

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 11, 2004 (B of T) Date: February 19, 2004

TITLE: PC 04-01: Text Amendment to the Lombard Zoning Ordinance
PC 04-02: 1110 N. Main Street

SUBMITTED BY: Department of Community Development *DGH*

BACKGROUND/POLICY IMPLICATIONS:

PC 04-01: Text Amendment to the Lombard Zoning Ordinance

Your Plan Commission transmits for your consideration a petition where the petitioner is requesting approval of a text amendment to Section 155.418 of the Lombard Zoning Ordinance, allowing private schools to be listed as a conditional use within the I Limited Industrial District.

The Village also requests the approval of a companion text amendment to Section 155.418 of the Lombard Zoning Ordinance, to allow for both public and private elementary, middle and high schools to be listed as conditional uses within the I Limited Industrial District.

(ALL DISTRICTS)

The Plan Commission recommended approval of this petition.

PC 04-02: 1110 North Main Street

Your Plan Commission transmits for your consideration a petition requesting conditional use approval for a private school within the I Limited Industrial District.

(DISTRICT #1)

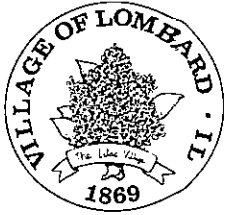
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney	X _____	Date _____
Finance Director	X _____	Date _____
Village Manager	X <i>W. T. Lichter</i>	Date <i>2/11/04</i>

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: William T. Lichter, Village Manager

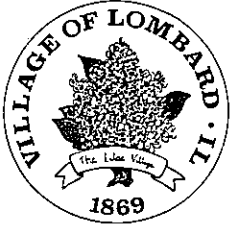
FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: February 19, 2004

SUBJECT: PC 04-01 & 04-02: 1110 N. Main Street

Attached please find the following items for Village Board consideration as part of the February 19, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-01;
3. IDRC report for PC 04-02;
4. A draft Ordinance granting approval of a text amendment to the Zoning Ordinance to allow for private and public schools as a conditional use in the I Limited Industrial Shopping District;
5. A draft Ordinance granting approval of a conditional use for a private school on the subject property located at 1110 North Main Street.
6. Plans associated with the petition.



VILLAGE OF LOMBARD

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February 19, 2004

Village President
William J. Mueller

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

Subject: PC 04-01: Text Amendment to the Lombard Zoning Ordinance
PC 04-02: 1110 North Main Street

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petitions.

PC 04-01; Text Amendment to the Lombard Zoning Ordinance: The petitioner requests approval of a text amendment to Section 155.418 of the Lombard Zoning Ordinance, allowing private schools to be listed as a conditional use within the I Limited Industrial District.

The Village also requests the approval of a companion text amendment to Section 155.418 of the Lombard Zoning Ordinance, to allow for both public and private elementary, middle and high schools to be listed as conditional uses within the I Limited Industrial District.

PC 04-02; 1110 N. Main Street: The petitioner requests conditional use approval for a private school, as amended by PC 04-01, within the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for these petitions on January 26, 2004. Mr. Heniff explained that staff and the petitioner will present the petition for PC 04-01 and the petitioner will present the petition for PC 04-02, as they are companion petitions. Chairperson Ryan indicated that both petitions will be heard together but there will be a separate vote on each petition.

Tom Dempsey, 132 Maple Court, Palatine, presented the petition. He stated that they were looking to establish a private school for students placed by public school districts. They work with students that have learning difficulties or emotional factors that make it difficult to attend a traditional school.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

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PC 04-01 & 02

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He then discussed the school. Students receive academic help and therapy in an attempt to make progress so that they can go back to a public school setting. It is important to understand that they are an extension of the public school system, but not an academy or a private school. He mentioned the process of funding the school. They are not a charity or a charter school that draws funds away from the schools. The optimum size for the school is 60 to 80 kids.

He then discussed the site specifics. They were looking for a building of 12-15,000 square feet in size which does not exist in residential areas. Commercial areas would not benefit, as their use is too public. Usually these types of schools are looking for office or light industrial areas. He referred to the staff report where it is noted that kids from different areas from DuPage County are arriving in school buses, so the North Main Street location fits with this use.

William Heniff, Senior Planner, referenced the staff report for PC 04-01, noting that as a companion text amendment, staff suggests that public schools be classified in the same manner as private schools within the I district.

Mr. Dempsey then talked about their program. The text amendment would create the school as a permitted conditional use within this zoning and still gives the Village the authority to approve locations that are suitable for such a facility. He gave the particulars of their school – special education, individualization, and diagnostic help. They have very small class sizes - their usual ratio of adults to kids is much higher. They propose 70 students with 30 staff, which would include therapists and a nurse. They have an intensively staffed program which looks to transition students back to the school system. They work in partnership with the public school that places the student. He mentioned the unique design for a high degree of expressive arts, which includes art, music, drama and dance.

He mentioned the founders of the school and mentioned their extensive experience, diverse skills, leadership and know how. All staff is certified, licensed and multi-disciplined. They have a strong reputation for collaborating with school districts.

They will have a closed campus - students will be bused to campus. There will be supervision. For sporting activities they would go with the 2:10 ratio and kids would not be walking, older kids would not be driving, and no one would be leaving campus for lunch. The school would have a van for field trips and outings – safety would be maintained at all times.

Their accreditation is an extension of the public educational system. They are highly regulated and the site has to be approved by the State Board of Education. They have to apply for building permits and certificates of occupancy. They will seek national accreditation further down the line.

He referred to the diagram on how the school would build out the building as it currently exists. He mentioned they would provide for rooms, cafeterias, and office spaces. The building has a combination of building and office space and a high ceiling for a gym. Mr. Dempsey concluded that they see this as a service that is needed in DuPage County.

Chairperson Ryan then opened the meeting for public comment. There was no one to speak in favor or against the petition. He then requested the staff report.

William Heniff noted that the petitioner is proposing to open a private school within the existing industrial building at 1110 N. Main Street. 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 I Limited Industrial Zoning District.

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.

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.

He then noted that 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. 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.

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.

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 being located within residential subdivisions.

He then addressed the IDRC comments relative to PC 04-02. He noted the Building IDRC comment that the structure must meet all current building, fire, safety and handicap/ADA codes. He said that outside of minor changes to the parking lot striping and loading areas, no exterior improvements are proposed for the site.

The proposed school is intended to provide specialize teaching for short-term periods (i.e., less than a few school years at most). The school works in close partnership with the public school system -- students that cannot be adequately serviced by the public school systems are referred to schools such as the one proposed by the petitioner. It is at this school where they receive special schooling for all or part of a school day, depending upon the student's specific needs. The ultimate intent of the school is to provide specialized teaching for short periods of time so that the students can eventually graduate from the traditional school district that referred them.

The school operates under the State Board of Education, with funding provided by the local public school district. Students served by the facility would be from throughout DuPage County. The petitioner currently operates a facility in Palatine that draws its student population from the western and northwestern suburbs. This proposed facility is intended to provide for a satellite facility that is closer to the student population intended to be served by the school.

Students attending the school would be transported to and from the site by the respective school district referring the student. The school would be open from approximately 8:30 a.m. to 2:30 p.m., Monday through Friday. Staff will likely be on premises from 7:00 a.m. to 4:30 p.m. Outside of occasional evening meetings when necessary, the school will not operate and students will not be on the premises outside of these hours.

Based upon discussions with the petitioner, the facility will have seven classes of students aged between 6 and 21 years, with most students being between 10 and 15 years of age. The school will have 30 full-time staff, with a range of two to ten students per class, depending on need.

Based upon discussions with the petitioner, the facility will have seven classes of students aged between 6 and 21 years, with most students being between 10 and 15 years of age. The school will have 30 full-time staff, with a range of two to ten students per class, depending on need.

The school will operate as a closed campus – students will only arrive and/or depart the site through their pre-arranged transportation. All activities associated with the school's operations will occur indoors – no outdoor play areas are being provided for the facility.

The petitioner is proposing to develop a clockwise pick-up/drop-off system for the students. It is envisioned that drop-off will occur on the north side of the building and pick-up will occur on the south side of the facility. While many students will be there the full day, others will be there only for specified periods of time. As all the transporting of students will be done on a pre-arranged basis, the transporting function will be well controlled.

Other office, industrial and warehouse establishments surround the property. The north and south and west sides of the existing building are striped to parking. On the west side of the property is an existing railroad spur. However, based upon the condition of the tracks and the over growth of brush, the tracks are have not been utilized in many years.

He noted that the Zoning Ordinance requires one (1) space per employee plus eight spaces for visitors for K-8th grades. High schools require one space per employee plus eight spaces for eight (8) students. In review of these parking options, staff believes the K-8th grade option to be more appropriate.

Based upon the school's proposed demand, they will need to provide 38 total spaces for the school. In review of the plans, this demand should be accommodated by the existing spaces immediately to the north of the proposed tenant space, along the west side of the building and along the south property line.

Staff believes that additional improvements should be provide as part of the petition including provisions for ADA parking spaces designed per Village Code and additional signage denoting the specific parking and loading spaces for the proposed school.

The petitioner has submitted a concept plan, which shows how the proposed school will be configured. This plan is intended to be flexible in order to meet the needs of the varying student population. However, the basic plan is intended to provide classrooms along the west wall, offices and group activity areas to the east and an open area to the south that may be utilized for gymnasium purposes.

The Comprehensive Plan identifies this area as Light Industrial. While schools are not traditionally envisioned to be a use that would be compatible with industrial uses, staff finds that the proposed use presents unique locational challenges. From a transportation standpoint, staff believes locating a school outside of a single-family residential area is more appropriate.

Chairperson Ryan opened the meeting up to the Commissioners.

Regarding PC 04-01, Commissioner Olbrysh said that this appears to be a housekeeping item and he has no objection to it.

Regarding PC 04-02, Commissioner Sweetser stated that it is a needed facility and will serve an underserved population. It is a good addition to the community and it works with the zoning.

Commissioner Burke referred to the site plan and asked if they were going to be the only tenant in the building. Mr. Dempsey said no - there are six units in the building and they will have three. Immediately next door is a special education office. Commissioner Burke asked if there is a way to restrict the uses in the adjacent units. Mr. Heniff referred to condition #1 and read "any expansion of the school activity outside of the existing building or into another tenant space shall require an amended conditional use." If they find they need more space, that would make them come back to the Plan Commission. Commissioner Burke asked what if someone leases the space next to them which fits the I zoning but should not be located next to the school. There are industrial uses that would be permitted that should not be located next to a school.

