

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 PES 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 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.

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.

Plan Commission
Re: PC 08-32
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Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

WJH
c: Petitioner

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