERNATIVE RECOMMENDATION

Staff does not believe that the Standards for Planned Developments and Standards for Conditional Uses have been met. However, in the event that the Plan Commission finds that the standards required by the Zoning Ordinance have been met and that the proposed use will

enhance the planned development, it is staff's opinion that a recommendation for any favorable action should include the following conditions:

1. The petitioner shall occupy only two classrooms 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.

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.

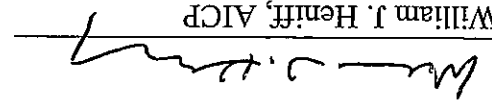
5. Previous to occupying the old school building, the petitioner shall meet all requisite code compliance and life safety issues. Also, the petitioner shall apply for and receive a building permit for any interior building improvements.

## FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **denial** of this petition:

Based on the submitted petition and the testimony presented, the proposed conditional use amendment, planned development use exception, and variation do not comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore, I move that the Plan Commission recommend to the Corporate Authorities denial of the conditional use amendment, planned development use exception, and variation associated with PC 08-32.

Inter-Departmental Review Group Report Approved By:

  
\_\_\_\_\_  
William J. Heniff, AICP

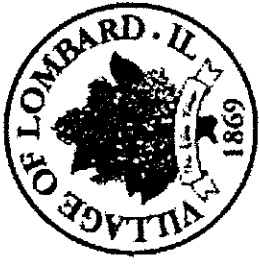
Director of Community Development

WJH

c: Petitioner

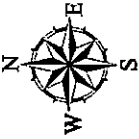
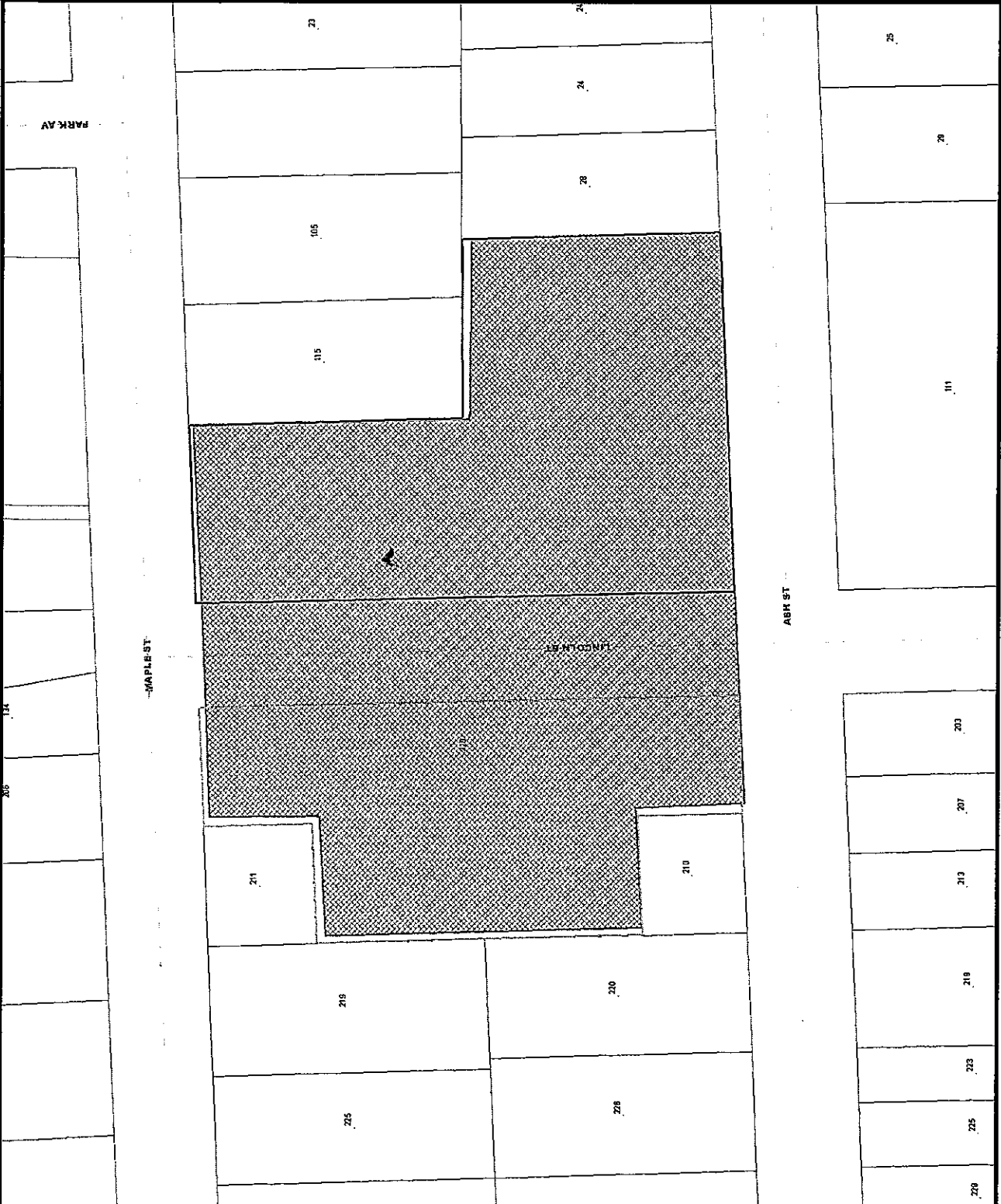
C:\Documents and Settings\smoyrihan\Desktop\Report 08-32.doc

# 215 & 220 S. Lincoln



- Active Cases
- Address Points
- Centerline
- JURIS
- RIVER
- +R+R- R&R
- TOLLWAY
- - - TRAIL
- - - Boundary Agreement
- Parcels
- Trustee Boundaries

711 ft



MEMORANDUM TO: Bill Heniff  
Village of Lombard

FROM: Neil S. Kenig P.E.  
Principal  
Javier Millan  
Senior Consultant

DATE: November 4, 2008

SUBJECT: Creative Day Daycare Center Traffic Flow Evaluation  
Lombard, Illinois

This memorandum summarizes the results of a traffic flow evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the proposed Creative Day daycare center to be located at 215 S. Lincoln (the old St. John's Lutheran School building). The plans call for using two class rooms in the old building to provide a daycare facility with a maximum enrollment of 40 children. All parking areas will remain as they currently are.

The purpose of this preliminary study was to observe existing conditions on the school pick-up/drop-off operations, comment on the impact that the daycare facility will have on the pick-up/drop-off operations and to present alternative ways of improving the operation.

### Existing Roadway Conditions

The old school is located on the east side of Lincoln Avenue just south of the St. John's Lutheran Church. The new school is located on the west side of Lincoln Avenue. The principal roadways in the vicinity of the site are illustrated in Figure 1 and described in the following paragraph.

*Lincoln Avenue* is a one way northbound road from Ash Street to Maple Street where it widens to provide an exclusive left-turn lane and an exclusive right-turn lane. Lincoln Avenue is under stop sign control at its intersection with Maple Street. Lincoln Avenue extends south of Ash Street for approximately 200 feet serving an existing single-family home and a multi-family building.



*Ash Street* is an east-west residential road that extends from Elizabeth Street east to its terminus at Grace Street. Parking is not allowed on the north side from 7:00 to 9:00 A.M. At its intersection with Lincoln Avenue there are signs prohibiting eastbound traffic from turning left onto Lincoln Avenue from 2:30 to 3:30 P.M.

### **Existing School Drop Off/Pick-Up Operation**

Based on our field visits (Monday November 3<sup>rd</sup> and Tuesday November 4<sup>th</sup>, 2008), the school drop-off operation began at 7:40 A.M. with vehicles dropping off their children and then continuing north on Lincoln Avenue. A few parents did park their vehicle and walked their children to school. Based on our observations, from time to time (three times) the queue observed during the morning would extend onto Ash Street with as many as ten vehicles queuing on the east leg of Ash Street. However, it is important to note that this queue of vehicles lasted only 20 seconds and for the most part, the queue is contained within Lincoln Avenue. By 7:55 A.M. the drop-off operation was almost over. Based on our observations only two vehicles were parked in the eight parking spaces (along the east side Lincoln Avenue) facing the old school building.

During the afternoon pick-up time, parents start arriving at approximately 2:30 P.M. and start lining up in the parking aisle (facing west) of the parking lot south of the old school building. Parents create a double line wrapping around the parking bays which coincidentally are not being used. At around 2:55 P.M. designated students come out of the school and place cones on the visitor parking area (on the east side of the new school) so when students are let out there is a safe haven for students to wait for their parents. It should be noted that another student and an adult with a stop sign place themselves in front of the vehicles that are stacked in the parking lot. When students are dismissed, they gather in the protected parking area and the student holding the stop sign directs traffic to turn right onto Lincoln Avenue and pick up their children. Approximately 9 to 10 vehicles queue on Lincoln Avenue to pick up their children. The designated student guards approach the vehicles and ask the parents for the name(s) of their children and then escort the children back to their parent's vehicle. As soon as all the children are loaded into their respective vehicles, the lined up vehicles on Lincoln Avenue proceed north and the other vehicles queued in the parking lot are directed to Lincoln Avenue. Based on our observations, two vehicles that were parked on the parking stalls on the east side of Lincoln Avenue were able to back out of the parking stalls and proceeded north on Lincoln Avenue with no problems. The pick-up operation was practically over by 3:10 P.M. and we did not observe any apparent traffic problem. In fact, the pick-up operation is one of the most efficient school pick-up operations we have observed and would recommend the school continue this operation as it is.

## Future Traffic Operation

As previously mentioned, a daycare for a maximum of 40 children is being proposed to occupy two classrooms on the old school building. Based on information provided by representatives of the daycare center, the facility will open at 7:00 A.M. with the majority of drop-offs occurring between 7:15 and 8:15 A.M. and pick-ups between 4:00 and 5:15 P.M. As proposed, the facility would like to utilize the eight parking spaces along Lincoln Avenue (directly in front of the old school building) for its drop-off and pick-up operation. It should also be noted that as part of their plan, parents dropping off/picking up their children will be instructed to enter via Lincoln Avenue.

## Evaluation

Based on a review of the proposed plan and our observations we offer the following:

- The proposed daycare facility will add very little traffic to the area. Assuming a maximum capacity of 40 children and based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7<sup>th</sup> Edition, the daycare facility will generate 35 trips (in and out) during their peak hours.

- Although there will be some overlap during the A.M. peak hour with the drop-off operation of the school, given the fact that vehicles that are parked on the east side of Lincoln Avenue can back-out of the spaces without any problems or encroachment of the stacked vehicles, we do not foresee a problem with the proposed plan. However, it is our understanding that the parking spaces on the east side of Lincoln Avenue are public spaces and cannot be designated as parking spaces for a private business.

- In the event that no parking is available on Lincoln Avenue and given the fact that morning drop-off operation of St. John school occurs exclusively on Lincoln Avenue and the parking area south of the school is underutilized, perhaps some of the parking spaces on the lot south of the old school building could be designated for the daycare center. These spaces would only be 100 feet south of the door. Furthermore, since the pick-up operation of the school is over by 3:10 P.M. and the daycare pick-up operation does not begin until 4:00 P.M., there will be no conflict between the school staging area and daycare parents picking up their children.

- Since from time to time the morning drop-off queue of St. John student's backs onto Ash Street, the provision of some parking spaces on the south lot will ensure that no additional vehicles queue on Ash Street since daycare parents could enter the parking lot via the easterly access drive.

## Conclusion

The proposed daycare facility will have very little impact on traffic operations in the area and the drop-off/pick-up operations of the St. John school. If parking is available on the east side of Lincoln Avenue in front of the old school building, daycare parents could use these spaces. However, given the fact that traffic during the morning backs up from time beyond Lincoln Avenue and onto Ash Street, we believe allocating some parking spaces on the parking lot south of the old building and directing daycare parents to enter the lot via the eastern access drive will not exacerbate the queues of traffic on Ash Street. In the event the daycare facility would like to expand their maximum number of children, the Village should revisit the area to observe operations and determine if there are any problems with traffic flow and drop-off/pick-up operations.

Dear Resident,

We would like to ask you to take a few minutes to read this letter. My name is Cheryl Holtz-Dennis and I am the owner and director of Creative Day Learning Center. You may have received a letter recently addressing the fact that Creative Day is attempting to rent space in the 'Old School' at St. John's Lutheran Church and School. We have recently come to understand that the erecting of the 'New School' at St. John's was met with some resistance from some residents in the area. We are not here to address that as we had no part in that discussion and/or process. We also recently became aware of a letter distributed by a local resident with concerns regarding our locating Creative Day Learning Center at St. John's 'Old School'.

Creative Day Learning Center has been a state licensed day care provider since 1981. We recently lost our space due to expansion of other programs at our location. We looked into several locations only to find they were too small, or did not have adequate green space attached to it. We were reminded by a friend that St. John's Lutheran Church and School had recently built a 'New School' and that the 'Old School' was sitting empty.

We decided it couldn't hurt to contact St. John's and so we contacted them and toured the facilities. It was a dream come true, the large classrooms, the gym area, the kitchen the outdoor playground all seemed perfect for Creative Day. St. John's said that if they were to allow Creative Day into the 'Old School', it would be the two rooms on the middle level, facing Lincoln, that would be available along with an office area located between the two classrooms. We were additionally informed of some deficiencies in the building that needed to be addressed and immediately contacted, the Department of Children and Family Services, the State Fire Marshal and State Health Department to schedule pre-tours and make sure the facility would be adequate, or could be made adequate, at a reasonable cost. Once we were assured that Creative Day could be safely housed at the 'Old School', we contacted contractors to give us some idea of the scope of renovation required and concluded that while not cheap, it can be done at a reasonable cost.

This is where it might be easier to address concerns voiced in a letter that has been circulated in the immediate neighborhood of St. John's. Again, it would not be appropriate for us to speak for the church, but as to the concerns labeled under number one:

Q. This request is made by a for profit business to modify a not for profit church's conditional use ordinance with the intent of leasing space in a not for profit building. Therefore, St. John's will be financially profiting from this amendment. Has the Village approved this kind of request before which is a conditional use ordinance change which allows a not for profit church to profit from their conditional use ordinance change?

A. St. John's is not making this request, Creative Day Learning Center submitted this request. There are day care centers being operated in various other churches both in Lombard as well as in surrounding communities. The community development

department was asked if this had ever been done and we were told they did not know, they had not researched that issue.

Q. Will St. John's pay taxes on their income?

A. While not trying to speak for St. John's in any way, from my discussions with church personnel, it seems that the church understands that they will have to pay tax on any profit received. This seems somewhat similar to what many churches do when they rent out space, either on a one time, or on an ongoing basis for gym time, meetings, events and activities to those both inside and outside of the congregation.

Q. Does this change their tax exempt status?

A. Again, not intending to speak for St. John's or any one affiliated with St. John's, this has also been looked into and the fact that Creative Day would only be utilizing a small portion of not only the building, but of also the entire campus, their exempt status would not be jeopardized.

Q. Instituting a for profit business in an R2PD (Single Family Residence Planned Development District) would essentially be changing the zoning designation from R2PD to Commercial. This is more than a variance request; it is rezoning this area.

A. While this is more of an opinion than a concern, it would be a misnomer to say that the immediate area is primarily single family residential. When you scan the immediate area bordered by Lincoln, Maple, Main and Ash. Ash is comprised of apartments, condominiums, parking lots and two single family residences. Lincoln is comprised of St. John's Church, the 'Old School' and the 'New School'. On Maple there is the Library, the Episcopal Church, several parking lots, the Methodist Church and the White Church. Main Street is businesses and possibly a few second floor apartments. The area west of Main is a buffer area between single family residences and higher density uses and a day care center being housed in a previous school building is not inconsistent with the intended use of the property, or the immediate area.

This request is not an effort to rezone the property, this is a request for a variance on a specific portion of a specific piece of property, which happens to be in a buffer zone between mixed-use property and single-family residential property.

2. For those of you who attended the hearings regarding St. John's new school, you may remember the many compelling reasons St. John's had for NOT utilizing their existing school building. Some of these reasons included no handicapped access, no lockdown capability in cases of threat or invasion, an expensive and outdated heating plant and inadequate bathroom facilities. If these conditions were not acceptable for St. John's students, then why are they now acceptable for the proposed day care students?

A. Answering this chronologically beginning at the initial concern listed:

No handicapped access.  
We have met with the state agencies that regulate day care facilities have been told  
handicapped access is not necessary.

No lockdown capability in cases of threats or invasion.  
Outside doors will be locked and access only through a security system.

An expensive and outdated heating plant.  
Our understanding is that a new heating plant is in the process of being installed in the  
Old School.

Inadequate bathroom facilities.  
The bathrooms as they exist and as proposed would be more than adequate for Creative  
Day Learning Center's anticipated use. The bathrooms as they exist would not be  
adequate for a full school of over 150 students of various ages.

Day Care is an important issue for many people and a much needed service in the  
community. The underutilized property at the 'Old School' at St. John's is a unique fit of  
form and function.

This letter may not answer every question you might have and we welcome any and all  
inquiries.

Thank you,

Cheryl Holtz-Dennis, and,  
William Dennis  
Creative Day Learning Center  
630-953-2187 Home

Date: November 10, 2008

To: The Village President & Trustees

Re: St. John's Lutheran Church Request, Notice of Public Hearing PC 08-32

I recently received a Notice of Public Hearing (PC 08-32) regarding St. John's Lutheran Church & School.

