




MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: February 2, 2023

SUBJECT: **PC 23-01, 1280 S Finley Road**

Please find the following items for Village Board consideration as part of the February 2, 2023 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 23-01; and
3. An Ordinance granting approval of a conditional use pursuant to Section 155.417(G)(2)(b)(iii) of the Lombard Village Code to allow for a day care center to operate on the subject property located within the B4A Roosevelt Road Corridor District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the February 2, 2023 Board of Trustees agenda for first reading.



VILLAGE OF LOMBARD

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February 2, 2023

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

"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."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 23-01, 1280 S. Finley Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use pursuant to Section 155.417(G)(2)(b)(iii) of the Lombard Village Code to allow for a day care center to operate on the subject property located within the B4A Roosevelt Road Corridor District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 23, 2023. Sworn in to present the petition were Giovanni Giraldo, Alexandra Corredar, and Karen Giraldo the petitioners, and Jennifer Ganser, Assistant Director.

Acting Chairperson Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine, and proceeded with the petition.

Ms. Corredar said she and her family has lived in Lombard since 2004. They started the day care center in 2005 in their home. They have a wait list and are struggling with adequate space. Mr. Giraldo discussed the success of their program and noted the investment they would make in the building and landscaping. Ms. Giraldo noted this is her parent's business and as a realtor she understands that home buyers look for houses with good schools and good day care centers nearby.

Acting Chairperson Giuliano asked if any additional person would like to speak in favor or against this petition, or for public comment.

Hearing none, Acting Chairperson Giuliano asked for the staff report.

Ms. Ganser presented the IDRC report for PC 23-01, which was entered into the public record in its entirety. The petitioner proposes to operate a day care center with an outdoor play area. The day care will be approximately 5,000 square feet with approximately 1,864 square feet outside that will be fenced. The petitioner proposes to buy the property. Cross access was established between 1280 S. Finley Road and 515 W Roosevelt Road. 1280 S Finley Road does not have direct access onto Roosevelt Road or Finley Road.

Acting Chairperson Giuliano opened the meeting to discussion by the Plan Commissioners.

Commissioner Johnston asked what the capacity will be and Ms. Ganser said the petitioner noted 72 children. She explained that the Fire Department will verify this.

Commissioner Sweetser asked for clarification on the hours of operation. Ms. Corredar said the teachers will start earlier and stay later to clean and get the classrooms ready. Commissioner Sweetser asked about the cross access and drop off/pickup. Ms. Ganser clarified that the cross access is recorded against the property. Ms. Giraldo said that security is important and they will have parking spaces for drop off/pickup.

Commissioner Verson asked if they will repave the parking lot and the petitioner said yes.

Acting Chairperson Giuliano asked if there were any additional comments. Hearing none, she asked for a motion from the Commissioners.

On a motion by Commissioner Johnston, and a second by Commissioner Verson, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 23-01, subject to the following three (3) conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Respectfully,

VILLAGE OF LOMBARD

Leigh Giuliano, Acting Chairperson
Lombard Plan Commission

January 23, 2023

Title

PC 23-01

Petitioner

Giovanni Giraldo
1099 Beverly Court
Lombard IL 60148

Property Owner

Jane Young Kim
2229 Cold Meadow Way
Silver Spring MD 20906

Property Location

1280 S. Finley Road
PIN: 06-19-100-017
Trustee District 2

Zoning

B4A

Existing Land Use

Commercial building

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use for a day care

Prepared By

Jennifer Ganser, AICP
Assistant Director



Location Map

PROJECT DESCRIPTION

The petitioner proposes to operate a day care center with an outdoor play area. The day care will be approximately 5,000 square feet with approximately 1,864 square feet outside that will be fenced. It is a freestanding building. The property has five (5) parking spaces that will be used for drop off and pick up. The petitioner proposes to buy the property.

Approvals Required

The petitioner requests a conditional use pursuant to Section 155.417(G)(2)(b)(iii) of the Lombard Village Code to allow for a day care center to operate on the subject property located within the B4A Roosevelt Road Corridor District.

Existing Conditions

The property is an existing vacant building with associated parking. The building was formerly a dry cleaner. Per York Township, the building was built in 1979.

PROJECT STATS

Lot & Bulk

Parcel Size: 1.148 acres

Submittals

1. Petition for a public hearing;
2. Response to Standards;
3. Plat of Survey, prepared by Murry and Moody, Ltd., dated June 11, 2002;
4. Landscape Plan prepared by Beron Design Group, dated October 8, 2022; and
5. Site Plan prepared by Beron Design Group, dated October 8, 2022.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments referring to the Zoning matter regarding PC 23-01, but as this is a change of use, we offer the following:

1. The facility will need to meet all provisions of not only local codes, but the State of Illinois Administrative code regarding daycare centers. Items such as radon and surface lead testing are required, and water lead testing (if serving children under 6) are required by the State of Illinois.
2. The interior buildout will also have to meet all State "Facility" requirements as well as "Outdoor Play Area" requirements. This will include an outdoor play area able to accommodate at least 25% of the center capacity, etc.
3. As this site is a former dry cleaner, and an underground environmental barrier was installed at or near the property line to contain ground contamination, an environmental consultant will have to be retained by the business or property owner in order to ensure the all areas of the proposed business will meet all codes. Specifically providing the State required "well drained" outdoor play area, while still providing the encapsulation needed.
4. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has the following comments:

