

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. Huliseberg, Village Manager *dash*
DATE: February 11, 2010
TITLE: PC 08-32: 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School/Creative Day Care)

SUBMITTED BY: Department of Community Development *WA*
BACKGROUND/POLICY IMPLICATIONS:
The Department of Community Development submits for your consideration an ordinance granting a time extension of Ordinance 6306 extending the time period for construction of the conditional use for an additional 12 months.
Staff recommends approval of this request.
Please place this item on the February 18, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X _____
Date _____
Date _____
Date _____

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 J. Heniff, AICP
Director of Community Development *WJH*

DATE: February 18, 2010

SUBJECT: Extension of Ordinance 6306 (PC 08-32; 215 and 220 S. Lincoln Street)

The Board of Trustees approved Ordinance 6306 (PC 08-32) on February 19, 2009 which amended 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. Per the conditional use provisions, if construction has not begun within one (1) year from the date of approval, the conditional use is null and void unless an extension is granted by the Board of Trustees.

After being advised that the approval was about to expire, the petitioner is requesting a further time extension of the use exception, as stated in the attached letter. The petitioner notes that they are still working out details with St. John's and various contractors.

Staff believes that granting an extension is in the best interest of the Village, provided that the petitioner adheres to conditions incorporated in the original Ordinance.

Recommendation

Staff recommends that the Village Board approve an Ordinance extending the time period for construction of the conditional use an additional twelve (12) months, until February 18, 2011. A copy of Ordinance 6306 is attached.

January 25, 2010

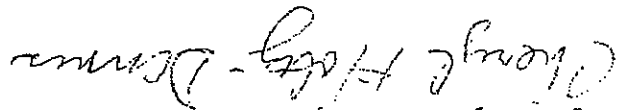
Village of Lombard
c/o: Village of Lombard Community Development Department
Board of Trustees, Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Trustees:

Creative Day Learning Center was granted use exception PC 08-32 on 2/19/2009. The use exception was to be substantially underway within one year of the approval date. Creative Day Learning Center has been in the process of working with the Village, St. John's Church and contractors to move this project forward, but construction has not yet begun. As of this date, the building plans have been approved by the Village but we are still working out details with St. John's and various contractors.

We are respectfully requesting an extension of the PC 08-32 use exception so that we can get the build-out construction completed, Creative Day Learning Center open and some time to recover financially before undertaking the additional construction described in PC 08-32.

Respectfully Submitted,



Cheryl Holtz-Dennis
Owner, Creative Day Learning Center
215 S. Lincoln Avenue
Lombard, IL 60148

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

Return To:

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

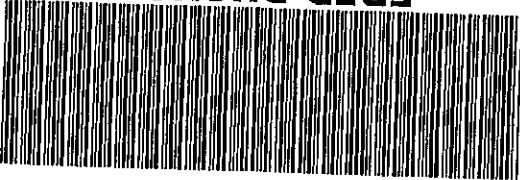
PIN: 06-07-216-025 and 06-07-217-017

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

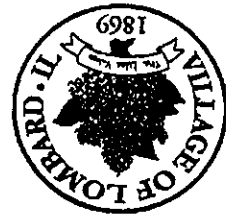
ORDINANCE 6306

REVISED

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



COPY



**ORDINANCE NO. 6306
Revised July 30, 2009**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel 2:
LOT 1 IN ST. JOHN'S SECOND PLAT OF CONSOLIDATION OF PART OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 13, 2006 AS DOCUMENT R2006-198281, IN DUPAGE COUNTY, ILLINOIS.

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

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

1. The petitioner shall occupy only two classrooms (Rooms 101 & 103) and one office on the first floor the St. John's Lutheran old school building, making periodic use of the kitchen and gymnasium in that building. As an alternative, the petitioner may occupy the room on the lower level which is directly adjacent to the kitchen for the daycare use. But for its use as a lunchroom, in no event shall the room adjacent to the kitchen be used for daycare purposes in conjunction with Rooms 101 and 103.

2. Should the petitioner seek to make a substantial change the proposed use such as, but not limited to, expanding the proposed day care center by occupying other rooms on the subject property or increasing the number of children accommodated at the facility beyond forty (40), a conditional use amendment will be required.

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

4. The petitioner and property owner shall agree upon a location within the southern parking lot to designate four (4) parking spaces for Creative Day drop-off/pickup, subject to the review by the Director of Community Development. Signage shall be installed at these parking spaces indicating that parking is reserved for Creative Day drop-off between 7:00 a.m. and 8:30 a.m. and pickup between 4:00 p.m. and 5:30 p.m. on Monday through Friday.

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

6. If rooms 101 and 103 are used for daycare purposes, the petitioner shall bring that portion of the subject building, into full compliance with the requirements set forth by the Americans with Disabilities Act and the Illinois Accessibility Code, and shall include the following:

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

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

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

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

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

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

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

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

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

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

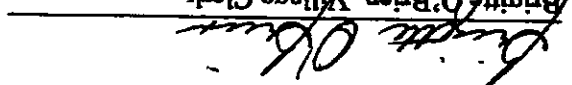
Nays: None

Absent: None

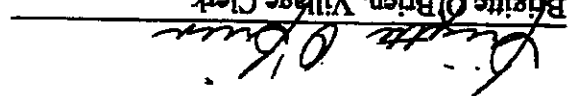
Approved by me this 19th day of February, 2009.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

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


Brigitte O'Brien, Village Clerk



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

I further certify that attached hereto is a copy of

REVISED ORDINANCE 6306

ORDINANCE AMENDING ORDINANCE 5665

GRANTING A CONDITIONAL USE FOR A

PLANNED DEVELOPMENT, WITH A VARIATION

FROM PARKING REQUIREMENTS AND A USE

EXCEPTION FOR A DAY CARE CENTER, UNDER

TITLE 15, CHAPTER 155 OF THE CODE OF

LOMBARD, ILLINOIS

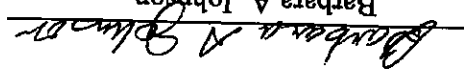
PN: 06-07-216-025 and 06-07-217-017

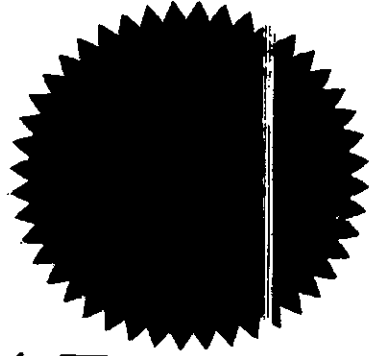
Address: 226 and 218 W. ST. CHARLES RD.,

LOMBARD, IL

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

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


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



(PC 08-32; 215 and 220 S. Lincoln Street)

**AN ORDINANCE GRANTING
A TIME EXTENSION OF ORDINANCE 6306**

ORDINANCE NO. _____

WHEREAS, on February 19, 2009, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6306 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; and

WHEREAS, pursuant to Sections 155.103 (F)(11) and (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses and variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, while the petitioner has submitted a building permit application, construction has not commenced and no building permit has been issued for the development, granted by Ordinance 6306; and,

WHEREAS, the Village has received a letter requesting an extension of Ordinance 6306; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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: Ordinance 6306 is hereby amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance.

SECTION 2: That all other provisions associated with Ordinance 6306 shall remain in full force and effect.

SECTION 3: 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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk