

Village Code to add educational facilities within the list of conditional uses within the I Limited Industrial Zoning District.

Please note that while the text amendment is requested to allow for the use on the subject property as it is proposed to be operated, the text amendment, if approved, would be applicable to all properties with I Limited Industrial Zoning District.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

Public Works

The Engineering Division of the Public Works Department has no comments regarding the petition.

BUILDING AND FIRE

The Fire Department has no comments regarding the proposed text amendment.

PLANNING

Compatibility with the Zoning Ordinance

The petitioner is proposing to open and operate a private educational facility that serves the special schooling needs of children and teenagers with behavioral and emotional problems. A detailed discussion of their specific request is considered as part of PC 04-02. However, before the Village can consider the merits of their petition, the Zoning Ordinance must be amended to list private educational facilities, either as a permitted use or as a conditional use, within the Zoning Ordinance.

While the petitioner is looking to establish private elementary and high school facilities as a conditional use, staff believes that public schools should also be listed in the same manner. Although public schools are exempt from Building and Zoning Codes in the State of Illinois (they are regulated via the State School Building Code), staff believes that the companion amendment should still be added for consistency.

For reference purposes, the following definitions of schools, as defined in the Zoning Ordinance are offered:

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, AND HIGH any full-time school which is licensed by the state and which meets the state requirements of a school.

For comparative purposes, staff also offers the following additional definition included within the Zoning Ordinance. This definition, which was adopted by the Village in 2000, is offered in order to denote the difference between a private school and a tutoring activity:

LEARNING CENTERS which include, but are not limited to, instruction in art, dance, photography, sculpture, language, student tutoring, testing centers, etc., but which do not include adult uses, trade schools, or public or private full-time schools.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and the petitioner's and staff comments are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

Should the amendment be approved, it would apply to all properties with I zoning. As such, other I properties could be considered for school purposes should the text amendment be approved. Schools are proposed to be listed as conditional uses - any future facilities would have to meet the standards for conditional uses and would be subject to a future public hearing process.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The Zoning Ordinance lists private and public schools as follows:

District	Private Schools	Public Schools
C/R Conservation/Recreation District	Conditional	Permitted
R1 – Single-Family Residence	Conditional	Conditional

R2 – Single-Family Residence	Conditional	Conditional
R3 – Attached Single-Family Residence	Conditional	Conditional
R4 – Limited General Residence	Conditional	Conditional
R5 – General Residence	Conditional	Conditional
R6 – Central Residence	Conditional	Conditional
O – Office	Conditional	Conditional
B1 – Limited Neighborhood Shopping	Prohibited	Prohibited
B2 – General Neighborhood Shopping	Prohibited	Prohibited
B3 – Community Shopping	Prohibited	Prohibited
B4 – Corridor Commercial	Prohibited	Prohibited
B5 – Central Business	Prohibited	Prohibited
B5A – Downtown Perimeter	Prohibited	Prohibited
I - Limited Industrial	Currently Prohibited, Proposed as Conditional	Currently Prohibited, Proposed as Conditional

In summary, private schools are conditional uses in the residence districts and the O Office district. Historically, schools have been considered to be most compatible with residential zoning districts, as schools typically draw upon the neighboring school-aged populations. However, for schools that cater to special needs of students, the attending students are dispersed in a wider geographic area and are transported via a private vehicle or bus. Therefore, locations that can adequately address the transportation needs of these students may better serve the overall needs of the students in some cases.

Staff notes that schools are already listed as conditional uses in another employment-based zoning district - the O Office District. Listing private schools as a conditional use in the I District as well can also provide additional opportunities for locating private schools that would not be compatible with residence districts.