1. Must have a fire alarm and carbon monoxide detection.
2. A building of any construction type, without sprinkler protection, is permitted if the day care center is located only on the first floor (grade level).
3. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

PES has the following comment on the subject petition:

1. Future permit submittal should have a full ADA design of the sidewalk in front of the ADA parking spots (including slopes). These elevations should be coordinated with the building/front door foundation elevation to ensure that design is constructible.
2. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B4A	Retail
South	R5PD	Apartments
East	R5PD and B4APD	Condominiums and Mariano's Grocery Store
West	B4A	Retail

The B2 District is intended to provide convenience shopping to the nearby residential. The proposed use is on the Roosevelt Road corridor which has retail, office, and other similar uses. Staff finds the proposed use of a day care is consistent with the zoning and land use of the surrounding properties. The day care center will serve the local population.

Per R1972-41405, cross access was established between 1280 S. Finley Road and 515 W Roosevelt Road. 1280 S Finley Road does not have direct access onto Roosevelt Road or Finley Road.

2. Comprehensive Plan Compatibility

The proposed use would be consistent with the designation of the property as Community Commercial.

3. Zoning Compatibility

Interior renovations will be needed, as well as the addition of an outdoor play area with a fence. Such improvements are reviewed by the Village and the State Department of Children and Family Services. The day care center will have approximately 72 children. It would be open from 6am to 6pm Monday through Friday. There will be approximately 14 employees and 17 parking spaces. There are five drop off parking spaces for parents to use to drop off children in the morning. Parking meets Code.

The outdoor play area will be screen by a 6' tall wooden fence. The petitioner is adding landscaping to the south, and on both sides of the building to help beautify the property.

In analyzing the petition, staff finds the proposed use will be compatible with nearby development and will not create negative impacts on neighboring properties.

FINDINGS & RECOMMENDATIONS

Staff finds that the proposed use is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

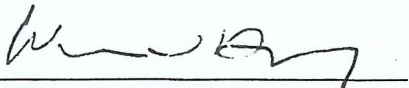
The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use in the B2PD District, and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 23-01:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional uses, variances, and deviations is in the public interest and, therefore, I move that the Plan Commission

accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 23-01, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

VII. STANDARDS FOR CONDITIONAL USES

1. The building will be use as a child care facility serving children from 0 to 12 years old. And the hours of operation will be 6:00 am to 5:30 pm. The establishment will be maintained in an excellent condition and will be not detrimental to, or endanger the public health, safety, morals, comfort, or general welfare as per we will follow the DCFS rules for child care center license.
2. Our child care center will be favorable to the vicinity. Families of the area will benefit from our place as they will have a place for their children close to home. Likewise, the properties of the neighborhood will increase their value having a child care center in the area.
3. Our child care center will not impede with the development and improvement of the surrounding property. On the contrary, the establishment will help with the development of the area.
4. The public utilities, access roads, drainage are already stablished in the property. We will use them and maintain.
5. We have designed a traffic pattern for parents to follow to the designated drop off/pick up area. Please refer to the plan.
6. Village Comprehensive Plan alignment:
 - Buying an already developed property for improvement and maintenance.
 - Property is already in a commercial zoning.
 - New apartments and townhouses increased the demand for early childhood care for many years to come.
 - Improving the facility will increase the property taxes and the after-repair value will provide the community with more fiscal resources to meet new service demands.
7. We are working alongside with the village and architect to ensure the establishment conforms to the applicable regulations, and we will modify any regulation pursuant to the recommendations of the plan commission and DCFS.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A
DAY CARE CENTER PURSUANT TO TITLE 15, CHAPTER 155,
SECTION 155.417(G)(2)(b)(iii) OF THE LOMBARD CODE OF
ORDINANCES**

PC 23-01; 1280 S. Finley Road

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 B4A Roosevelt Road Corridor District; and,

WHEREAS, an application has been filed requesting approval for a conditional use pursuant to Section 155.417(G)(2)(b)(iii) of the Lombard Zoning Ordinance to allow for a day care center; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on January 23, 2023, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

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

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

SECTION 1: That the following conditional use for a day care center is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

SECTION 2: That this Ordinance is limited and restricted to the property located at 1280 S. Finley Road, Lombard, Illinois and legally described as follows:

LOT NO. 3 OF FINLEY-ROOSEVELT ASSESSMENT PLAT, BEING A DIVISION OF PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 14, 1972, AS DOCUMENT R72-12515, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-19-100-017 (the "Subject Property").

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

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this ____ day of _____, 2023.

First reading waived by action of the Board of Trustees this ____ day of _____, 2023.

Passed on second reading this ____ day of _____, 2023.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2023.

Keith Giagnorio, Village President

Ordinance No. _____
Re: PC 23-01
Page 3

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this ____ day of _____, 2023.

Elizabeth Brezinski, Village Clerk