Mr. Dempsey stated that they looked around the area, and he did not see any uses that had anything outside like toxic materials, but the entrance the students would use is on the west perimeter of the building. Any space would have to be far away from where the students would leave and enter the building. He thought the landlord would be mindful of any future tenants. He talked about soundproofing so as to not disturb any tenant next door.

Commissioner Burke said he is not sure there is enough time or ways for the Village to manage that if it fits within the zoning. Mr. Heniff noted that in some ways this would fall back to the landlord/tenant management company. From the Village's standpoint, it is not our onus, but if the other spaces becomes available, we would hope that the landlord would use common sense.

George Wagner noted that the landlord is not a petitioner so we cannot put a restriction on the landlord. From his perspective, the uses they may be concerned about are conditional uses, so there would be some type of control over their location.

Commissioner Burke said almost all the conditional uses would not be acceptable but the permitted uses such as an exterminating use, potter/ceramics manufacturing would not belong next to school. The landlord can affect the occupancy of the school if he chooses to do that.

Commissioner Sweetser said it could work the other way as well. If there were other problems due to sounds or chemicals, then it would be incumbent on the school to move. The school has to be aware of that when they come in. She stated it is out of their purview.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendment complies with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 04-01.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 1, recommended to the Corporate Authorities, **approval** of the petition associated with PC 04-02 subject to the following conditions:

1. That the conditional use approval for the proposed school shall be exclusively for the tenant space depicted as part of the petitioner's submittal, submitted by the petitioner, dated November 13, 2004 and submitted as part of the request. Any expansion of the school activity outside of the existing building or into any other tenant space shall require an amended conditional use.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements necessary to operate the school as proposed by the petitioner. Said permit shall satisfactorily address all IDRC comments, as follows:
 - a. The intended use of the structure must meet all current building, fire, safety and handicap/ADA codes.
 - b. Any buildout of the proposed space must be such as to accommodate students in their respectful grade and age levels.
 - c. All emergency and existing requirements must also be met to accommodate the variety of students within the structure.
3. That the petitioner shall apply for and receive a Certificate of Occupancy for the proposed facility. The petitioner shall supply the Village with any and all documentation from the respective state or local authorities stating that the facility is acceptable for occupancy.
4. That the petitioner shall provide ADA parking spaces for the proposed facility designed per Village Code and shall provide additional signage denoting the specific parking and loading spaces for the proposed school.
5. That the conditional use shall be exclusively for the petitioner's proposed school. Should another school seek to occupy the subject property, a new conditional use shall be required.
6. That the property shall be operated consistent with Village Code.

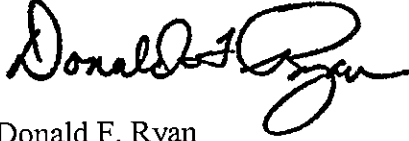
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Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald F. Ryan". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald F. Ryan

Chairperson

Lombard Plan Commission

DR:WJH:jd

att-

c Petitioner
 Lombard Plan Commission

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**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO:	Lombard Plan Commission	HEARING DATE:	January 26, 2004
FROM:	Department of Community Development	PREPARED BY:	William Heniff, AICP Senior Planner

TITLE

PC 04-01; Text Amendment to the Lombard Zoning Ordinance: The petitioner requests approval of a text amendment to Section 155.418 of the Lombard Zoning Ordinance, allowing private schools to be listed as a conditional use within the I Limited Industrial District.

The Village also requests the approval of a companion text amendment to Section 155.418 of the Lombard Zoning Ordinance, to allow for both public and private elementary, middle and high schools to be listed as conditional uses within the I Limited Industrial District.

**GENERAL INFORMATION
(FOR PROPERTY PROPOSED FOR SCHOOL)**

Petitioner:	School for Expressive Arts & Learning 132 Maple Court Palatine, IL 60067
Property Owner:	LaSalle National Bank Trust u/t 112148
Trust Beneficiary:	SLJ Properties LLC c/o Rothbart Construction Realty 1945 Techny Road, Unit 6 Northbrook, Illinois 60062-5357
Status of Petitioner:	Prospective tenant within existing building

ANALYSIS

BACKGROUND

The petitioner is proposing to open a private school within the existing industrial building at 1110 N. Main Street. The petitioner's development proposal will be considered as part of PC 04-02. However, as a companion to their request, they are also requesting a text amendment to the

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.

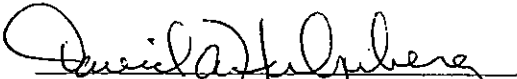
(35) Accessory uses and buildings incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance.