The notice states that "The petitioner is proposing to occupy two classrooms and an office in St. John's old school building for use as a private day care center." I spoke to Stuart Moynihan and asked for more information regarding this petition. Mr. Moynihan advised me that THIS WOULD NOT BE ST. JOHN'S DAY CARE. The petitioner is a FOR PROFIT business by the name of "Creative Day Learning Center" NOT CONNECTED WITH ST. JOHN'S. They would be opening their business in St. John's old school building. "Creative Day Learning Center" is petitioning to amend St. John's conditional use ordinance and lease space in the old school building. Mr. Moynihan further advised that the Illinois State Licensing Board has already looked at the facility and approved it for up to 40 children.

There are several concerns that I have regarding this request:

1. This request is made by a for profit business to modify a not for profit church's conditional use ordinance with the intent of leasing space in a not for profit building. Therefore, St. John's will be financially profiting from this amendment. Has the Village approved this kind of request before which is a conditional use ordinance change which allows a not for profit church to profit from their conditional use ordinance change? Will St. John's pay taxes on their income? Does this change their tax exempt status? Instituting a for profit business in an RZPD (Single Family Residence Planned Development District) would essentially be changing the zoning designation from RZPD to Commercial. This is more than a variance request; it is rezoning this area.
2. For those of you who attended the hearings regarding St. John's new school, you may remember the many compelling reasons St. John's had for NOT utilizing their existing school building. Some of these reasons included no handicapped access, no lockdown capability in cases of threats or invasion, an expensive and outdated heating plant and inadequate bathroom facilities. If these conditions were not acceptable for St. John's students, then why are they now acceptable for the proposed day care students?

I hope that you will all look at this proposal carefully.

Thank You,

Karen Ness

219 W. Ash Street

630-661-6065

Creative Day Learning Center will occupy two classrooms and an office on the first floor of the "Old School Building", which is directly east of the "New School Building" from 7:00 a.m. to 5:30 p.m., Monday through Friday. We will initially use one classroom and expand to the second classroom as the need arises. The kitchen will be used to cook nutritious hot lunches each day. A schedule has been worked-out between Creative Day, the Parish Administrator and St. John's School Principal to share the gym and outdoor

The curriculum instills a positive attitude in children through encouragement, support and positive reinforcement to keep a learning attitude and build inner confidence to always do their best. Creative Day works hard to make sure that each child feels welcome and accepted by the teachers, staff and their peers. The long-term devotion of our staff gives stability to our program.

The focus is on the development and growth of each child, both developmentally and socially, so that as they forward, they are prepared to succeed in school and in life. Additionally, children are introduced to the "pillars of character/character counts" program as a means of teaching children to respect themselves and others.

The small nature of the business allows us to provide a personal touch not found in larger child care facilities. The emphasis is on offering a stimulating and progressive philosophy to early childhood education. This fosters a home-away-from-home atmosphere through the use of practical experience along with a strong pre-school program.

Creative Day Learning Center is a state licensed child care center for children ages 2-6 and has been in operation since 1981. The business is owned and directed by Cheryl Holtz. Cheryl has been an active resident of Lombard for over 20 years through school district organizations and volunteer activities. With her love for children and her background in education, she continues to teach in the classroom on a daily basis. The goal is to continue to offer quality child care to Lombard and the surrounding communities.

215 S. Lincoln Avenue  
 Lombard, IL 60149  
 (630) 693-0495





playground areas. We are committed to working together with St. John's and the surrounding community to be responsible and conscientious neighbors.

Creative Day has been authorized to use eight (8) parking spaces directly in front of the "Old School" as drop-off/pick-up spaces as well as use a separate entrance located at the south end of the school to enter and exit the facility. Anyone using the building for church use will enter and exit the building through either the gym entrance, or, the north entrance. Our staff is authorized to park in the parking lot to the south of the "Old School Building":

Pick-up and drop-off times have been discussed with the Parish Administrator and School Principal and the consensus is that Creative Day Learning Center will not impact the flow or extent of the existing school drop-off and pick-up schedule. As a rule most of our parents tend to drop-off between 7:00 to 8:00 a.m. and pick-up between 4:00 to 5:30 p.m. St. John's school drops-off closer to 8:30 a.m. and picks-up between 4:00 to 5:00 p.m. The overall affect on traffic will be minimal.

Creative Day will utilize many local businesses and facilities including the public library, Liliacia Park, Dairy Queen, Lombard pool, Lombard train station for field trips to various local destinations, Mr. Z's Supermarket and the Tropicquatic Pet Center to name a few.

Our center will offer both full and half-day child care along with before and after kindergarten care. Additionally, Creative Day will soon be joining the Lombard Chamber of Commerce and remain involved in the local community. St. John's "Old School Building" is a good home for Creative Day Learning Center due to its unique resources. Creative Day Learning Center will fill a real need in the community for child care services at a time when more and more parents enter the work force on a full-time basis.

**Responses to Standards**

**Section VII/Standards for Conditional Uses**

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all conditional uses of the Lombard Zoning Ordinance.

**SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE**

No conditional use shall be recommended by the Plan Commission unless it finds:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The allowance for a conditional use will not be detrimental to, endanger the public health, safety, morals, comfort or general welfare, as the proposed use is compatible with the current use of the property and planned development and further does not expand upon the current use and also provides a valuable service needed in the community. Additionally, Creative Day Learning Center is regulated by the Department of Children and Family Services, State Health Department, State and local Fire Marshals and local ordinances.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located. The conditional use will not impact property values or the use of said property in a negative manner, rather, the conditional use in this unique location being located within a buffer zone, comprised as it is with multi-family and commercial zoning, will increase the value of the surrounding property due to the service being provided and the conditional use property being more adequately maintained.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

As the conditional use will be contained within a pre-existing school building, which is currently empty. This will help St. John's to maintain the "Old School Building", thereby also helping to maintain the surrounding property values.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.

SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all requests for Planned Developments.

IX Standards for Planned Developments

Creative Day Learning Center is strictly regulated by various state agencies including, the Department of Children and Family Services, Illinois State Health Department, State Fire Marshal and Village of Lombard.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

The areas surrounding St. John's Lutheran Church and School to the east, north and south are zoned for multi-family and commercial use, while the area to the west is largely unaffected by the proposed conditional use. Further, the building which would hold the proposed conditional use is uniquely suited for the proposed use.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

The location of the conditional use is 215 S. Lincoln. That block of Lincoln is one-way going north. Main Street is the most likely access onto Ash. Ash, between Main and Lincoln has multifamily buildings and commercial buildings. The existing elementary school stages their drop-off and pick-up through the parking lot to the south of the "Old School Building". Creative Day will be utilizing the eight parking spaces directly in front of the "Old School Building" for its drop-off and pick-up. Additionally, Creative Day opens at 7:00 a.m., with the majority of drop-offs between 7:15 and 8:15. St. John's school begins at 8:35 with the bulk of their drop-offs between 8:15 and 8:40. St. John's school lets-out at 3:20 and pick-up is between 3:15 and 3:45 p.m. The majority of pick-ups for Creative Day are between 4:00 and 5:15 p.m.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The conditional use will be housed in a pre-existing school building, which has the adequate and appropriate public utilities, access roads, drainage and facilities. Additionally, improvements in the fire system and kitchen will bring those portions of the "Old School Building" to existing codes, pursuant to the Department of Family Services, Illinois State Health Department, Illinois State Fire Marshal, and the Village of Lombard.

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

#### A. General Standards

1. Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.

The planned development site as it exists is compatible with the conditional use as it will be within a pre-existing school building, which is particularly well suited for Creative Day Learning Center's intended use.

2. Community sanitary sewage and potable water facilities connected to a central system are provided.

The sewage and potable water facilities presently connected to the proposed site are adequate for the intended conditional use. Additionally, to the extent that the water facility is not consistent with present code, Creative Day is investing monies to bring the kitchen up to code pursuant to regulations governing day care centers by the Department of Children and Family Services, Illinois Health Department, Illinois State Fire Marshal, Lombard Fire Department, and any and all regulations set forth by the Village of Lombard.

3. The dominant use in the proposed planned development is consistent the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.

Creative Day Learning Center is an all-day day-care facility. St. John's Lutheran School is an all-day elementary school. Up until the new school was built, St. John's used the "old school" for over 100 years. While we do not know what use is recommended for an empty school building, we can only surmise that use consistent with the previous use would be consistent with Comprehensive Plan as it proposed conditional use remains within St. John's property.

4. That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.

The planned development is a pre-existing structure and not proposing any new construction. The proposed conditional use is in the public interest for several reasons. First, day care is a much sought after service and Lombard and its surrounding

communities have need of more such services. Second, the "Old School" is currently sitting empty. Creative Day is investing in the updating of the proposed classrooms, office, kitchen and gym, which will help St. John's maintain the rest of the building.

5. That the streets have been designed to avoid:

a. Inconvenient or unsafe access to the planned development;

This is not a new planned development, all streets have been in place for many years and a plan has been developed to control traffic coming into the property for the conditional use intended to accommodate the existing school traffic and property in the immediate area.

b. Traffic congestion in the streets which adjoin the planned development;

St. John's School already utilizes a drop-off/pick-up plan that utilizes the parking lot to the south of the "Old School" building, where they stage a waiting line. School staff direct traffic so that Lincoln Avenue does not become congested and over flow onto Ash Street. Creative Day drop-off/pick-up plan will not interfere with the existing plan, rather, Creative Day parents will turn left on Lincoln off of Ash instead of entering the parking lot and will utilize the eight spaces directly in front of the "Old School" to park while dropping off/ picking-up their children. Additionally, it should also be noted that while a certain segment of Creative Day parents may overlap on their drop-off/pick-up times as the majority of these will occur at different times of the day.

c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

Creative Day will not excessively burden any of the surrounding amenities that serve the planned development. Adequate play areas already exist on the property and public facilities will not be used on a regular basis. That being said, Creative Day will utilize several amenities in the area such as the public library, Lilacia Park, Dairy Queen, Lombard Pool, Lombard train station, however, we do not believe that any use will excessively burden any of these facilities and/or services.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

1. Proposed use exceptions enhance the quality of the planned development with the primary uses

The primary uses of the property as they stand now are, 1) as a place to assemble for religious services and education, and 2) as a private elementary school. Creative Day is a state licensed Child Care facility. St. John's school does not presently offer day-care

services, nor does it intend to in the near future. The presence of Creative Day Learning Center both compliments and enhances the services offered by St. John's elementary school.

2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties

Creative Day will be housed within a pre-existing school building and no new construction will take place. A traffic plan has already been worked-out so that the traffic impact to the area will be minimal. A day-care center is a valuable service to the surrounding community, but will not infringe upon the use and enjoyment of the surrounding properties.

3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.

The only floor area devoted to Creative Day Learning Center is the two classrooms and adjoining offices on the first floor of the building. This does not constitute more than 10% of the "Old School" building and that is not taking into consideration the playground, parking lots and green areas surrounding the "Old School" building.

PARKING VARIANCE  
RESPONSE TO STANDARDS

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

The parcel of land on which the St. John's Lutheran Church and School are located are in effect land locked, in that there is no open land available. Further, pursuant to the parking ordinance, Creative Day Learning Center would occupy 4 full-time parking spaces as the space is approximately 1000 s/ft. It would be an extreme hardship for Creative Day Learning Center to acquire further property for parking given the small number of spaces utilized on a full-time basis.

2. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not generally applicable to other property within the same zoning classification.

