



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*
George E Seagraves, Fire Chief *GES*

DATE: February 19, 2009

SUBJECT: **PC 08-32: St. John's Evangelical Lutheran Church & School/Creative Day Care - ADA/Accessibility issues at the St. John's old school building**

At the February 5, 2009 Village Board meeting, the Board approved the first reading of the ordinance for PC 08-32 relative to a request for a day care center at the old St. John's school building. At the meeting, the Board discussed the condition requiring the petitioner make certain ADA improvements to the old school building. The original condition read 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.

Prior to final consideration by the Village Board, staff was directed to meet with the petitioner to review the requirements of this condition and compile a list of items that will be required to bring it into compliance with this condition.

On February 9, a meeting was held at the St. John's old school building between Village representatives, the petitioner and property owner to inspect the areas to be occupied by Creative Day. As originally proposed, Creative Day would occupy two existing classrooms (rooms 103 & 105), office, bathroom and lunchroom. Staff inspected those areas and identified the following improvements would be necessary to comply with ADA requirements:

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

During the inspection, it was determined that the facility does have another bathroom located downstairs. Staff noted that accessibility improvements would only need to be made to one of the two bathrooms and the petitioner could choose which bathroom to improve. However, the Building Division suggested the upstairs bathroom as it will be closest to the children and might be the most cost effective. Should the petitioner decide to occupy the downstairs bathroom, the following accessibility improvements would be necessary:

Room	ADA Improvements
Upstairs Bathroom	ADA compliant bathroom stall, ADA compliant sink, grab bars, ADA compliant fixtures, and ADA compliant doorway width

In addition, there was discussion that Creative Day could occupy a room in the downstairs level for their daycare purposes. This room is adjacent to the kitchen and was originally intended to act as the lunchroom. If they were to do this, they would need to make accessibility improvements to that room and the downstairs bathroom. Improvements to the upstairs, such as the chairlift, would not be required. The petitioner has not yet determined if this is a viable option for them and the property owner.

In response to the meeting at the facility, staff offers the following amended conditions for the Village Board, as set forth within the attached draft Ordinance:

- The petitioner shall occupy only two classroom(rooms 103 & 105) 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 103 and 105.*
- If rooms 103 and 105 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. These improvements 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

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

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

There was discussion that Creative Day could be allowed to complete the accessibility improvements in phases, as this would allow them to manage the cost of the improvements. If the first level classrooms are used for the day care use, staff recommends that a condition be added to the attached Ordinance that would provide for the installation of the required chairlift within eighteen months from the date of approval.

Fire Department staff also compiled a preliminary list of life safety and fire protection requirements and issues that need to be addressed by the petitioner prior to occupancy. As these items are required by code, they do not need to be added as conditions to this petition.

List of Life Safety Requirements as Prepared by Fire Department Staff

In addition to the accessibility requirements, when an educational facility is changed to a daycare occupancy, it is required to meet the requirements of the current Life Safety Code. As such the following requirements will need to be met:

- 1). Where daycare centers are located in a building with a mixed occupancy, they shall be separated by a 1-hour fire barrier.
- 2). Centers are restricted to certain levels of the building dependant upon construction type and sprinkler protection.
- 3). Any door in a required means of egress from an area having an occupant load of greater than 100 people shall have panic hardware.
- 4). All bathroom door locks shall be capable of opening the locked door from the outside in an emergency.
- 5). Each floor occupied by clients shall have not less than 2 remote exits (windows can not serve as exits in a daycare facility).
- 6). Travel distance from a room door to an exit can not exceed 100 feet.
- 7). Travel distance within a room to the room exit door cannot exceed 50 feet.
- 8). Emergency lighting shall be provided in all stairways and corridors.
- 9). Every room or space subject to client occupancy shall have one outside window for emergency rescue (min. 5.7 square foot clear opening).
- 10). Interior finish in stairways and corridors to be rated at Class A.
- 11). Every interior corridor shall be constructed of fire barriers having not less than 1 hour fire resistance rating. Door openings in corridor walls shall have an assembly with a 20 minute fire rating (doors, frames, closing devices and hardware).
- 12). Kitchens containing on residential stove used for meal warming or normal cooking do not require separation as a hazardous area. If there is presence of commercial cooking appliances, multiple stoves, or commercial fryers, a 1 hour fire resistant separation of the kitchen or sprinkler system would be required.
- 13). A fire alarm system is required as follows:
 - a). Manual pull stations at all exits and corridors.
 - b). Smoke detection installed on each story in front of doors to the stairways and in corridors of all floors occupied by the center.
 - c). Smoke detection is required for lounges, recreation areas, and sleeping rooms.

The accessibility modifications will need to be included on a plan set stamped by an Illinois licensed architect. At such time the licensed architect submits the (3) sets of plans for permit, letters from DCFS and the Illinois State Fire Marshal's Office will need to be included. In addition, the Illinois Capitol Development Board has stated that if modifications are made to any rooms such as bathrooms, that room will need to be in full compliance with the Illinois Accessibility Code. Although we are always open for questions, we will need a plan set to review to proceed much further.

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 hearing on the forgoing 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 classroom (Rooms 103 & 105) 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 103 and 105.
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. If rooms 103 and 105 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	ADA Improvements
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 103 and 105) 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 ____ day of _____, 2009.

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

Passed on second reading this ____ day of _____, 2009, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2009.

Ordinance No. _____
Re: PC 08-32
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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2009.

Brigitte O'Brien, Village Clerk