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

STANDARDS FOR TEXT AMENDMENTS

The proposed text amendment to allow a school in industrial zoning as a conditional use would have benefit to the Village of Lombard as a whole and not benefit this specific property only. The proposal benefits the proposal in the following ways:

Section 155.103 (E)(8)(b) of the Lombard Zoning Ordinance

1. The proposal has applicability within the Village at large and is not solely a benefit to the Main Street property. There may be other office or industrial sites in the Village, which would also be suitable for a small school. Manufacturing and industrial applications are not being utilized as highly as when this zone was created. Other non-industrial uses exist in the area, including an educational office next door. The school is a closed campus that would have a low impact on surrounding businesses.
2. The proposed amendment is consistent with the intent of zoning regulations in prescribing harmonious uses in the area.
3. The proposed amendment creates a low degree of non-conformity in that there is already an educational use in the building.
4. The proposed amendment would make the ordinance slightly more permissive. However, creating a conditional use allows the Village to maintain control of subsequent applications.
5. The proposed amendment is consistent with the Comprehensive Plan in that the school represents a self-contained use which would not interfere with surrounding businesses. The amendment is very similar to applications in other communities.
6. The proposed amendment is consistent with previous rulings of Village policy in that similar exceptions have been granted for educational and human services needs.

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, dated December 15, 2003.
2. Alta Title Survey, prepared by Harrington & Associates, Inc., revised December 15, 1995.
3. Proposed Interior Floor Plans, dated November 14, 2003.
4. Responses to the Standards for Conditional Uses along with a narrative regarding the proposed private school use and the schools operators.

Note: Staff has prepared a merged plan which combines the interior and exterior plans, which was created for ease of reference.

BACKGROUND

The petitioner is proposing to open a private school facility on the subject property. To facilitate this request, the petitioner has requested approval of a text amendment (considered as part of PC 04-01) to allow for schools as a conditional use and approval of a conditional use for their specific school on the subject property.

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

Upon review of the above request, we have the following comments.

- The intended use of the structure must meet all current building, fire, safety and handicap/ADA codes.
- Any buildout of the proposed space must be such as to accommodate students in their respectful grade and age levels.
- All emergency and existing requirements must also be met to accommodate the variety of students within the structure.

PLANNING

The petitioner proposes to operate a private educational facility within a tenant space at 1110 N. Main Street. The petitioner operates the School for Expressive Arts and Learning, a private school that is intended to meet the educational needs of grade, middle and high school students with emotional needs and/or physical disabilities that preclude their attendance in a traditional public or private school. The school is intended to educate up to eighty (80) students in a closed campus setting.

Compatibility with the Zoning Ordinance

Assuming approval of PC 04-01, such schools would be considered as conditional uses. The petitioner is seeking such approval to operate their facility as proposed. Outside of minor changes to the parking lot striping and loading areas, no exterior improvements are proposed for the site.

Intent of Facility

The petitioner has submitted a narrative further describing their proposed use (see attached). The proposed school is intended to provide specialize teaching for short-term periods (i.e., less than a few school years at most). The school works in close partnership with the public school system -- students that cannot be adequately serviced by the public school systems are referred to schools such as the one proposed by the petitioner. It is at this school where they receive special schooling for all or part of a school day, depending upon the student's specific needs. The ultimate intent of the school is to provide specialized teaching for short periods of time so that the students can eventually graduate from the traditional school district that referred them.

The school operates under the State Board of Education, with funding provided by the local public school district. Students proposed to be served by the facility would be from throughout DuPage County. The petitioner currently operates a facility in Palatine that draws its student population from the western and northwestern suburbs. This proposed facility is intended to

provide for a satellite facility that is closer to the student population intended to be served by the school.

Operations

Students attending the school would be transported to and from the site by the respective school district referring the student. The school would be open from approximately 8:30 a.m. to 2:30 p.m., Monday through Friday. Staff will likely be on premises from 7:00 a.m. to 4:30 p.m. Outside of occasional evening meetings when necessary, the school will not operate and students will not be on the premises outside of these hours.

Based upon discussions with the petitioner, the facility will have seven classes of students aged between 6 and 21 years, with most students being between 10 and 15 years of age. The school will have 30 full-time staff, with a range of two to ten students per class, depending on need.

Loading/Unloading

The school will operate as a closed campus – students will only arrive and/or depart the site through their pre-arranged transportation. All activities associated with the school's operations will occur indoors – no outdoor play areas are being provided for the facility.

The petitioner is proposing to develop a clockwise pick-up/drop-off system for the students. It is envisioned that drop-off will occur on the north side of the building and pick-up will occur on the south side of the facility. While many students will be there the full day, others will be there only for specified periods of time. As all the transporting of students will be done on a pre-arranged basis, the transporting function will be well controlled.

Site Considerations

Other office, industrial and warehouse establishments surround the property. Staff provides a series of photographs of the proposed tenant space for reference purposes (see attached exhibits at the end of the report). The north and south and west sides of the existing building are striped to parking. On the west side of the property is an existing railroad spur. However, based upon the condition of the tracks and the over growth of brush, the tracks are have not been utilized in many years.

Parking

The Zoning Ordinance requires one (1) space per employee plus eight spaces for visitors for K-8th grades. High schools require one space per employee plus eight spaces for eight (8) students. In review of these parking options and the nature of the operations, staff believes the K-8th grade option to be more appropriate in this instance.

Based upon the school's proposed demand, they will need to provide 38 total spaces for the school. In review of the plans, this demand should be accommodated by the existing spaces

immediately to the north of the proposed tenant space, along the west side of the building and along the south property line.

From staff's standpoint, staff believes that additional improvements should be provide as part of the petition including provisions for ADA parking spaces designed per Village Code and additional signage denoting the specific parking and loading spaces for the proposed school.

Internal Plan

The petitioner has submitted a concept plan, which shows how the proposed school will be configured. This plan is intended to be flexible in order to meet the needs of the varying student population. However, the basic plan is intended to provide classrooms along the west wall, offices and group activity areas to the east and an open area to the south that may be utilized for gymnasium purposes.

Compatibility with Comprehensive Plan

The Comprehensive Plan identifies this area as Light Industrial. While schools are not traditionally envisioned to be a use that would be compatible with industrial uses, staff finds that the proposed use presents unique locational challenges. As noted in PC 04-01, private schools often have greater traffic generations and draw upon a larger than local area. Therefore, from a transportation standpoint, staff believes locating a school outside of a single-family residential area is more appropriate.

The petitioner's specific site can be supported for the school as the building promotes good circulation for busses, provides adequate parking and is not bordered by more heavily industrial uses. Therefore, staff believes the use is consistent with the Comprehensive Plan.

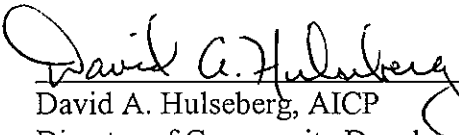
FINDINGS AND RECOMMENDATIONS

Based on the submitted petition and the testimony presented, the requested conditional use for day care complies, with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities **approval** of PC 04-02, subject to the following conditions:

1. That the conditional use approval for the proposed school shall be exclusively for the tenant space depicted as part of the petitioner's submittal, submitted by the petitioner, dated November 13, 2004 and submitted as part of the request. Any expansion of the school activity outside of the existing building or into any other tenant space shall require an amended conditional use.

2. That the petitioner shall apply for and receive a building permit for the proposed improvements necessary to operate the school as proposed by the petitioner. Said permit shall satisfactorily address all IDRC comments, as follows:
 - a. The intended use of the structure must meet all current building, fire, safety and handicap/ADA codes.
 - b. Any buildout of the proposed space must be such as to accommodate students in their respectful grade and age levels.
 - c. All emergency and existing requirements must also be met to accommodate the variety of students within the structure.
3. That the petitioner shall apply for and receive a Certificate of Occupancy for the proposed facility. The petitioner shall supply the Village with any and all documentation from the respective state or local authorities stating that the facility is acceptable for occupancy.
4. That the petitioner shall provide ADA parking spaces for the proposed facility designed per Village Code and shall provide additional signage denoting the specific parking and loading spaces for the proposed school.
5. That the conditional use shall be exclusively for the petitioner's proposed school. Should another school seek to occupy the subject property, a new conditional use shall be required.
6. That the property shall be operated consistent with Village Code.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

Photographs of Subject Property/Tenant Space

Photo 1: Northwest corner of property looking east



Photo 2: Southwest corner of property looking north

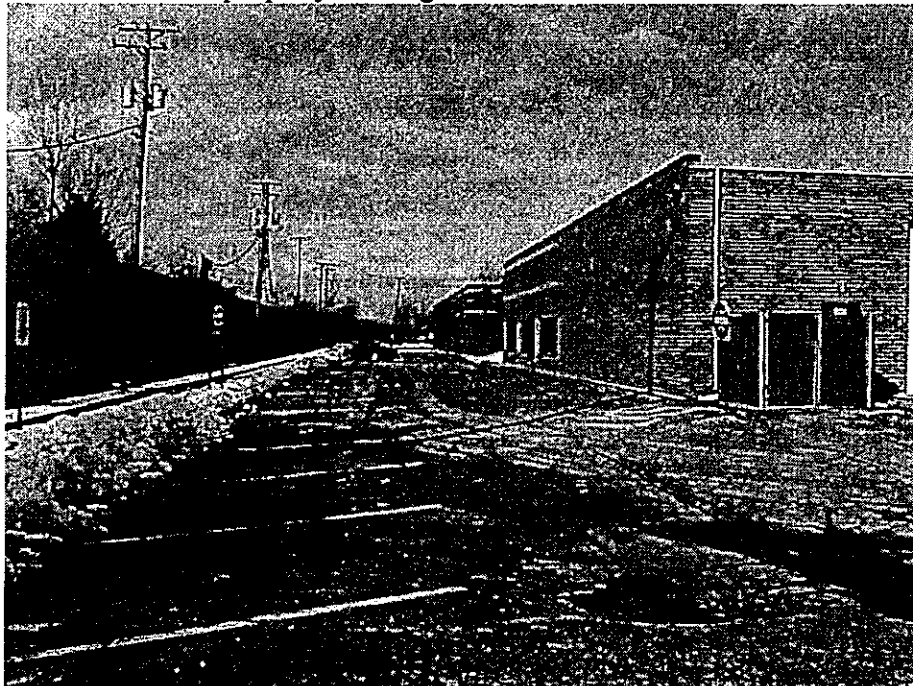


Photo 3: Southwest corner of property looking northeast

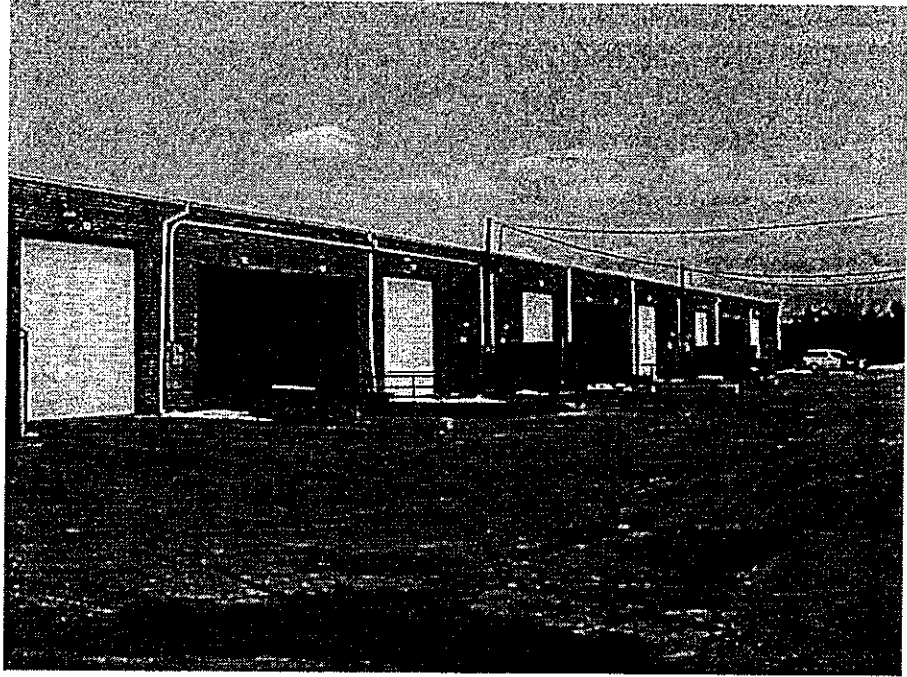


Photo 4: Southeast corner of property looking east

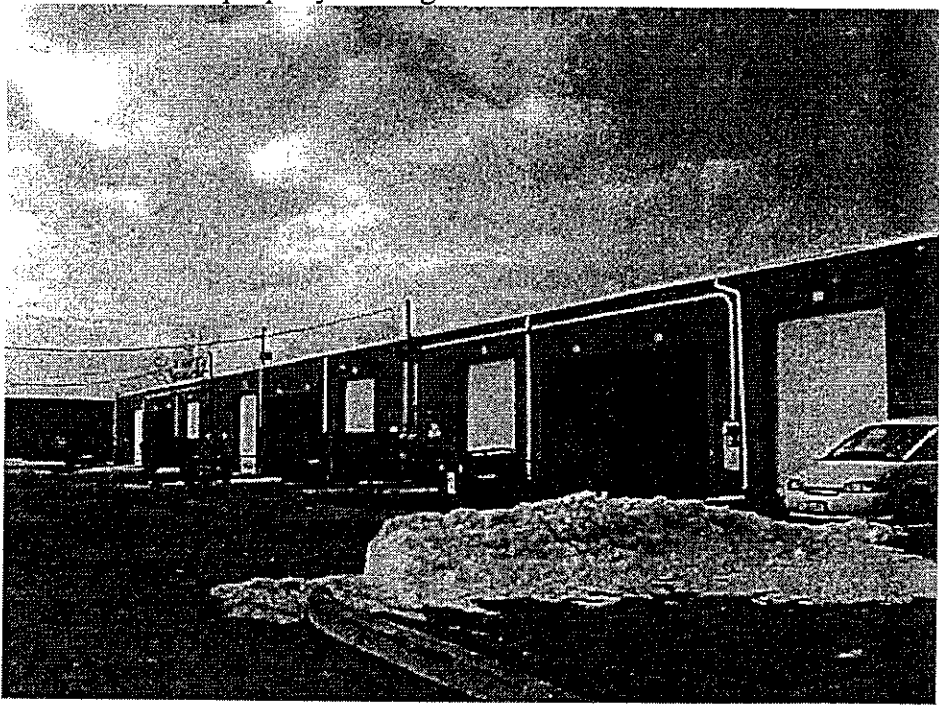
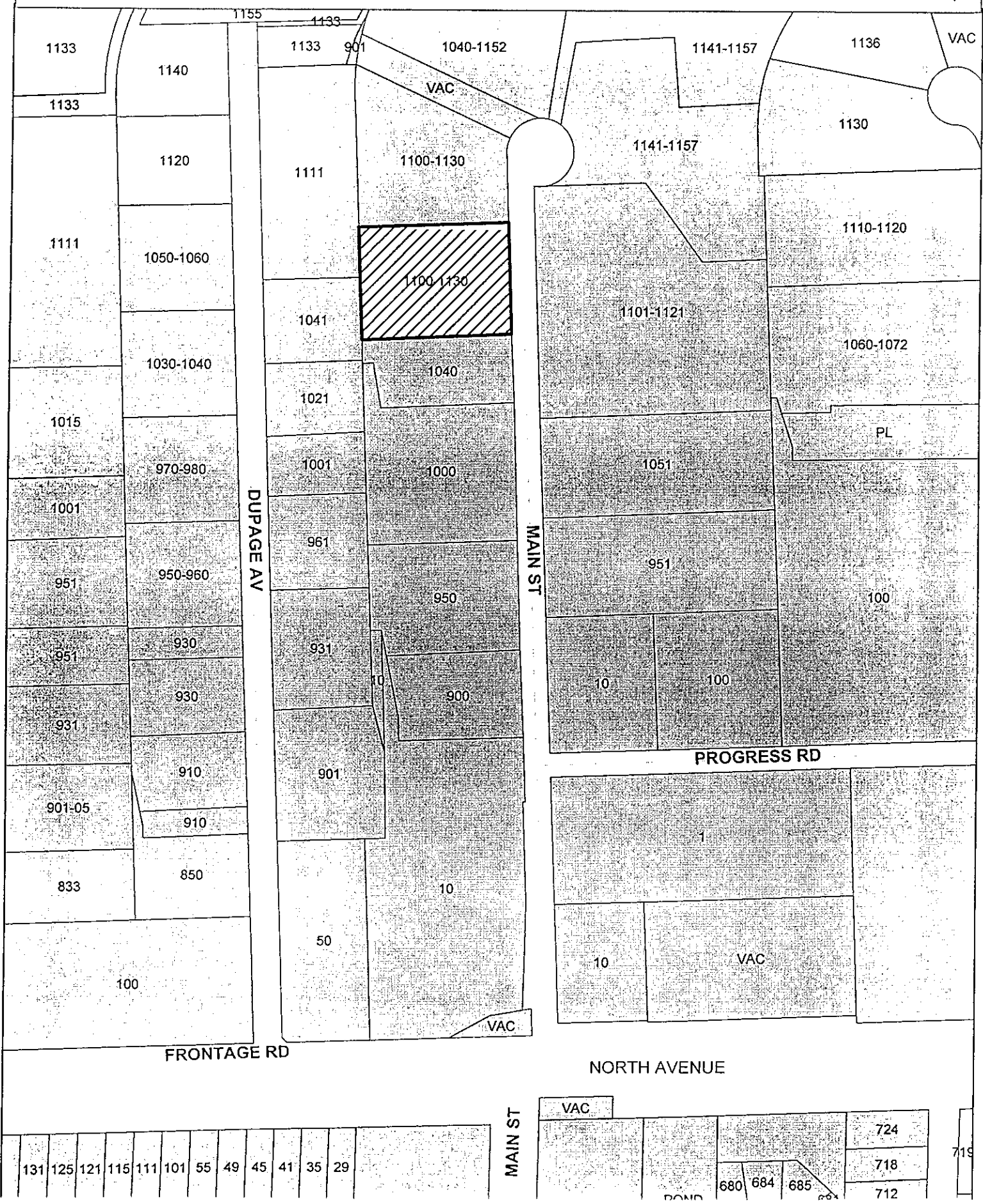