We have no knowledge regarding other properties within the same zoning classification. We only know the conditions as they exist regarding St. John's Lutheran Church and School Campus. Those conditions have been described and disclosed in the other answers to standard questions, both regarding parking variance as well as the application for a conditional use.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The purpose of this variation is to allow Creative Day Learning Center to operate a child care center at 215 S. Lincoln Avenue. Creative Day plans to operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. St. John's Elementary School operates between the hours of 8:40 a.m. and 3:30 p.m., Monday through Friday. St. John's Lutheran Church utilizes the parking areas predominantly on Thursday evenings, on Saturdays and Sundays. The two school's together would utilize less than 30 parking spaces out of approximately 100 spaces.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The number of parking spaces has remained constant for several years and has been adequate over that time. As stated above, the church and schools' uses of the parking areas do not overlap. It is the ordinance itself which presents the hardship.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Creative Day Learning Center, under the parking ordinance will be required to maintain 4 parking spaces. St. John's Lutheran Elementary School has 17 staff and with volunteers and aides possibly utilizes 25 parking spaces. The parking lot located at the south end of the property has over 75 parking spaces.

Creative Day Learning Center will utilize 4 spaces on a regular basis in the south parking area. There are eight (8) parking spaces directly in front of the old school building available for drop-off and pick-up of children. No additions to, or modification of, the parking areas will be necessary for the operation of this day care facility. Most traffic will be off of Main Street, onto Ash west and then onto Lincoln north. The residential character of Ash Street west of Lincoln should not be appreciably affected.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The only change this variation will bring is there will be slightly more traffic on Ash between Main and Lincoln, mainly between the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 5:30 p.m., Monday through Friday. St. John's Lutheran Church utilizes parking in the area predominantly on Thursday evenings after 6:00 p.m. and on Saturdays and Sundays. St. John's Lutheran School drop-off begins at approximately 8:30 -- 9:00 a.m. and pick-up between 2:45 -- 3:15 p.m. There should not be much overlap of use, except for the parking dedicated for staff and that will only require 25 to 30 spaces in a 75 space parking lot.



RESPONSES TO ADDITIONAL QUESTIONS RAISED BY COMMUNITY DEVELOPMENT DEPARTMENT

1. As the parking spaces assigned to Creative Day are within the public right-of-way, they cannot be used to satisfy Creative Day's parking requirement. Is the petitioner aware that a parking variation was granted in Ordinance 5665 (PC 05-06)? Therefore, further parking relief is necessary.

It was our understanding that the Lombard Village Traffic Department had worked-out an agreement with St. John's Lutheran School to utilize Lincoln Avenue for drop-off and pick-up. We are not aware of any parking variance regarding St. John's Lutheran Church and School. As for further parking relief, there are other areas of St. John's parking lot that can be utilized.

The parking lots to the south, and east, of the old gym are of adequate size to allow parents to park on the south side of the gym when St. John's School is not utilizing that lot for drop-off, and/or pick-up, in the lot east of the gym when St. John's School is utilizing the south lot for drop-off and/or pick-up.

2. Would it be possible for the Creative Day students to be dropped-off at the northwest corner of the parking lot, or elsewhere, rather than within the public right-of-way?

As was indicated in answer to the previous question, it might be possible for students to be dropped-off either from the St. John's lot south of the old gym, or, from the St. John's lot east of the old gym.

3. Is there an alternative plan for drop-off if the assigned parking spaces are occupied?

As was indicated in answer to questions 1 and 2, the parking lots located to the south and east of the old gym are of adequate size to accommodate drop-off and pick-up for both Creative Day and St. John's Lutheran School.

4. What will be the maximum number of employees present at the proposed day care facility at any one time?

The state through, the Department of Children and Family Services, mandates that there be a ratio maintained of one teacher for every 10 children. At this point and time, two classrooms are visualized as being used. That would indicate 4 teachers/employees.

Initially there will be two teachers until enrollment increases to mandate the use of the second classroom. At that time, teachers will be added as needed to total four teachers, two in each room if and when Creative Day Learning Center is at full capacity.

5. You have indicated that the proposed day care facility is currently licensed at forty students. As the size of enrollment is a concern on the property, would you be willing to have a cap of forty students (or another number) as a condition of approval?

While Creative Day Learning Center is licensed, it not operationally licensed until it can be approved for a license when it is ready to open, meaning all construction completed, tables, chairs, toys, books, everything is in place and ready for opening, through the Department of Children and Family Services.

That being said, the proposed space Creative Day at St. John's has been visited by the state licensing agents for pre-visits. At that time, a DCFS representative indicated that given the size of the room and the ages requested, she determined that 20 children per classroom would be the most that Creative Day could accommodate.

6. Do you have any plans to expand the facility into additional classrooms/other areas of the property, in the future?

That has not been decided to date, nor would any decision of that magnitude be made in the near future. That type of decision would be made based upon student enrollment and whether it would be economically feasible to go forward with expansion. There are no plans to expand beyond the first floor at St. John's Old Lutheran School.

7. Will parents be staying with their children at the facility?

The goal is to have children integrated into the classroom routine as quickly as possible and parents remaining in the classroom are disruptive to the other children in the class. Drop-off times should average no more than 5 to 10 minutes in duration.

8. Please explain the process by which children will be dropped-off by their parents. Will parents enter the building with their children, or be dropped-off at the parking lot?

Parents are required to bring their children into the classroom and sign them in upon drop-off and sign them out upon pick-up.

9. Your submittal indicates use of a gym for activities. Is this the old or new gym?

Creative Day Learning Center would utilize the old gym.

10. Your submittal also indicated that drop-off times for the day care facility may not conflict with the school's drop-off. However, the pick-up times are both listed between the hours of 4 p.m. and 5:30 p.m. within the narrative you submitted. Within the response to standards, the pick-up times for the school are indicated to be earlier, between 3:15 p.m. and 3:45 p.m. Which of these pick-up times are accurate?

When referring to pick-up times Creative Day Learning Center is usually between 4:00 p.m. and 5:30 p.m. and St. John's School is between 2:45 p.m. and 3:15 p.m.