The Zoning Ordinance lists private schools as conditional uses in all districts in which they are allowed, staff believes listing such schools as conditional uses within the I District would be consistent with the Ordinance.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendment creates no nonconformities.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment would make the Zoning Ordinance more permissive only to the extent that it would allow public and private schools within the I District through the conditional use public hearing process. Without the text amendment, schools could only be approved if the

property was rezoned into a district that would allow schools, which staff believes would not be practical or feasible in most cases. Therefore establishing the review through the conditional use process is more desirable.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. Public and private schools can, in some cases, have more in common with industrial uses (i.e., little or no pedestrian movements, increased trip generations than a typical neighborhood school, community or regional draw to the facility, etc.). Therefore, staff believes that future proposed schools can be looked at on a case by case basis to determine if their respective operation is consistent with the intent of the underlying district and would be appropriate for the respective site.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address newly evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard. Staff notes that recent text amendments have also addressed land uses that have changed in nature. This amendment is intended to realize that some schooling activities have unique operations and locating these establishments within the community should be considered in the context of their impacts on neighboring properties. Staff finds that in some cases private schools could be more appropriate in non-residential districts rather than being located within residential subdivisions.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance is denoted by underlining new text.

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

(B) Permitted Uses

The following uses shall be permitted in the I District:

- (1) Bedding manufacturing
- (2) Boot and shoe manufacturing
- (3) Cabinet Making

- (4) Carpet manufacturing
- (5) Cloth products manufacturing
- (6) Contractors, architects, and engineers offices and shops
- (7) Dry cleaning plants and operations primarily serving satellite drop-off dry cleaning establishments in other districts.
- (8) Electronic and scientific precision instruments manufacturing
- (9) Exterminating services
- (10) Film Processing; not including retail sales or commercial studios
- (11) Furniture upholstery & Refinishing
- (12) Fur processing
- (13) Laboratories, including research and testing laboratories
- (14) Laundries, including truck route laundries, linen supply, and diaper services
- (15) Light machinery production and repair e.g. household appliances & business machines etc. - appliances, business machines, etc.
- (16) Lithographing
- (17) Mail order houses
- (18) Mechanical Parts Reconditioning
- (19) Mini-Warehouses
- (20) Musical instruments manufacturing
- (21) Offices
- (22) Orthopedic and medical appliance manufacture
- (23) Packing Material Manufacturing
- (24) Parking lots, commercial and lots other than accessory, and subject to the provisions of Section 155.600 of this Ordinance
- (25) Pottery and ceramics manufacture
- (26) Printing and publishing establishments
- (27) Public utility and service uses

- (28) Radio and television stations and towers
- (29) Rope, cord, and twine manufacture
- (30) Sheet Metal Stamping and Fabrication
- (31) Sign Contractors
- (32) Sporting goods manufacture
- (33) Storage Centers
- (34) Tool & Die
- (35) Warehousing, storage, and distribution facilities
- (36) Wearing Apparel Manufacture
- (37) Woodworking and wood products manufacture
- (38) Automated Envelope Merging Process

(39) Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

(C) Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

(1) Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:

(a) not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;

(b) not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

- (2) Automobile repair
- (3) Automotive service
- (4) Banks
- (5) Building material sales and storage

- (6) Cartage and express facilities
- (7) Catering Services
- (8) Compost collection facility
- (9) Concrete and cast stone fabrication and molding
- (10) Contractors, architects, and engineers equipment and material storage yards
- (11) Cosmetics production
- (12) Dairy products processing or manufacture
- (13) Food manufacture, packaging, and processing
- (14) Gasoline sales
- (15) Glass products production
- (16) Heliports, private or commercial
- (17) Metal Plating, Forging, or Casting
- (18) Mortuarial Services
- (19) Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
- (20) Outpatient medical and dental offices and clinics
- (21) Paper products manufacture
- (22) Parks and playgrounds
- (23) Planned developments in conformance with Section 155.500 of this Ordinance
- (24) Plastic extruding
- (25) Recreation buildings or community centers
- (26) Recycling collection centers
- (27) Restaurants
- (28) Schools: public and/or private elementary, middle and high
- (29) Soap manufacture
- (30) Stadiums, auditoriums, and arenas - open or enclosed

(31) Outside Storage of Motor Vehicles

(32) Trade school

(33) Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat.

(34) Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.

(35) Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendment to the Zoning Ordinance plan **does comply** with the Standards required by the Zoning Ordinance. Therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 04-01.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:WJH