Photo 5: Northeast corner of property looking west



Location Map

PC 04-02: 1110 N. Main Street



131 125 121 115 111 101 55 49 45 41 35 29

MAIN ST

VAC				
				724
				718
				712
	680	684	685	

719

STANDARDS FOR CONDITIONAL USE

The proposed conditional use meets the standards of Section 155.103 (F)(8) of the Lombard Zoning Ordinance.

1. The proposed conditional use would not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare. Rather, all of these would be enhanced by a school providing progressive educational services. Such a school would represent an additional resource for Lombard.
2. The conditional use would not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish property values. The use is self contained and would blend into the existing business neighborhood. An educational office is already located next door. Such uses have had very low impact in other communities. By occupying vacant property, this use would positively impact the neighborhood.
3. The conditional use will not impede normal and orderly development and improvement of permitted uses in the district. The conditional use would not alter the exterior of the building or infringe on any surrounding uses.
4. Adequate public utilities, access roads and other necessary facilities have already been provided.
5. Adequate measures will be taken to provide proper ingress and egress so to minimize traffic congestion in public streets. Students arrive in buses on a staggered basis. There would be a low number of buses at only two times during the weekday.
6. The conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard.
7. The conditional use shall conform to the applicable regulations of the district except as modified by the Plan Commission. In addition the school is regulated by the Illinois State Board of Education.



SCHOOL FOR EXPRESSIVE ARTS AND LEARNING

The School for Expressive Arts and Learning was founded in 2003 to answer the growing need for private special education in DuPage County. The School for Expressive Arts and Learning serves boys and girls ages 6 to 21 placed by local school districts. The children may be emotionally disturbed, behavior disordered, learning disabled, mentally impaired, other health impaired or may have traumatic brain injury.

We provide an integrated program of education, therapy and expressive arts to help children make academic and personal progress and return to a public school program.

Classes are small (average of 8 students) with a teacher and an instructional aide. Students are grouped in age appropriate classes with no more than a four-year span in any one group. The School for Expressive Arts and Learning offers a primary program (grades 1 to 3), intermediate (grades 4-6), junior high (grades 7 & 8) and several high school classes (grades 9-12). The primary, intermediate and junior high classes are self-contained classes offering a standard elementary curriculum of Reading, Spelling, Language Arts, Mathematics, Science, Social Studies, and Physical Education. Each student has an Individual Educational Plan developed by the placing district.