11. As there are to be half-day students at the facility, are there specific drop-off and pick-up times for those students?

Drop-off and pick-up for half-day students varies depending upon where children are coming from and/or going to, how they are being transported and by whom.

cc: William J. Heniff, Senior Planner  
Village of Lombard Trustees

Julianne M. Doan  
Vice President



Sincerely,

I believe Cheryl and her Creative Day Learning Center would be a positive asset to your community and the working parents of Lombard.

I have been acquainted with Cheryl Holtz-Dennis of Creative Day Learning Center since 1983. I met Cheryl when I toured her Center in Villa Park during the screening process of finding a top notch facility for my 3 year old son. I ultimately chose the Creative Day Learning Center in Villa Park for my son because of the personal touch and home-like atmosphere that you don't readily observe at the larger "chain" child care and learning centers. I was so favorably impressed by Cheryl and her Center that I subsequently enrolled my second son there as well. I have nothing but good things to say about the care and development that my boys experienced at Creative Day Learning Center. I confidently entrusted her with the care of the two most important people in my life.

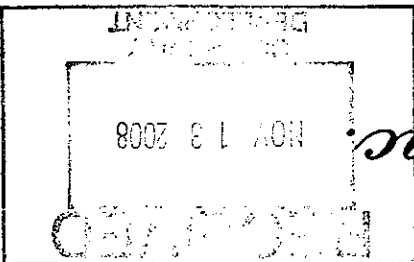
Dear Mr. Hulseberg:

Mr. David A. Hulseberg  
Village Manager  
Village of Lombard  
255 E. Wilson Ave.  
Lombard, IL 60148

November 11, 2008

150 East Hill St. • Villa Park, Illinois 60181  
(630) 834-5908 FAX (630) 834-5929

*Area Equipment, Inc.*



Paula Bublitz

*Paula Bublitz*  
Sincerely,

Please do not hesitate to contact me if you have any questions (630) 202-7099.

My daughter was enrolled at Creative Day for 2-1/2 years until she started Kindergarten. I felt very comfortable leaving my daughter at Creative Day with Cheryl and Tracy. It was like a little family. The kids played, learned, went on short field trips, had lunch and napped together. I highly recommend Creative Day! Cheryl and Tracy were GREAT!!!

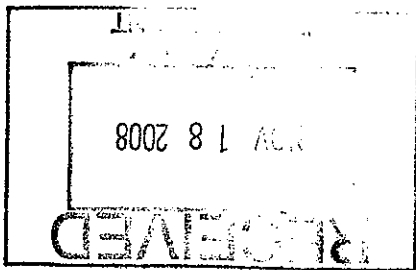
Dear Mr. Heniff,

Re: Creative Day

William J. Heniff, AICP  
Community Development  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, Illinois 60148-3931

November 13, 2008

**MILLENNIA**  
GROUP



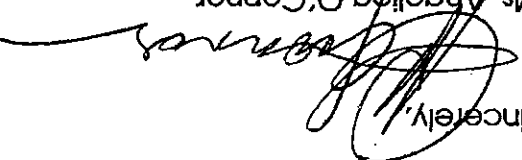
November 13, 2008

Mr. William Heniff, Community Development Department  
Mr. David Hulseberg, Village Manager  
Village of Lombard Trustees

To Whom It May Concern:

When I moved to Lombard in 2002 I was going thru my divorce which became final in 2004. I have two children which lived with their father in Naperville until 2005. In the summer of 2005 I received a phone call from their father that he is giving up being their residential parent. This brought me total joy and delight for my kids will finally with me. As they were being situated in my area, one of my main concerns was my youngest who at that time was only four years old. Being a full time single mother/ parent, I had to find a day care organization that I could trust and has been in business for a very long time. My daughter is attending Westmore Elementary School and I have asked the school for day-care recommendations for being new in this endeavor. They provided me a list. I have called and talked to several home day-care and for some reason I did not feel comfortable with any. Until one day, I made a phone call with Creative Day Learning Center and talked to Cheryl. She was very up front, accommodating and very honest about how she runs her business. I needed to go back to work really quickly and showed up at their Villa Park, IL facility and talked to Traci who has welcomed me and Kristine despite our short notice. They were there to help as I explained my whole situation.

If I would do it over again, I would bring Kristine back to Creative Day. Kristine at this point still wishes she can go to Ms. Cheryl and Ms. Traci. She misses their company and the other kids, their programs and activities. I strongly believe making Creative Day Learning Center as part of our Lombard business establishment will surely be one great asset for our community. I know and I have experienced and witnessed the dedication of Ms. Cheryl Holtz Dennis and Ms. Traci with the several years that Kristine was at their care.

Sincerely,  
  
Ms. Angelica O'Connor  
739 E South Broadway, Apt. 1  
Lombard, IL 60148  
630-705-0115



LOMBARD ELEMENTARY DISTRICT 44  
MUSIC PARENTS ASSOCIATION

Glenn Westlake Middle School  
1514 S. Main Street  
Lombard, IL 60148

To: Dave Hulseberg, Village Manager  
Community Development Board  
Lombard Trustees

I have had the pleasure of knowing Cheryl Dennis for eight years. We first became acquainted through our children when they attended Park View Elementary school in Lombard Illinois.

While at Park View Cheryl was head room parent for her daughters grade. Her responsibilities in that capacity was to contact parents for various events throughout the school year and notify class room parents of any specific class room event (i.e. school closings etc.) Along with those responsibilities she handled all aspects of planning, executing and clean up for the two yearly class room parties. Cheryl was also heavily involved with numerous PTA events and functions. Including but not limited to Halloween Night, Earth Week, Taste of Lombard, and my personal favorite and one in which we worked together, Field Day. She was actively involved in academic areas of the school as well as the instrumental music program.