The High School Curriculum parallels the basic offerings of other DuPage County high school districts. A variety of classes are available to meet individual student needs (as called for on the IEP) as well as graduation requirements. Students may participate either in a self-contained classroom or have a schedule that calls for moving from class to class. This determination is made upon entrance to the program and reexamined at each IEP conference.

An integral part of the program is involvement in Art, Music and Drama therapy. Students have the opportunity to participate in a wide range of expressive arts as well as athletic pursuits.

Upon enrollment, the school staff assess the student's functioning in academic, personal and interpersonal skills and provide programming that is developmentally appropriate.

All students have the opportunity to participate in enrichment classes such as Art and Music.

Each student has an individual therapist who sees the student once or twice per week (as delineated on the IEP) and more often if needed. This therapist is also the primary liaison to the family. Students are assigned to appropriate group therapies based on the recommendation of their therapist and their school district. Wide arrays of group therapies are available to meet individual student need. The primary therapists also have available the resource of outside program consultants with expertise in a wide variety of issues related to child and adolescent development. Family therapy is provided if called for on the IEP.

The behavior Management consists of an integration of cognitive-behavioral therapy and logical consequences. There is a behavior management point system, which provides students with clear, concrete and immediate feedback. Various privileges and rewards are contingent on the student's achievement on the behavior management system. The goal is to use the behavior management systems as a transitory tool towards internalization of new behaviors and skills. The combination of a concrete behavior management system, a challenging curriculum and the nurturing therapeutic environment enables the students to make educational progress and become ready to move to less restrictive settings.

All staff are trained in Crisis Prevention and Intervention, a system of non-violent crisis intervention and de-escalation. While the School for Expressive Arts and Learning does not accept students who are at imminent risk of harming themselves or others, students may occasionally become disruptive or threatening. At such times, students may be referred to additional resources outside of the classroom. Students receive help in crisis intervention, access to their therapist and additional counseling related to solving the behavioral problem and returning to class.

The school day is 8:30AM to 2:30PM. Students are transported to and from school by their public school district. Students are provided a hot lunch each day. Students are met at the bus each morning by school staff and again escorted back to the bus at the end of the day

Referrals can be made directly to Karen Larson, Program Director. Tuition is paid by the local public school district according to the rate set by the Illinois Purchased Care Review Board.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 04-01: Schools in I Limited Industrial District)

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Village has received a petition to operate a private educational facility (i.e., schools) on a property zoned I Limited Industrial District and located at 1110 North Main Street, Lombard, IL; and

WHEREAS, as currently adopted, the Lombard Zoning Ordinance does not allow for private educational facilities (i.e., schools) I Limited Industrial District; and

WHEREAS, approval of said request can only be granted through a text amendment to the Zoning Ordinance; and

WHEREAS, an application has been filed requesting approval of a text amendment to allow for private elementary, middle and high schools as a conditional use within the I Limited Industrial District in the Village of Lombard; and

WHEREAS, the Village also recommends that should the text amendment be approved that public elementary, middle and high schools also be listed as a conditional use within the I Limited Industrial District in the Village of Lombard; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on January 26, 2004 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 text amendment described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations 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 Title 15, Chapter 155, Section 418 (C), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

(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.

SECTION 2: That 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 _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A PRIVATE SCHOOL IN THE
I LIMITED INDUSTRIAL DISTRICT

(PC 04-02: 1110 N. Main Street)

(See also Ordinances _____)

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, an application has heretofore been filed requesting approval of a conditional use for a private school on the subject property located within the I Limited Industrial District; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 26, 2004 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 conditional use described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations 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 Ordinance is limited and restricted to the property generally located at 1110 North Main Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN ROTHBART-LOMBARD RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 11 EAST, ACCORDING TO THE PLAT THEREOF RECORDED MAY 29, 1986 AS DOCUMENT R86-52309, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 03-31-402-033

SECTION 2: That a conditional use for a private school is hereby granted for the Subject Property, subject to compliance with the following conditions:

1. That the conditional use approval for the proposed school shall be exclusively for the tenant space depicted as part of the petitioner's submittal, submitted by the petitioner, dated November 13, 2003 and submitted as part of the request. Any expansion of the school activity outside of the existing building or into any other tenant space shall require an amended conditional use.
2. That the petitioner shall apply for and receive a building permit for the proposed improvements necessary to operate the school as proposed by the petitioner. Said permit shall satisfactorily address all IDRC comments, as follows:
 - a. The intended use of the structure must meet all current building, fire, safety and handicap/ADA codes.
 - b. Any buildout of the proposed space must be such as to accommodate students in their respectful grade and age levels.
 - c. All emergency and existing requirements must also be met to accommodate the variety of students within the structure.
3. That the petitioner shall apply for and receive a Certificate of Occupancy for the proposed facility. The petitioner shall supply the Village with any and all documentation from the respective state or local authorities stating that the facility is acceptable for occupancy.
4. That the petitioner shall provide ADA parking spaces for the proposed facility designed per Village Code and shall provide additional signage denoting the specific parking and loading spaces for the proposed school.
5. That the conditional use shall be exclusively for the petitioner's proposed school. Should another school seek to occupy the subject property, a new conditional use shall be required.
6. That the property shall be operated consistent with Village Code.

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.

Ordinance No. _____

Re: PC 04-02

Page 3

Passed on first reading this ____ day of _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