When her daughter moved on to middle school, Cheryl continued with her involvement in Westlake's PTA and the music program. Music Parents Assoc. (MPA) again brought us together. First with District 44's pancake day and co-chairing the raffle donation committee. Then on the MPA executive board with Cheryl as Treasurer and myself as Vice President-Programs. Her determination and attention to details made her an invaluable asset to the program. While on the board, a situation arose that landed the role of sole President in my lap at which point Cheryl also became my confident and sounding board. She is patient, kind and has a wonderful sense of humor. During this time we realized not only were we friends but also neighbors living only a few short blocks apart.

Cheryl's daughters graduation brought sadness to both the district music program and myself knowing that we were losing a great treasurer. However, the friendship continues and I look forward to joining her again next year with the Music Boosters at East.

I feel confident she can handle any situation with care and diplomacy. Cheryl is a tremendous asset to the town of Lombard and I would recommend her without hesitation,

Sincerely,

*Jody Krems*  
Jody Krems  
Co-President  
Music Parents Assoc. (MPA)

630-629-6950



**Villa Park Electrical Supply Co., Inc.**

**"The Power of Great Service"**

November 17, 2008

Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148-3931

ATTN: Mr. David A. Hulseberg, Village Manager  
Mr. William J. Heniff, Senior Planner  
Village of Lombard Trustees

RE: Reference Letter / Letter of Recommendation for Cheryl Holtz-Dennis /  
Creative Day Learning Center

Gentlemen:

Since 1987, our company has recommended Creative Day Learning Center to our employees who live in the area for their daycare needs. We recommend Creative Day because we have first hand knowledge of how Creative Day is operated and know how well the children are treated there. Three of our own children were enrolled for several years each with Cheryl Holtz-Dennis and her staff.

The students at Creative Day Learning Center enjoy a structured, safe, and caring environment. There is a good balance of play time, learning, and rest time. We know that Creative Day Learning Center is an asset to our community. It serves a very important need to many working families. Based on our experience, we recommend that the Village of Lombard continue to all allow Creative Day Learning Center to operate in its present facility.

Should you have any questions regarding this recommendation please feel free to contact us.

Sincerely,

VILLA PARK ELECTRICAL SUPPLY CO., INC.  
*Antonette Favia*  
Antonette Favia  
Vice President

*Rose Ann Deadessis*  
Rose Ann Deadessis  
Co-owner/ Manager



GOOD EVENING MR. PRESIDENT AND TRUSTEES

MY NAME IS ALICE GLENNON AND I LIVE AT 331 W. BROOKFIELD STREET, IN LOMBARD.

I HAVE LIVED HERE FOR 13 YEARS AND AM RAISING 3 CHILDREN HERE...

I AM HERE TO SPEAK ON BEHALF OF MRS. CHERYL HOLTZ-DENNIS.  
CREATIVE DAY LEARNING CENTER.

I HAVE KNOWN THE DENNIS'S FOR THE PAST 10 YEARS.

CHERYL AND HER FAMILY HAS LIVED IN LOMBARD FOR 21 YEARS AND HAS BEEN ON MANY, MANY COMMITTEE WITH PARK VIEW, GLEN WESTLAKE AND CURRENTLY WITH GLENBARD EAST SCHOOLS.

NOW WOULD LIKE TO BE PART OF THE BUSINESSES COMMUNITY IN HER HOME TOWN.

CHERYL IS REQUESTING A DAY CARE CENTER IN ST. JOHN LUTHERN SCHOOL.

I UNDERSTAND THERE ARE CONCERNS ABOUT A BUSINESS BEING IN A RESIDENTIAL AREA. HOW MANY MORE BUSINESSES ARE IN THAT GENERAL AREA? THE NEW CONDO'S ALL HAVE BUSINESS SPACE UNDERNEATH THEM.

CREATIVE DAY IS UNIQUE AS THEY GIVE A PERSONAL TOUCH ATMOSPHERE THAT LARGER CHAIN/PROGRAMS DO NOT HAVE. THIS GIVES THE YOUNG CHILDREN A HOME AWAY FROM HOME FEELING. THEN WHEN IT COMES TO PARENTS KNOWING THEIR CHILDREN ARE IN A WONDERFUL ENVIRONMENT SUCH AS CREATIVE DAY IT CERTAINLY DOES HELP WITH THERE STRESS LEVEL.

BRINGING HER BUSINESS INTO LOMBARD WILL ALSO BRING IN REVENUE AS SHE WOULD BE USING THE LOMBARD POOL, LIBRARY, TRAIN AND OTHER BUSINESSES.

I FEEL CREATIVE DAY WOULD BE A GREAT ASSET TO WORKING PARENTS AND THE COMMUNITY OF LOMBARD.

I HAVE SEEN MRS. HOLTZ-DENNIS AROUND TOWN AT BALL GAMES AND KIDS COME UP TO HER AND HUG HER REMEMBERING BEING ONE OF THE MANY CHILDREN SHE AND HER STAFF HAVE CARED FOR.

I HOPE YOU WILL TAKE ALL THIS IN CONSIDERATION AS CREATIVE DAY  
AGAIN WILL BE A WONDER BUSINESS FOR OUR COMMUNITY. LOMBARD  
WOULD BE LUCKY TO WELCOME THEM HERE.  
THANK YOU FOR YOUR TIME.

ORDINANCE NO. \_\_\_\_\_

**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 hearings on the foregoing application were 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,

Parcel 2:

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

Parcel 1:

follows:

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

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.

2. Approve a use exception, pursuant to Section 155.508 (B) of the Zoning  
Ordinance, for a private day care center; and

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;

Section 3:

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

ILLINOIS, as follows:

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

WHEREAS, the President and Board of Trustees approve and adopt the  
findings and recommendations of the Plan Commission and incorporate such findings and  
recommendations herein by reference as if they were fully set forth herein;

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 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.
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. The petitioner shall bring any portion of the subject building, which is to be occupied by or ancillary to the subject day care facility, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Ordinance No. \_\_\_\_\_  
Re: PC 08-32  
Page 5

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk