

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Meeting Agenda

Thursday, May 21, 2009

7:30 PM

DRAFT

Village Hall Board Room

Village Board of Trustees

Village President: William J. Mueller

Village Clerk: Brigitte O'Brien

Trustees: Greg Gron, District One; Keith Giagnorio, District Two;

Zachary Wilson, District Three; Peter Breen, District Four;

Laura Fitzpatrick, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Public Hearings

IV. Public Participation

[090297](#) Swearing-in Ceremony - President Bill Mueller; Clerk Brigitte O'Brien; Trustee Greg Gron; Trustee Zach Wilson; Trustee Bill Ware

[090282](#) Proclamation - David Brown Day

Attachments: [procdavidbrownglenbardhighschoolretire2009.doc](#)

[090283](#) Proclamation - Buddy Poppy Day

Attachments: [procvfwpoppydats2009.doc](#)

[090296](#) Proclamation - Memorial Day

Attachments: [procmemorialday2009.doc](#)

[090294](#) Presentation - Churchill Woods Dam Removal Project

Attachments: [Lombard CW SMcC \(3\).pdf](#)

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Dana Moreau, Chairperson

Environmental Concerns Committee - Trustee Greg Gron, Chairperson

Finance Committee - Trustee Rick Soderstrom, Chairperson

Public Works Committee - Trustee Richard J. Tross, Chairperson

Transportation & Safety Committee - Trustee Jack O'Brien, Chairperson

Board of Local Improvements - Trustee Richard J. Tross, President

Community Promotion & Tourism - President William J. Mueller, Chairperson

Lombard Historical Commission - Brigitte O'Brien

VII. Village Manager/Village Board Comments

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [090281](#) Approval of Accounts Payable
For the period ending May 8, 2009 in the amount of \$601,115.64.
Attachments: [090281.pdf](#)
- B. [090291](#) Approval of Village Payroll
For the period ending May 15, 2009 in the amount of \$801,902.23.
Attachments: [090291.pdf](#)
- C. [090292](#) Approval of Accounts Payable
For the period ending May 15, 2009 in the amount of \$332,148.11.
Attachments: [090292.pdf](#)

Ordinances on First Reading (Waiver of First Requested)

- D. [080458](#) Downtown Retail Business Grant Program (DRBG) Assessment
1. Amending Title 3, Chapter 36 of the Lombard Village Code in regard to Amendments to the Downtown Retail Business Grant Program.
2. Adopting the Downtown Retail Business Grant Program Policy. (DISTRICTS #1, #4 and #5)

Attachments: [Coversheet3 5 21 09.doc](#)
[bot memo3.doc](#)
[Grant Program Assessment4.doc](#)
[DRBG program policy-changes highlighted4.01.09.doc](#)
[Grant Program Assessment3.doc](#)
[Grant Program Assessment2.doc](#)
[Grant Balances.pdf](#)
[Ordinance 6335.pdf](#)
[Ordinance 6336.pdf](#)
[080458.pdf](#)
[080458.pdf](#)

Mr. Heniff summarized the staff memo. At the direction of the ECDC and the Village Board, Mr. Heniff stated that staff undertook a review of the Downtown Retail Business Grant Program (DRBG). He stated that in the fall of 2005, the Village of Lombard created the Downtown Retail Business Grant Program (DRBG). The purpose of the grant is to increase the economic viability of Downtown Lombard by attracting targeted retail businesses and assisting existing businesses in the Downtown. The program offers a 50% matching

grant for eligible expenditures associated with helping the start-up of new businesses or the expansion of existing businesses in the Downtown. Priority is given to businesses that best complement the Downtown retail mix and help strengthen existing retail clusters. He then noted the businesses that received grants to date.

He then discussed various programs offered by Downers Grove, Elmhurst, Glen Ellyn, Lisle, Naperville, and Wheaton. He stated that Lisle supports a retail grant, façade improvement grant, and demolition grant. He stated that Lombard is extremely competitive in terms of its downtown business assistance programs. Lombard's retail and façade grant programs match or surpass the offerings of similar programs in neighboring communities. For its retail program the Village offers a 50% matching grant up to \$20,000 for eligible applicants. The façade program provides a matching grant up to \$50,000 for eligible improvements to commercial or residential properties.

He noted that any changes to the DRBG eligibility criteria should take into consideration the tangible benefits of a targeted retail assistance program. Retail establishments play an important role in the economic health of the downtown, not only as a generator of sales tax revenue, but also as a draw for pedestrian traffic.

Currently, the DRBG is offered to individuals planning to open new or expand existing retail establishments in the downtown. One way to expand the grant criteria would be to include businesses that are primarily service businesses but include some retail component. For instance, Lisle's downtown dance studio was a service business that adopted an ancillary retail component to offer dance clothing and accessories, thereby making a favorable contribution to the downtown retail environment. Grants for these types of service businesses with ancillary retail components could be made in smaller amounts than the full \$20,000 available to traditional retail establishments. This change to the Program Policy would still allow many service businesses to be considered for a grant while ensuring that the goal of the program remains the attraction of new retail to the downtown.

Whether or not the eligibility criteria are expanded, staff recommends a change to the Program Policy that would require all grant recipients to authorize the Village to collect detailed past and future sales tax information on their businesses. This information would be kept confidential and could not be released to the public, but could be reported in aggregate. Knowing the additional sales tax generated would provide a measurable indicator of the impact that Lombard's grant programs are having on the downtown.

Chairperson Moreau then opened the meeting for discussion among the ECDC members. The members discussed the possibility of establishing a "sliding scale" for service businesses - the greater percentage of retail activity the greater the dollars that can be made available. The Committee also discussed how the term "substantial" be reviewed and considered. The Committee discussed whether absolute percentages should be put into the agreement or when it could be left open-ended and under the purview of the ECDC and Village Board as part of a given application.

Discussion also continued regarding applying percentages or other regulations on new businesses. The members supported the idea of requiring additional documentation for denoting the percentage amount of retail associated with a particular business. However, concerns were raised on how this could be

applied to new or expanding businesses.

Trustee Moreau stated she had spoken with Laura Bergeson, Executive Director of Lombard Town Center and asked that this item be tabled to the next meeting.

Trustee Tross questioned if this item should be referred back to the committee.

He stated if the item were tabled, then the item would come back to the Board instead of going to the committee for further review.

Trustee Moreau stated she did not know what the issues were regarding this item.

Trustee Soderstrom thought the item should be referred back to the Economic and Community Development Committee and then come back to the Board.

Trustee Moreau requested the item be tabled.

President Mueller inquired as to the next committee meeting.

Trustee Moreau stated October 1 was the committee meeting.

President Mueller reminded Trustee Moreau that if the committee met on

October 1, the item could not be back on the October 2 agenda.

Trustee Moreau indicated there was a special meeting of the Lombard Town Center being called for the following week.

Trustee Tross suggested passing over the item and then it could be put on the agenda at any time.

Village President Mueller questioned this.

Attorney Tom Bayer stated the Village Board needed to take action on the item.

Trustee Moreau indicated this item had been tabled at the last meeting. She stated the Lombard Town Centre agrees with the recommendation. She requested the item be split into two items.

President Mueller indicated he thought it would be easier to have this as one item and one ordinance amendment.

Trustee Moreau moved that staff amend the ordinance to include items regarding the Illinois Sales Tax Relief Form and that no application could be retroactive.

Trustee Tross stated he was not prepared to vote on the item.

Trustee Moreau indicated she wanted to take the other components of the ordinance back to the committee.

President Mueller suggested that the entire item be referred back to the committee and that it should be brought back to the Village Board as one item.

Trustee Moreau indicated the two items would have an immediate benefit.

Trustee Soderstrom felt he had no issue with the two items, but would rather see this come back to the Board as one item. He felt it was inappropriate to piece meal the ordinance. He did not see a need to rush part of the ordinance through and stated he would rather see one clean ordinance come to the Board. He stated he would vote no at this time based on that.

Trustee Fitzpatrick questioned why he would vote no and stated if someone applies for the grant, these changes would be in place. She felt other changes could be made later.

President Mueller felt more revisions would be suggested for the ordinance and would prefer to see one clean ordinance come to the Village Board with all the changes.

Trustee Tross felt every business should be able to apply for the grant and the Board should be able to grant or deny the request. Trustee Tross moved to direct staff in favor of the amendment.

Attorney Tom Bayer questioned if the Board was voting on the ordinance with the amendments. He suggested having all the components together.

Trustee O'Brien disagreed with the other part and stated there were a lot of issues. He suggested taking this back to the Economic and Community Development Committee.

Trustee Gron felt one ordinance was better.

Trustee Moreau stated retroactive grants were given to two out of the last three

grant requests. She stated she would refer this back to the Economic and Community Development Committee. She indicated she will second the motion and rescind on the first motion.

Trustee Fitzpatrick asked if Trustee O'Brien could rescind his second.

Attorney Bayer stated he would second and vote no.

Trustee Gron questioned if there was a grant coming forward, if it could be put on hold.

Director of Community Development Bill Heniff indicated there were no grant requests currently.

Trustee Moreau moved to refer the grant program back to the Economic and Community Development Committee, seconded by Trustee O'Brien.

Trustee Tross questioned if the Board could give direction for grant applications to include sales tax information and not be retroactive.

Attorney Bayer stated an ordinance was required.

Chairperson Moreau opened discussions on the DRBG and gave an update as to where they left off.

Mr. Heniff summarized the staff memo. At its September 3 meeting, the ECDC recommended a number of changes to the DRBG Program Policy. These were considered at the September 18 Village Board meeting. The Village Board expressed support for sales tax release form and no retroactive grant applications. However, the Village Board remanded the changes back to the ECDC for further discussion and clarification of the term "substantial retail component."

Mr. Heniff then said to meet the Village Board's request for a definition of "substantial retail component," staff suggests adding a minimum threshold of 25 percent. To qualify, a service business would need to either devote a minimum of 25 percent of its gross floor area to retail sales or demonstrate that at least 25 percent of its gross income comes from sales tax-generating activities. (This 25 percent requirement is consistent with the Village's definition of ancillary uses as opposed to principal uses.)

Such a requirement creates the need for annual follow-up and enforcement. Service businesses with retail components that qualify based on their sales income will need to provide the Village with an annual financial statement to demonstrate their continued eligibility. The DRBG Program does not currently require grant recipients to remain in business for any length of time. The Downtown Restaurant Forgivable Loan Program has a 10-year scope, with one-tenth of the loan amount being forgiven each year for 10 years. The Downtown Improvement and Renovation Grant Program (the Facade Grant Program) has a requirement that, in exchange for grants in excess of \$10,000, the business owner and any subsequent owner agree to not substantially change the use of the business for which the grant was received for a period of not less than three years. Failure to comply with the duration requirements results in the full repayment of grant funds to the Village. Staff recommends that a similar three-year time period be added to the DRBG Program.

Chairperson Moreau opened the meeting for discussions among the members as well as expressing a concern about using a percentage in retail sales to determine if a project qualifies for the grant and that they should consider total dollar amounts as well.

Tom Masterson of Thomas J. Masterson Co., 128 W. St. Charles Road., expressed concerns about providing assistance to service businesses and indicated that many service businesses that open in the downtown stay there for

a long time. He also noted that there is not a need to provide programs for service businesses. The members discussed the need to promote more retail and to attract businesses that create "foot traffic" for the downtown.

Trustee Soderstrom commented and provided background about the Board of Trustees recent discussion about the proposed changes to the program. He indicated that the Board approved this program as an effort to attract retail businesses, "foot traffic" in the downtown and revenue for the Village. In addition, he said that the Board was concerned about using the word "substantial" to define retail component and that the changes were ambiguous. He also noted that Lombard Town Centre is currently working on a market analysis for the downtown and LTC expects to have goals by December, 2008. He suggested that if the ECDC wants to make changes, they should wait until LTC presents its report.

The Committee discussed what the goals of the program should be and what type of businesses they would like to see to fill space in the downtown. Several members indicated that available spaces in the downtown need to be made larger and brought up to current codes.

Chairperson Moreau opened discussions on the DRBG and gave an update as to where they left off.

Mr. Stilling summarized the staff memo. At the November 5, 2009 meeting, the ECDC discussed the proposed revisions to the Downtown Retail Business Grant program. It was agreed that the committee would wait to vote on any of the proposed changes until the LTC had a chance to submit their recommendations based on the market study they were completing. Staff attended the LTC's Board meeting on February 24, 2009 where they discussed the findings of their market study along with making recommendations for revisions to the DRBG. Members from the LTC will present their findings to the committee as it relates DRBG at the March 4, 2009 ECDC meeting.

As staff noted in the November 5, 2009 ECDC memo, to meet the Village Board's request for a definition of "substantial retail component," staff suggests adding a minimum threshold of 25 percent. To qualify, a service business would need to either devote a minimum of 25 percent of its gross floor area to retail sales or demonstrate that at least 25 percent of its gross income comes from sales tax-generating activities. (This 25 percent requirement is consistent with the Village's definition of ancillary uses as opposed to principal uses.) The LTC discussed this item at their February 24, 2009 meeting and concurred with staff recommendations.

Such a requirement creates the need for annual follow-up and enforcement. Service businesses with retail components that qualify based on their sales income will need to provide the Village with an annual financial statement to demonstrate their continued eligibility. The DRBG Program does not currently require grant recipients to remain in business for any length of time. The Downtown Restaurant Forgivable Loan Program has a 10-year scope, with one-tenth of the loan amount being forgiven each year for 10 years. The Downtown Improvement and Renovation Grant Program has a requirement that, in exchange for grants in excess of \$10,000, the business owner and any subsequent owner agree to not substantially change the use of the business for which the grant was received for a period of not less than three years. Failure to comply with the duration requirements results in the full repayment of grant funds to the Village. Staff recommends that a similar three-year time period be added to the DRBG Program.

Please note that if applicant meets the minimum criteria of the DRBG, the request would still require review by the ECDC and/or the Board of Trustees.

Chairperson Moreau opened the meeting for discussions among the members.

Mr. Nielsen expressed a concern about the requirement to have the grant paid back if the business were to close within the first 3 years. Mr. McNicholas, along with Mr. Nielson suggested that rather than putting a lien on the property owner that as part of the grant application process, the Village should receive part of the security deposit.

Chairperson Moreau opened discussions on the DRBG and gave an update as to where they left off.

Mr. Stilling summarized the staff memo. At the March 4th ECDC meeting, the committee approved revisions to the DRBG allowing for service businesses to be eligible for the grant provided that they either devote a minimum of 25 percent of its gross floor area to retail sales or demonstrate that at least 25 percent of its gross income comes from sales tax-generating activities. In addition, it was agreed that some form of repayment of the grant be included in the program, if a business closes or moves elsewhere within 3 years of receiving that money. The committee members ask staff to draft the language regarding the 3 year provision for committee members review and approval prior to the next Village Board meeting. Since a majority of the members did not respond to the staff email, staff is seeking the committee's review and approval; prior to the April 16, 2009 Village Board meeting.

Mr. Stilling summarized the 4 options for the committee to consider.

- 1. Security deposit*
- 2. Grant cap for 3 years*
- 3. 3 year commitment*
- 4. Pro rata repayment*

Staff recommends a combination of options 2 & 3. Staff feels that these options are the best alternatives since it's easy to understand for applicants, and it avoids the need for liens, attorneys, and collection agencies. It is important to note that all applications will still require the ECDC's review and approval. At that time, the committee will be able to closely review each applicant's materials to determine the businesses viability and success.

Chairperson Moreau opened the meeting for discussions among the members.

Mr. McNicholas stated that he does not agree with option #2 and felt option #3 and #4 could work, provided that the Village add a provision about recouping attorney's fees.

Mr. Heniff explained staff's rationale for option #2.

Mr. Sibr expressed a concern about option #4.

Mr. McNicholas suggested they approve the changes, adding option #3 with a change that provides the Village for payment and reasonable attorney fees/cost provisions.

Requests that the Village grant a conditional use, pursuant to Section 155.420(C) of the Zoning Ordinance to allow an "Animal Day Care Facility" within the I - Limited Industrial District. (DISTRICT #4)

Attachments: [apoletter 09-09.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLIC NOTICE 09-09.doc](#)

[Referral Letter.doc](#)

[Report 09-09.doc](#)

[Ordinance 6337.pdf](#)

[090247.pdf](#)

Sue Aikman, 130 S. Charlotte, Lombard presented the petition. Ms. Aikman stated she is the owner of the dog training facility currently located at 710 Hill Avenue. She was here last year and applied for and received a text amendment to allow animal facilities as well as a conditional use for approval to conduct her business. As the business is growing, she now needs to find a larger location. The proposed request is for a conditional use to move into the Western Avenue space and run her business as it exists today. The current location doesn't have the amount of space for the animals that the proposed location does. Also, she would like to request a designated space outdoors for a canine area. This space would be fenced in and have a limited impact on adjacent properties. The dogs' waste will be managed more easily and rather than be walked through the neighborhood, the dogs would have an area to get their exercise and fresh air.

Ms. Aikman then gave the background of the company indicating that along with the training and daycare of the animals, they provide seminars and workshops to educate dog owners. They advocate dog owners being able to keep their dogs in their current homes, so by educating the owners they better understand their animals.

Their business also provides benefits to the animal as well as the dog owner. The overall benefit to the animals is that they learn to socialize, have fun, and play. Younger animals develop motor skills, learn obedience and self-control. Overall, the animals learn how to be good dogs. The benefit to the owner is that their animals are not locked up all day, which eliminates the guilt of having to walk and play with their animals when they get home from work.

Ms. Aikman stated her credentials and indicated that she currently has 3 employees. Retail will be another component of their business - they will carry products for training classes and various customer needs. With the extra space, she anticipates being able to provide additional products and is very excited to have nicer displays as well as increase retail sales. With the anticipation of a larger tenant space, she anticipates hiring an additional two to three employees as she will need the extra help.

Lastly, Ms. Aikman talked about how the industry has grown steadily and anticipated revenues. Animal services have experienced a 6% increase from 2007-2008 despite the economy and decrease in discretionary spending. The National Pet Owners Survey demonstrates the fact that pets are considered part of the family and not only will people sacrifice for their dogs, they are

demanding higher-quality products and services in order to treat them like family members. She requested that the Commissioners give her an opportunity to let her business grow and approve the conditional use.

Chairperson Ryan opened the meeting for public comment. There was no one present to speak in favor or against the petition

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The Bellyrub Klub is currently utilizing a 2,100 square foot tenant space in a commercial/industrial strip center on Hill Avenue in Lombard. Until last year, the Animal Day Care use was not listed as a permitted or conditional use in the I - Limited Industrial District. However, the Bellyrub Klub filed for (and received) text amendment approval (PC 08-33) to allow the aforementioned use to be listed as a conditional use in the I - Limited Industrial District. Subsequently, the petitioner also received conditional use approval (PC 08-34) to conduct business at their current location.

As their business continues to grow, the Bellyrub Klub is seeking amiable means to accommodate their business. As such, they are petitioning for conditional use approval to inhabit a larger tenant space on the subject property and continue use of their canine training business. Once used as an automobile service/detailing facility, the subject tenant space is 8,512 square feet of warehouse space. From an operational standpoint, the current location does not have an outdoor area for the animals, whereas, the new tenant space has an area on the eastern portion of the building that would be fenced-in to allow the animals to have outside exposure.

The principal function of the subject business is the daytime training and supervision of canines. The typical operation involves customers dropping off dogs in the morning and picking them up in the evening. In addition, they do offer joint classes in the evening with the canine and respective owner. The Bellyrub Klub also offers a retail component for the sale of associated products.

Staff recommends that a 2,100 square foot cap be placed on the proposed outside canine area. 2,100 square feet would be just under 25% of the floor area of the subject tenant space and would therefore classify the outdoor area as an ancillary function of the business. Also, placing a cap on the size of the outdoor component would limit the number of canines that would be outside at any given time and thus reduce any excessive noise disturbances.

The addition of the outdoor area will limit the impact that the canines will have on the adjacent properties. At the current location, the canines need to be walked outside of the business to manage their waste. As the canines outside exposure will be limited to the designated area, the waste can be more easily managed.

The Comprehensive Plan calls for this area to be developed with light industrial land uses. As there will be waste removal and minimal noise disturbances associated with the presence of the canines, the proposed use could be considered light industrial by nature.

The subject property abuts the Union Pacific Railroad and is also surrounded by light industrial uses on the other three sides. There are single family

residences located directly north of the Union Pacific Railroad; however, those residences are not only screened by the railroad itself, but also an eight (8) foot solid wood fence located on the northern portion of the subject property. As such, staff finds the proposed use to be compatible with the surrounding land uses

As the subject tenant space is 8,500 square feet, the business would be required to provide 9 parking spaces. The submitted plan indicates that fourteen (14) parking spaces are provided exclusively for the subject tenant space. There are no handicap accessible parking spaces provided for the subject tenant space. As such, a condition of approval will require the parking spaces to be restriped and one handicap accessible space shall be created from the existing parking stock.

Staff finds that the petition meets the standards for conditional uses; therefore, staff recommends approval of PC 09-09 subject to the seven conditions noted in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

There were no questions or comments from the Commissioners.

- F. [090293](#) Declaration of Surplus Equipment
Declaring four vehicles as surplus equipment and authorizing their sale at auction. Staff is requesting a waiver of first reading.
Attachments: [090293.pdf](#)
[Commercial Sublease.pdf](#)
[Ordinance 6338.pdf](#)
- *F2. [090299](#) Declaration of Surplus Equipment
Declaring computer equipment as surplus and authorizing its sale at auction. Staff is requesting a waiver of first reading.
Attachments: [090299 Memo to Dave Surplus Equip 05-15-09.doc](#)
[Ordinance 6339.pdf](#)
[090299.pdf](#)

Other Ordinances on First Reading

- G. [090246](#) PC 09-08: 331 W. Madison Street (CPSA)
Granting a further time extension to Ordinance 6347 extending the time period for construction of the conditional use for a planned development and a school for an additional twelve month period (June 18, 2012).
(DISTRICT #6)

Attachments: [APO LETTER.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo remand.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE.doc](#)
[Referral Letter.doc](#)
[Report 09-08 \(revised\).doc](#)
[Ordinance 6347.pdf](#)
[Ordinance 6346.pdf](#)
[Cover Sheet ext 1.doc](#)
[BOT_ext_331 W Madison.doc](#)
[Ordinance 6481.pdf](#)
[090246.pdf](#)
[090246.pdf](#)
[Letter to Boards, PC & Village Staff.pdf](#)
[BOT_extII.doc](#)
[Cover Sheet ext 2.doc](#)
[Ordinance 6625.pdf](#)
[090246.pdf](#)

Andrew Draus, 350 S. Fairfield Avenue, Lombard, attorney for the petitioner presented the petition. He thanked the public for coming regardless of whether they were in support or against his client stating that it is nice to see they are taking an active role in government.

Mr. Draus indicated that the subject of the petition tonight is the College Preparatory School of American (CPSA) located at 331 W. Madison Avenue. He indicated that the building has been used primarily by the school district since 1930. He provided the history of the site and how CPSA came to be at this location in 1994. He noted that the current zoning of the parcel is CR, which is what the parcel has been zoned the entire time, and how it is operating as a legal nonconforming use. CPSA has 5 legal lots comprising of approximately 4 acres containing a school building, parking lot, a playground and 450 students.

Mr. Draus mentioned how CPSA's curriculum and environment has attributed to the success of its students. He stated that a high percentage of students graduate from CPSA and go on to college. He also mentioned students' achievements and accomplishments such as being National Merit Scholars and being selected to the all American Academic Team, as well as how the students become professional members of the community.

The alumni of CPSA represent various professions and they are now sending their children here. CPSA has strict academic standards with people dedicated to these goals. There is no crime, vandalism, or drugs and there very few discipline issues. There has been an increase in demand for enrollment as a result of families who have moved to Lombard so that their children can attend the school. They have conducted various fundraising events in order for the proposed improvements to come to fruition. Representatives of CPSA have been

working with Village staff over a period of time in order to bring this plan before you today.

Mr. Draus then introduced Jamshid Jahedi, Architect-Engineer, from Dome Structural Engineers who would discuss the proposed plan in further detail.

Jamshid Jahedi, Architect and Engineer for the project, 105 Ogden Avenue, Clarendon Hills, thanked everyone. He indicated that he would present a PowerPoint presentation outlining the project.

Two years ago their office was asked to create a necessary drawing and design for a new building on campus. The owners' goals were to create a facility that:

- * Offers higher standard of K-12 education in a more delightful environment*
- * Remains neighbor friendly while responding to steady growth of the students body*
- * Continues adding credential to the school and the Village of Lombard*
- * Increases the land value of the school and neighboring properties*

Mr. Jahedi showed an aerial view of the school as well as a zoning map which indicated the school's current zoning - CR. He stated that the property is really more consistent with the surrounding zoning of R2.

Next was an aerial of the existing conditions. He explained the orientation of the slide in that Madison Street was to the right. The existing building is very old (90 years) and 32,000 square feet. The site has 80 parking spaces and is served by two access drives -one entrance and one exit. The majority of the students are dropped off in the parking area and he indicated the entrance as well as the exit.

The next slide showed the new addition. He explained that it is the same photo, but they superimposed the new building with the existing building. The new building is going to be built where the existing parking is with part of the building extending to the south, which is currently a grass area. The exit and entrance will stay the same. The two buildings will be connected by an underground corridor to facilitate travel between the two buildings. He then showed the next slide which was the proposed site plan. The site plan illustrated the two buildings, new parking areas, detention area and baseball field.

The traffic flow slide showed both the existing and proposed traffic patterns, which were indicated with arrows. He showed the traffic flow on the existing site as well as the proposed site and indicated it is pretty much the same. The parking has been moved to a different location and there is a new driveway, which will be strictly used by the Fire Department and is not part of the public drive. This drive was required by the Fire Department.

The existing parking is shaded with color and he indicated the location of the 80 parking spaces. The new parking has the same amount of area, but has been moved from the south of the building to the north of the building. They extended the parking to the east and south. Approximately 19 parking spaces will be added. This is a more efficient design of the site. Mr. Jahedi explained that by having these additional parking spaces on site, it would eliminate the need for parking on the street.

He showed a cross section of the property looking from Madison. They will have landscaping similar to a berm about 2 feet high, which will be

complemented with another 2-3 feet of shrubbery. This will total approximately 5-6 feet in height, which is acceptable as a screening device by the Village.

The parking space comparison slide superimposed the existing and proposed parking spaces in order to get a visual indication of how much parking they are adding. He acknowledged they were not adding a significant amount of parking.

The Occupancy & Parking Calculations slide - Mr. Jahedi stated that Village Code requires 80 parking spaces on site. He noted that the number of total parking spaces required for the existing building is 43 and they have 80. With the new facility consisting of two buildings, 32,000 square feet for the existing building and 61,000 square feet for the proposed building, the required number of parking spaces per Village Code is 80. If the Village looks strictly at Code, we are adding 60,000 square feet, but are still within Code by providing only the existing 80 parking spaces. If we use common sense, we see that right now the parking never gets full, but it does get close to maximum capacity. The neighbors would feel better and have more experience in determining whether additional parking spaces should be added to the site or not. CPUSA proposes to keep the 19 additional parking spaces in order to negate the spillage of parked cars in the neighborhood. They think that having the additional parking helps the community at large in solving some of the parking problems although they respectfully leave this decision to the discretion of the Plan Commission members.

He described the proposed site plan indicating they have an outdoor sports facility shown as a baseball field, which could also be used by the neighbors. The detention pond located in the northwest part of the site will control stormwater on site.

Mr. Jahedi showed the drainage slide and stated that the site will retain the entire run off provided by a 100-year storm. The detention pond is located on the lowest part of property. The 100-year storm is the maximum amount of coverage the jurisdiction asked the engineer to design for. The intensity is very high. There are two detention ponds shown, the lower part will handle the 50-year storm event and if higher there is a second detention pond which is part of the sports field. We are improving the drainage of the site much more than currently exists. The neighbors will not see water run off from this property. The light blue line around the site is a swale, which is designed to bring water off the site to the street and into the sewers.

Emphasizing the variances they are asking for he showed the proposed site plan. They are asking for a rezoning from the CR zoning designation to the R2 residential district, a conditional use for a planned development, a variation to the open space and a building height variation to allow 35 feet where 30 feet is allowed.

Simple Rezoning versus PUD - This slide shows a hypothetical analysis of the percentage of open space required when applying for a simple rezoning to the R2 versus applying for a conditional use for a Planned Development. A simple rezoning to the R2 where they connect the two buildings would require they need to meet 50% open space. Their plan provides 47% open space, leaving them 3% short. If we go the other route and apply for a Planned Unit Development with 2 separate buildings, the open space requirement is higher at 62.5%. Their plan proposes 47%, leaving them much shorter. The height restriction of 30' is the same for both routes. The Village prefers they apply for

the planned unit development and CPSA prefers the simple rezoning. He asked the Commissioners to think about these two differences, but respectfully leaves this decision to their discretion.

Open Space - Area Calculations - This slide shows the percentage of open space provided by the CPSA's original design versus the percentage of open space needed after factoring in the additional requirements the Village has asked for. By providing impervious roadways and pavement such as the additional driveway the Fire Department requires, as well as the cul-de-sac, this increases the impervious area and result in a larger open space requirement percentage. They are willing to spend additional money and provide green pavement components for the parking lot or the Fire Department access driveway. He mentioned how he is well trained, has appropriate certification and is a very strong advocate of the green building movement. He was disappointed to learn that the Village does not give credit for adding pervious areas. They are still willing to put the pervious pavement in their parking lot in effort to reduce the percentage and increase the open space on site to more than 50%. He asked the Commissioners to look at this concept since they are ready to do it and bring the 50% higher to maybe 62%.

The Height Comparison. Mr. Jahedi stated they are within the 30' height limit for the entire building with the exception of one staircase, which goes up to the roof. The roof consists of fans which blow fresh air into the gym and cafeteria. They will be 3-5' in height and are not included in the building height calculation. They will need a staircase to get up to the roof and this staircase is the result of the extra 5'. They prefer to not incorporate a hatch into the roof, as suggested by Village staff, as the staircase makes easier access. The amount of area that they are taking above 30' is 300 square feet or 1.4% of the footprint. He asked the Plan Commissioners to consider this and compare it for themselves.

The next couple of slides shown were elevations from the northeast, east and south. He commented that they will be 50-70 feet away from the nearest residential property line and the other two sides will see green.

The basement plan includes an area for the gym, which includes a full basketball court with bleachers and a cafeteria with a kitchen as well other things. The gym and cafeteria are two volumetric designs. They have a large height and in an effort to disguise them they were designed in the basement. As a result the neighbors won't see the gym and the building will be visually pleasing.

The first floor plan consists of the upper part of the gym, which is basically open to the basement, a preschool, administrative offices and classrooms. He noted the staircase that goes down to the basement as well as the tunnel that would take students from one building to the other.

The second floor plan consists of amenities for the school including: various labs, a library with an atrium, classrooms and a multi-purpose room.

Concluding, Mr. Jahedi noted the attributes of project.

Attorney Draus noted the storyboards located behind them. Since the Commissioners could not see the storyboards, Mr. Jahedi referred back to his PowerPoint presentation and showed where the height variation would be located on the building. He explained how they calculated the height or

average grade of the building. He noted the highest part of the building indicating that this is the stairs, which lead to the roof, are to be used for facilitating the repair and maintenance of the roof. He noted that the stairway was strategically placed in the middle of the building, placed at the furthest distance away from the neighbors.

Attorney Draus mentioned the fact that CPSA held neighborhood meetings and they have been meeting with the Village for two years trying to incorporate concerns voiced by both parties. Concluding, Mr. Draus indicated that the board members from CPSA were in the audience and were available to answer any questions on behalf of the owner.

Chairperson Ryan opened the meeting for public comment.

To speak in favor of the petition were:

Fazal Ahmed, 20 W. 17th Street, Lombard, stated that he is a resident of Lombard and has children in the school. The school not only provides an excellent education, but also contributes to a person's physical and mental health. He felt they should not be crammed into a building. He stated the need for a new building, as the existing building is aged. Having the new building is not only advantageous for them, but also for the Village as it will increase property value. He wants to stay in town due to its diversity but they need a better cleaner environment, which will result in making a name for the town.

Mohammed Azharuddin, 1069 S. Westmore Avenue, Lombard, stated he lives in the Westmore Avenue Apartment Complex, having moved from Texas because of the school's teachings and credentials. He has two children in the school and their standards are two years above the public school. He requested that they not deny the opportunity for the children to have more labs and a better learning experience.

Sabet Siddiqui, 531 W. Harding Road, Lombard, noted his profession and mentioned that he was building a house, which is one of the moderate to bigger homes in Yorkshire Woods. He indicated how he used to commute long distances in order to have his children attend the school. He asked the Commissioners to approve the proposal. The school maintains extremely high scores and they need your help to have a decent facility.

Dr. M. Javeed Ansari, 114 Oakton Drive, Lombard, stated that his family consisting of four children moved from Massachusetts for the purpose of attending this school. He mentioned there was a two-year waiting list to get in. The children's education and reputation of the school is nationwide. He has never seen such a school in this area and noted the product the school puts out. He humbly requests the Plan Commissioners to arrive at a favorable decision to help the community and make its citizens proud.

Fatima Nazeer, 43 W. Ann Street, Lombard, indicated she is an alumni of CPSA as is her husband. She stated she attended Benedictine University and he went to Northwestern. They are proud to have been a member of the CPSA community, as the school has had many accomplishments, as well as a citizen of Lombard. She referred to the Character Counts pillars on the wall and indicated that you will find those qualities mentioned at CPSA. She asked the Commissioners to consider everything said.

Mukarram Sheikh, 1328 S. Rebecca Road, Lombard, noted his profession and

stated that four years ago he did not know the Village of Lombard. When his family lived in Tennessee they searched for one of the best school in the country where they could maintain their faith as well as obtain the best academic education. They do not have many facilities from which to choose unlike other religions. The program at CPSA made them move here even though the building was something to be desired. They love CPSA, Lombard, the Park District, and the shopping. They are buying property here. He believes that an education is a holistic process and they want to add community service projects, but don't have the available space. They need to go to the next level. He believed that not only will the new proposal benefit them, but will also benefit the neighbors. The school attracts the best in the community and is a win/win situation. He mentioned Daniel Tani and how proud it makes you feel no matter where you came from that he is a product of Lombard who attended Glenbard East. We must be ready so that when the next leader comes, we will all feel proud. He asked the Commissioners to approve the building in order to attract the best talent to Lombard.

Anjum Mirza, 1306 S. Finley Road, Lombard stated he lives in International Village. He has two children in the school. Prior to them moving, his wife had to travel close to 100 miles a day to bring them to school. He humbly requests that they approve the request and give them a chance.

Muddassir Saeed, 2090 S. Valley Road, Lombard, gave his background and educational history. He stated he attended Peter Hoy School, Lombard Jr. High and Glenbard East High School. He loves the community of Lombard as it has a lot to offer and has three children in the school. DuPage County is an affordable place to live and has a good standard and asks that they support the school.

Rashid Zaffer, 1790 Porter Court, stated she lived adjacent to the school and her husband and other family members attended CPSA. It is a great school located in a great community and asks for approval of the request as it will be great for the whole neighborhood.

M.A. Majeed, 509 W. Wilson Avenue, Lombard, stated that Naperville was recently named the number one city in which to live. He did reside there, but decided to move here instead. He sends his children to CPSA. He emphasized that in the proposed plan there are two issues - the height and the open space. The code requires that they need 80 parking spots and the architect is suggesting 99. We have a choice, as does the Plan Commission and the neighbors, to either contain the parking on the premises or have it spillover onto the streets. There is another school two blocks south and there is no street parking allowed on Madison. There are other schools in the community such as Sacred Heart where street parking is allowed. It comes down to an issue of parking spilling over on the street or having open space. In his opinion, it is better to have the parking contained on the property so the neighborhood won't be affected.

Mohammed Kothawala, 213 W. Harding Road, Lombard, stated he lives two blocks behind the school. They built a house and are happy to be in the neighborhood. He has two children in the school. He sees parents come from different directions to drop off their children and as a result, he does not see much of a traffic problem.

To speak against the petition were:

Ed Pszanka, 615 S. Edson, Lombard, stated he lives adjacent to the school property. He has lived in Lombard for 40 years. He mentioned the new housing that has recently been constructed in the neighborhood. He's tired of constantly looking at a garbage dump and a blank wall. He complained of issues dealing with water run off onto his property, people raising the topography of their land, houses being built too close to property lines and too high. There is a Building Code in place and it should be followed. He stated he was not notified of any of the meetings. He was worried about the retention pond attracting geese, mosquitoes and bugs as well as being unsightly. He is an organic gardener and he does not want that water overflowing onto his property.

Chairperson Ryan mentioned that he was notified of this meeting, but there is no requirement that he be notified of meetings between the petitioners and Village staff.

Mr. Jahedi responded to Mr. Pszanka's comments about the retention pond. He indicated it will be a dry grassy area with no water. It is engineered to retain water during a storm and within a 24-hour period the water will drain back to the Village system. In this way, we are not overloading the Village system at one time.

Mr. Pszanka indicated that when CPSA bought the building in 1994, there was a ditch by the baseball field that took water and brought it along the property line down to Madison. The ditch is now filled up.

Attorney Draus indicated that the retention area has a drain in it so it is not designed for the water to remain. It collects excess water from neighboring properties. It is a Village requirement.

Candice Rizzo, 308 Harding, Lombard, stated she has been a resident for 25 years and they have recently added onto their home. They have abided by all the Village zoning and guidelines. They are very proud of their home and consider it their major investment. She is also here to speak on behalf of her husband and their neighbors. She has a petition opposing the proposal. Their concerns are:

- * increased traffic on Madison as well as the route that might be taken around the neighborhood to get to the school*
- * the height of the building - her house backs up to it so they would be directly affected*
- * privacy and the use of her property - her backyard is open and the school will have activity year round.*
- * property values haven't increased or decreased, but if they sell their house, the new owner won't want the view of the proposed parking lot with traffic being routed behind the school.*
- * garbage that would be generated.*
- * they should maintain the residential look and appearance of the neighborhood.*
- * the proposal is too large of a building squeezed onto a small piece of property and not becoming to the neighborhood.*

She went to houses within a four block radius of the school and is submitting the petition on their behalf relative to those concerns. She asked the Commissioners to consider these issues.

Joe Glazier, Jr., 304 W. Harding, Lombard, asked if they would be able to build future residences on the site without a public hearing if the rezoning to R2 was

approved. The northwest corner of his property would be affected by noise and traffic with more being put on the southeast corner of the site. The placement of rooftop mechanicals would be closer to his home and would generate more noise. The placement of the atrium will overlook the surrounding homes and would have a direct site line to his patio eliminating his privacy. They are asking to double the number of students and reduce the open space. There is too much proposed for the space available.

Attorney Draus responded to the rezoning request. He stated that there are no plans to put residential dormitories on the property. That would require another public hearing. Christopher Stilling, Assistant Director, stated that if the rezoning and the planned development were approved, they would not be allowed to build residences. He explained how a planned development is tied to a specific plan and if they deviated from that plan, they would have to come back to the Plan Commission for an amendment to the planned development, which would entail another public hearing.

Mr. Glazier then asked for an explanation about the zoning regulations between an R2 and the CR. Mr. Stilling stated that the CR zoning is intended to provide for the location of such things as public parks, forest preserves, and other open-space uses and is more in line with a publicly-owned facility. The zoning of R2 is in line with private schools and residential areas and is typical of what has been done in the past. Attorney Draus stated that the conditional use request would provide for having a private school.

Fran Pszanka, 615 S. Edson, Lombard, indicated she lives right behind where the retention pond is planned to go and asked if it will come right up to their property line. Also, she asked if there is anything that states that it has to stay away from them. She noted that if the sewer system is not good enough to take the water away, why have the pond? She mentioned previous meetings whereby it was mentioned that something would be done to remove the water. Also, she was concerned about the safety issue with having a pond on the playfield as she heard it was 5' deep. Mr. Stilling responded to the placement of the detention pond and noted that the petitioner's plan indicates there is a 5' setback. Currently, the property has no controlled detention on site so the water travels with the slope of the property. Water detention is governed by DuPage County as well as the Village.

Mr. Jahedi responded that the detention pond is like a ball so that when there is too much water it is kept in the ball until such time that it drains slowly into the system. This system serves the site better than what it does now. The depth of the pond is 5' and the slope is 3:1, which is the maximum DuPage County allows a slope to be. The slope is walkable and the children can run up and down it. It makes it a good area for play and is not a safety issue.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, introduced two items into the public record: the KLOA traffic report, which is the final version not the draft version as it states, and Response to Standards to Deviations. He noted that only three standards were addressed because they were not met by the petitioner.

Mr. Toth then continued stating that staff has drafted this IDRC report to submit to the public record in its entirety. The College Preparatory School of America (CPSA) has been experiencing an increased demand for classroom space. As such, the school is proposing to construct a second building on the subject

property. As proposed, the new building would be approximately 61,000 square feet and located south of the existing building, which would remain. The new building would include a cafeteria, gymnasium, a multi-purpose hall as well as classroom and general office area. To accommodate the increased student population, additional parking would be provided. As a result, the required amount of open space is not being provided. Therefore, the petitioner is seeking a variation to reduce the required amount of open space. In addition, the proposed second building would exceed the maximum allowed building height of thirty (30) feet to thirty-five (35) feet to accommodate a projecting stairway.

As part of their request and at the suggestion of Village staff, CPSA is requesting a map amendment to rezone the subject property from CR - Conservation Recreation District to the R2 - Single-Family Residence District. In addition, the petitioner is seeking a conditional use to establish the property as a planned development.

CPSA obtained a Certificate of Occupancy on February 10, 1993 as an Educational Facility; however, they never obtained conditional use approval to lawfully establish the full-time private school. Therefore, CPSA has been operating under legal non-conforming status since their inception. As part of this petition, CPSA is requesting conditional use approval to legally establish the existing full-time, private school.

use approval to legally establish the existing full-time, private school.

CPSA is located in an established residential neighborhood and is located in close proximity to Madison Elementary School. The hours of operation are similar to the public school hours of 8:00 a.m. to 3:30 p.m. The school year starts in August and ends in June. The addition of the new building will allow 335 more students to attend the school, which would bring the total student population to 785. The drop off/pick up functions would occur between both buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. The Fire Department requires that all new buildings provide access to three sides of the new structure(s). As such, CPSA would be required to install a drive aisle around the perimeter of the proposed structure. This fire lane will be blocked off at all times, only to be used by the Fire Department.

As proposed, the existing building would not require ADA or Life Safety Code improvements to its interior as part of this petition. The petitioner's have indicated that the existing building would remain "as is".

The proposed building would have a peak roof height of 35 feet above grade. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed deviation is requested to accommodate an access stairway. The petitioner has stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire and therefore, staff does not support the proposed roof height deviation.

The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. When combined with the coverage of the existing property

improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement.

Ninety-nine (99) parking spaces are proposed on site. Pursuant to the Zoning Ordinance, 80 spaces are required. The additional 19 spaces can be considered to be a preferential request made by the petitioner, which represents roughly 3,078 square feet of impervious surface that could be dedicated as open space. Also, during the neighborhood meeting conducted by the petitioner, one of the issues brought up by neighbors was the aesthetic view of the front of the property, more specifically the addition of parking spaces in front of the building. As the northernmost row of parking consists of 24 parking spaces, eliminating some of those parking spaces could allow for additional open space and provide additional landscape buffering. Staff will only support a minimum of 50% open space, which meets the underlying R2 zoning district requirement.

The property is currently zoned CR Conservation Recreation District. The CR District, by definition, is intended to provide for the location of public parks, forest preserves, wildlife reservations and ecological sanctuaries and other open-space uses or resources to serve the needs of the citizens of the Village of Lombard. Again, emphasis on public usage.

Staff believes that the CPSA property is more consistent with the R2 Single-Family Residence District requirements. The R2 District is intended to accommodate existing single-family neighborhoods in the core of the Village. This zoning designation is consistent with the surrounding neighborhoods. In addition, similar requests have been granted to other private educational institutions located in the Village such as St. Pius X, St. John's, and Sacred Heart. Staff finds that the CPSA property meets the standards for rezoning.

An educational institution is listed as a conditional use in the R2 Single-Family Residence District. This request is to provide conforming use status for the school, as it pertains to the Lombard Zoning Ordinance. The operations of the school are typical of most educational institutions. Staff finds that CPSA meets the standards for a conditional use to allow for an educational institution in the R2 District.

Establishing a planned development for the CPSA campus is consistent with other private school uses in the Village. The Village previously established planned developments for Christ the King in 2004, St. John's in 2005 and St. Pius X in 2007. As a Planned Development, the site can be brought into closer compliance with current Zoning Ordinance by allowing greater flexibility in site development. It is noted; however, that the planned development is specifically required in this case as the petitioner wishes to keep both principal structures on the property physically separate of one another. Per Section 155.208(B) of the Zoning Ordinance, more than one (1) principal structure on one (1) lot-of-record is not permitted in the R2 - Single Family Residential District, except as part of a planned development. As the subject property is to be used as a master planned campus for a use other than single-family residential, the establishment of a planned development is deemed appropriate to allow the Plan Commission to have the opportunity to approve any future modifications and/or additions to the subject property.

Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the

amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient. In order to ensure that the amount of parking is sufficient in the future, the number of high school students allowed to attend the CPSA will be capped at 240 students, which is the total number of high school students indicated on the plan.

Staff has relayed their concern to the petitioner that the increased number of parking spaces is considered to be one of the factors leading to the deficiency in open space. As such, staff presented a parking versus open space scenario to the Plan Commissioners through a Plan Commission workshop on December 15, 2008. During the workshop, a number of the Plan Commission members had indicated that they favored the extra parking spaces in order to prevent the spillover parking onto adjacent residential properties. However, other members stated that they favored the idea of reducing the amount of proposed parking to meet the open space requirement for the underlying zoning district.

The Village's traffic consultant KLOA reviewed the proposed development and conducted traffic counts on the adjacent neighborhood intersections to determine the impacts of the proposed development. They have completed a report which is also transmitted with the staff report. See traffic study.

Based on KLOA's observations, the peak time period for drop-off was between 8:00 and 8:30 A.M. During this half hour, KLOA observed a few back-ups extending onto Madison Street with approximately five to six vehicles temporarily waiting to turn left and access the school driveway thus blocking westbound through traffic on Madison Street.

The peak time period for pickups occurred between 3:15 and 3:45 P.M. The queues at times extended all the way back around the west end of the building. It should be noted that for a few minutes, the backup spilled onto Madison Street and three to four vehicles were temporarily waiting to get in thus blocking Madison Street. The school contracts a Lombard Police Officer to assist in traffic control. The police officer arrived just before 3:15 P.M. to direct approaching vehicle pickups at the back doorway entrance and to safely allow children and adults to use the walkway. Between 3:30 and 4:00 P.M. as many as five vehicles were queuing outside onto Madison Street. It should be noted that pickups were also occurring along the access drives on the west and east side of the building.

CPSA's hours of operation are 8:00 a.m. to 3:30 p.m. The drop off/pick up functions would occur in an area between the new and existing buildings (central to the subject property) through the use of a twenty-two (22) foot drive aisle. As the student population will be increasing from 450 to 785 students (max), the proposed twenty-two (22) foot drive aisle would be wide enough to accommodate a drop off/ pick up lane with adequate space to allow cars to pass one another, which should increase traffic flow. KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. As mentioned below, CPSA does not plan to stagger school hours unless necessary; however, they have made representation that they plan to stagger start/end times in conjunction with the Madison School, which is east of the subject property on

Madison Street.

Based upon the above observations and review of the petitioner's proposed site plan, KLOA made several recommendations in their study. Staff would like to focus on four major internal site considerations addressed in the traffic study.

1) Student Enrollment - Staff worked with the petitioner and KLOA to remediate some of the internal site issues. As the student population affects the amount of vehicular traffic to and from the subject property, CPSA has agreed to cap the number of students. The current student population of CPSA is 450 students. With the addition of the new classrooms, future enrollment is expected to reach 785 students. As such, there will be 335 additional students on the subject property during peak enrollment. CPSA has agreed to place a cap on the number of students enrolled in the school at 785.

2) Staggering of School Hours - As previously mentioned, the peak time period for drop-off was between 8:00 and 8:30 a.m. and the peak time period for pickups occurred between 3:15 and 3:45 p.m. To minimize existing and future potential congestion, KLOA recommended in the traffic study that strong consideration should be given to internal staggering of classroom starting and ending times, which would alleviate drop-off and pick-up parking, queuing, vehicular/pedestrian conflicts, etc. CPSA responded by stating, "If future enrollment dictates a need for CPSA to stagger their school start and end times at the different levels of the school (grade, middle, and high school), then CPSA will do so to alleviate traffic congestion". As such, the petitioner has not provided a detailed plan outlining their proposed staggered start/end times.

3) Drive Aisle Width - On the original site plan submitted by the petitioner, the internal drive aisles were proposed to be eighteen (18) feet wide. According to KLOA, the proposed drop-off lane needs to be at a minimum twenty-two (22) feet wide. When used for pickup in the afternoon, the additional four (4) foot width will provide a passing lane when vehicles are parked waiting for the students. CPSA complied with this recommendation and widened the proposed drive aisles to a width of twenty-two (22) feet to provide the passing lane that would allow for an increase in traffic flow on the subject property.

4) Cul-de-Sac Bulb - According to the originally submitted site plan, two-way traffic in the proposed parking lot on the southeast portion of the property would have no way of turning around. In the traffic study, KLOA recommended that a cul-de-sac bulb should be designed to provide turnaround at the south end. CPSA complied with this recommendation and added the cul-de-sac to the proposed plans as a means of allowing an increase in traffic flow on the southeastern portion of the subject property.

As previously mentioned, the petitioner held two neighborhood meetings last year to discuss the proposed plans with adjacent property owners. During the meeting, neighbors had the opportunity to comment on the plans and address their concerns with the proposed project. Some of the specific comments made by the neighboring properties included; the impact of more students at CPSA and traffic on Madison Street, the impact of more students on CPSA on parking on neighboring side streets (since there is no parking allowed on Madison Street, the only public access to the site), the aesthetic view of the front of the property (especially with the addition of parking spaces in front of the building) and concerns regarding the impact of construction of the new building (noise, safety, and parking issues) on the neighboring properties.

While staff finds the use to be compatible with adjacent properties and

consistent with the locations of other residentially-located private schools throughout the Village, the plan, as proposed with deviations is not compatible with adjacent properties. The petitioner has worked closely with staff in an attempt to address the provisions of the Zoning Ordinance, but staff believes that the proposed project could still be completed without obtaining the building height and open space variations.

The Comprehensive Plan recommends Public and Institutional uses for the subject property. As the principal use of the property is an educational facility, the use of the property adheres to the recommendation of the Comprehensive Plan as an institutional use. The petitioner's site modifications are also consistent with the existing institutional nature of the property.

Staff finds that there are no conditions related to the property that prevent compliance with the established regulations. The property does not have physical surroundings, shape, or topographical features that differ substantially from other lots in the neighborhood. It is solely the demands of the petitioner that have warranted the requested relief.

The number of students enrolled in any school directly affects the amount of space needed on the property for classrooms and other ancillary amenities. As the subject school is a private school, the amount of revenue received by the school is dependant upon the number of students enrolled in the school. Under this principle, revenue would be higher with a higher student population

Staff finds that the difficulties have been created by the petitioner as a result of a preference towards keeping the proposed building separate from the existing building, a desire to exceed the amount of required parking, and an architectural preference that does not allow the proposed building to meet the minimum building height requirement

Staff finds that these variations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject property. Staff has identified ways that the building height and open space could be achieved to meet code.

Standards Not Complied With

1) Any reduction in the requirements of this Ordinance is in the public interest. The R2 - Single Family Residential District permits structures up to 30 feet. The proposed building would have a peak roof height of 35 feet above grade. The proposed deviation is requested to accommodate an access stairway. The petitioner has represented in their response to standards that the deviation would allow access to the rooftop for maintenance, repair and emergency purposes. However, the petitioner has also stated that the proposed building can be designed without the projecting stairway and still properly function. As such, staff finds that the roof height deviation is a result of an unnecessary desire.

The underlying R2 - Single Family Residence District regulations require a minimum of 50% open space for each property. Section 155.508(C)(7) requires that open space in a planned development must be at least 25% more than is required in the underlying district if a deviation is associated with the petition. As such, the additional 25% of open space would not be required if the proposed building were to meet the maximum height requirement of thirty (30) feet; however, the 50% minimum open space requirement would still need to be addressed. The petitioner has represented in their response to standards that the reduction in open space would allow reduce the amount of on-site parking.

Pursuant to the Zoning Ordinance a total of 80 parking spaces are required. The proposed plans indicate a total of 99 parking spaces, which exceeds the amount of parking required by Code by 19 parking spaces. The petitioner has indicated that the additional parking spaces are needed to accommodate any overflow parking situations and prevent spillover parking onto the adjacent neighborhood streets. The petitioner has indicated that high school students do not drive to school. Staff believes that the minimum amount of parking spaces required by the Zoning Ordinance is sufficient.

2) The proposed deviations would not adversely impact the value or use of any other property.

Staff finds that these deviations will alter the essential character of the neighborhood by allowing excessive bulk and impervious surfaces on the subject property. Staff has identified ways that the building height and open space could be achieved to meet code.

3) That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.

When combined with the coverage of the existing property improvements, the proposed property improvements would bring the total amount of open space on the subject property to 46.85%. This equates to roughly 5,793 square feet in open space deficiency based on the 50% requirement and 28,768 square feet on the 62.5% requirement. The petitioner stated in their response to standards that they would be unable to meet the 62.5% open space requirement. Although the proposed plans cannot meet the 62.5% open space requirement, staff believes that the petitioner is able to meet the underlying zoning district requirement of 50% open space.

Staff recommends denial of the variation for open space and building height and approval of the planned development, conditional use and rezoning with conditions. He noted that condition #1 should be changed to read:

1. The site shall be developed substantially in accordance with the CPSA elevation, site, landscaping and floor plans package, prepared by Dome Structural Engineers, dated December 1, 2008, except as they shall be changed to meet Village Codes and the 50% open space and thirty (30) foot building height requirements and shall be subject to the review and approval of the Director of Community Development.

Attorney Draus commented on the staff report stating that the petitioner has worked closely with staff for over two years. Those two variations have been part of the plan since that time and they only found out Thursday that the petition would be approved without the variations. He exemplified the St. John's building, which was a similar situation in which there was a new building with a private school being proposed and staff, the Plan Commission and the Board approved the height and open space variation. Their open space was 30 percent and he asks for equitable treatment today. He reiterated that the request for the height variation only applies to a small portion of the building, 300 square feet, which will be contained to the middle of the property and have minimal effect on surrounding properties. This is important because it is an aesthetically better building which would allow stairwell access to the roof for repairs and maintenance and is more practical than a hatch option.

He then commented on the open space variation. This issue came up several times - the open space has been reduced as a result of a request by the Village to install a cul-de-sac bulb, expanding the entryway to 22' and the requirements

by the Fire Department to have a full access around the building. All these requests have reduced the open space percentage. In the cost/benefit analysis, CPSA feels that the more parking spaces that are on the property the better it will be for traffic in the neighborhood. They raised this issue the most and they are trying to minimize traffic on the neighborhood. When there is a need for parking spaces they can be used. They believe that the benefit outweighs the 3% percent open space variation.

Lastly, he commented on the issue that came up in the public comment portion about additional traffic on the south side of the building. The area around the new building to the south is only for Fire Department access. If you are a neighbor on the backside you won't have to worry about cars there.

Concluding, Attorney Draus asked the Plan Commission to consider the plan with the two variations as it would be a better contained site.

Mr. Stilling responded to Attorney Draus by stating that the goal of staff is achieve conformance to Village Code. With regard to the requested expansion of the drive aisles and the fire department access, these are things that are part of a functioning site plan.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Burke asked staff to confirm the 30% open space variation that Attorney Draus mentioned in regard to other developments in town like St. John's. Mr. Stilling stated he was not sure of the exact number, but there have been more recent petitions that met the open space requirement. Staff tries to see opportunities and if close would help them achieve it. Commissioner Burke stated that the petitioner makes a compelling argument about the roadway surrounding the building as well as the cul-de-sac. The Village's demands have caused them to require the open space request and has exacerbated the project. Mr. Stilling stated that the Fire Department access roadway is directly related to fire codes and this request is made no matter what. Mr. Toth stated that the petitioner's requests warranted the variations. The petitioner's desire to separate the buildings and add the height variation kicked in the 62.5% open space requirement. It had a trickle effect.

Commissioner Burke commented that the request for the 35' height variation only applies to a 300 square foot portion of building which is insignificant and in line with things we have provided variances for in the past. He asked what the distance is from the location of where the height variation would be on the building to the nearest property line. Mr. Jahedi stated it was approximately 150 feet from the 35 height to the nearest property line.

Commissioner Sweetser agreed with Commissioner Burke's comments relative to the height variation being a relatively small part of the building and she does not find it objectionable. She does however take exception to the open space. With regard to the petitioner's comments about how the Village's requirements contributed to them not meeting the open space requirement, she believed that you don't start a design until you find out the Village's requirements rather than the other way around. Open space could be met by removing a couple of parking spaces. She referred to KLOA's traffic report about the queuing issues and how adding parking spaces won't help the situation. The increased enrollment will also make it worse. During special events the school might need to have extra parking on the streets but this happens often with most schools.

She favored the petitioner meeting the open space and was not concerned about the height requirement.

Commissioner Cooper stated she was concerned about the Village's response about the porous pavement. Mr. Stilling indicated that we have spoken with the Fire Marshall and they discourage that kind of application. If a large tower truck was called to the scene and had to extend its outriggers, there could be a pressure point issue and the outriggers could sink into the pavers. Since the building is a multi-story facility they want to err on the side of caution with the use of pervious pavers. He noted that pursuant to the Zoning Ordinance those pavers, though perceived as open space, would not count toward open space calculations.

Commissioner Burke asked what the cul-de-sac was needed for. Mr. Stilling indicated that it would be used as a turn around. If all the parking spaces are occupied in that area, there would be no way for a vehicle to turn around. This came to be the most reasonable solution. Commissioner Burke asked if this was a Fire Department requirement. Mr. Stilling answered no and that it doesn't meet the radius for that.

Commissioner Burke referenced the issue of queuing in the KLOA traffic report. He stated that he is familiar with the routes taken to get to the school and if there is a backup in front of the school it would be similar to any other parochial school in town. As a neighbor you either wait your turn or you take a different route. He doesn't see this as being too much of an issue.

Commissioner Sweetser confirmed that her previous comment was not tied to the queuing even though it might have sounded like it did.

Chairperson Ryan asked if the parking in the front of the building would be used as a drop off. Mr. Stilling stated it could be and suggested that closing off and designating a couple of parking spaces only for drop off and pick up, similar to what Creative Day did, might help. KLOA reviewed all these issues and made the recommendation of widening the drive aisle and staggering school hours. If the petitioner does stagger the school hours, queuing should be minimized.

Commissioner Sweetser asked if the Village has incorporated LEED standards into Village Code. Mr. Stilling stated that the Village does not have anything specific to that and are not well versed in their building codes or giving bonuses. Commissioner Sweetser commented that LEED standards should be incorporated into Village Code as it is important.

Chairperson Ryan referenced the parking in front of the building and how the queuing could go to the front and that could eliminate one issue. If there is no parking in the front, it can be a hazard. As far as the height issue, if the petitioner eliminated the extra height and went with a trap, the open space percentage could drop to 50%. Mr. Stilling stated that if they meet the height and 50% open space, the variation would not be applicable.

Commissioner Sweetser asked for clarification on the use of pervious pavers and the objection by the Fire Department. She questioned if their objection was based on possible damage to the Fire Department vehicle or to the surface of the pavers. If it's based on damage to the surface of the pavers, the petitioner would know that going in so if it had to be replaced it could. Mr. Stilling responded that there were a number of factors. Commissioner Sweetser asked if there were any projections about whether the amount of pervious pavement

would cause an inability to use the equipment or be a hazard to the firefighters. Mr. Stilling stated they needed 18' for the outriggers. If the parking spaces are all occupied and they have to use the access drive, they preferred to err on the side of caution.

Commissioner Sweetser questioned that if the drive along the west and south side is not used by anyone other than the Fire Department and that area was designated pervious pavement is there any way the Fire Department would be in danger. Mr. Stilling stated that the Fire Department was adamant to have it all pavement. Commissioner Sweetser confirmed that staff didn't know the specific reason why. If it's just a matter of the surface being damaged, then it might be worth it to gain the extra area.

Commissioner Cooper asked for clarification on the refuse location being in the southeast corner of the building. Mr. Jahedi stated it was to be located in the southwest corner of the building in the middle. Chairperson Ryan indicated it was right before the baseball field. Commissioner Cooper stated her concern for choosing this location due to its close proximity to adjacent properties. She also stated that this location would be in the emergency zone so the Fire Department access driveway would be used on a weekly or biweekly basis. Mr. Jahedi indicated that this road would be chain linked and would have to be opened for trash pickup. Mr. Stilling indicated that this issue was discussed with the Fire Department who indicated that refuse pickup would be okay, but it could not be used for student drop off. Mr. Jahedi stated that the reason that this location was chosen was because of its closeness to the kitchen exit, which would have the most waste.

Commissioner Burke also pointed out that the Fire Department access drive would have to be used for deliveries. Mr. Stilling stated that portion of it would be.

Commissioner Burke questioned condition number 4 and how the numbers shown did not add up to the cap of 785 students. He asked if staff was adding in the daycare facility. Mr. Toth stated that the numbers were taken off the submitted plan, which is on the cover of the site plan. Mr. Jahedi stated that the cap is 785 students including the preschool. Commissioner Burke questioned the cap and indicated that it could be any number on the preschool. Mr. Toth stated that the condition could be changed to clarify.

Commissioner Cooper commented that there is a 5' setback along the site and she questioned the choice of vegetation along the perimeter, which was to act as a buffer. Being that the building is a large structure, it didn't seem that the choice of vegetation would suffice. Mr. Stilling answered that one of our conditions indicates that it be in conformance with the Zoning Ordinance especially along Madison, which has to be screened.

Mr. Jahedi stated that the east and south property lines are higher than the property so the slope is from the southeast to the northwest. In those two areas you have an advantage with the topography. He offered to install a fence, if needed. Chairperson Ryan commented that it would be up to the discretion of the Community Development Director.

Commissioner Sweetser asked if the screening as it relates to trees on the south and west side would be one every 40 feet. Mr. Stilling explained the Zoning Ordinance requirement as it relates to trees and indicated that the intent is that it be fully screened. If the plant is transparent they will be diligent that the

intent of the code is met.

Commissioner Sweetser commented on the issue of the fence. She stated she is not insisting that a fence be the solution, but could be an option. Also, as far as the atrium and the neighbor's privacy being compromised, there could be ways to make the lower level windows opaque.

Commissioner Cooper asked if the perimeter of the detention pit would have to be fenced. Mr. Jahedi answered that it is a shallow slope 3:1 and does not need a fence. It's a workable slope, looks pleasant, and doesn't need a fence.

The Commissioners and legal counsel then discussed how the motion and the conditions should be worded or amended if they wanted to approve the rezoning and conditional use as well as the 35' height variation, but require the petitioner meet 50% open space.

Ordinances on Second Reading

- H. [090225](#) PC 09-07: 355 Eisenhower Lane South (Soaring Eagle Academy) Requests that the Village grant a conditional use, pursuant to Section 155.420 (C) of the Zoning Ordinance to allow a "Private School" within the I - Limited Industrial District. (DISTRICT #3)

Attachments: [apoletter 09-07.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PH notice.doc](#)
[Referral Letter 09-07.doc](#)
[Report 09-07.doc](#)
[Ordinance 6340.pdf](#)
[090225.pdf](#)

Dan Gardner, 114 E. Van Buren, Naperville, introduced the petitioners. He distributed a PowerPoint presentation which gives more background to the project.

Deanna Tyrpak 2010 Birchwood Ave, Des Plaines, IL, gave background on the proposed school. She said Soaring Eagle Academy is a school for students with autism. It will serve children between the ages of 5-21 years old. She stated that their methodology is unique and cannot be found in many other places in the Midwest. She indicated that the staff report explains the project and reason for approving the conditional use. The site was chosen because of the amenities it offered. She said they draw from a larger region, so the site is good for them and that it is near controlled intersections and well buffered from surrounding uses. She stated that the proposed facility meets their needs for students, staff and parents. Ms. Tyrpak stated that the school is a 512, 501(c)(3), founded by her and 2 speech pathologists. She indicated that there is a growing need for this type of facility and that there are different approaches to treating children with autism. Developing relationships is their philosophy. She described the disorder, the misconceptions people hold about it, and how their school hopes to defy these misconceptions. The approach they will use, DIR, brings hope to families.

She said they will provide a social and academic environment, and explained how they will provide their curriculum. The model allows for safety, and that students will not be left alone. She said they will be certified by the state and there are many stringent guidelines they will need to follow. Their program will be different in that their approach you will see joyful children engaging in meaningful learning. They are excited to bring this to the Midwest and want to be a resource in the community. They will serve up to 60 students with 72 staff members. The property is ideal for safety. She said arrival hours for staff are 8 AM and children will be dropped off in 15 min increments starting at 8:30AM. Families will be driving their children and there will be no buses. She said that it is critical to their operations that the children are in the building safely. She said there will be no lunch, no café, the kitchen and day area is only for educational purposes. Children will depart in 15 minute increments starting at 2:30 PM with staff leaving thereafter.

Chairperson Ryan opened the meeting for public comment.

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The petitioner proposes to operate a private educational facility at 355 Eisenhower Lane South. The proposed school would be known as Soaring Eagle Academy, a private school that is intended to meet the educational needs of grade, middle and high school students with autism and related disorders as an alternative to a traditional public or private school. The school is intended to educate up to sixty (60) students.

The petitioner has submitted a narrative further describing their proposed use. They are a non-public special education school seeking approval from the Illinois State Board of Education. The proposed school is intended to provide a specialized educational model for students with autism or other related disabilities ranging in ages from 5-21 years old. The petitioner has indicated that there are currently no other private or public schools utilizing their educational model in the Midwest. According to their narrative, their educational model consists of some of the following:

- * Focuses on the whole child and seeks to develop a foundation that builds flexible skills for higher-level thinking and learning and interaction with the world around them.*
- * Encourages children to engage in dynamic, meaningful learning through development of social interactions and relationships.*
- * Believes emotional development of the child and ability to relate and interact with others is the critical foundation for future learning.*

They indicated that students diagnosed with autism and related disorders spend most of their school day on tasks related to functional/daily living skills rather than a balance of academics appropriate to their development level, social communication skills and functional skills.

Operations & Building Improvements

Based upon discussions with the petitioner, the facility will accommodate students aged between 5-21 years. Once they reach their projected capacity of 60 students, up to 72 employees including teachers, therapists, and aides will be

onsite.

The petitioner plans to make significant changes to the existing floor plan of the building, which is 20,000 square feet in area. The proposed improvements include:

- * 7 classrooms
- * 2 sensory motor gyms
- * Several floor time and therapy rooms
- * Kitchen and daily living area
- * Vocational work studio
- * Library resource area
- * Administrative and staff offices

They have indicated that some of the improvements would occur in phases as enrollment increases. Initially, they expect to accommodate 28 students and grow approximately 16 students per year until they reach 60 students.

Staff had provided Fire Department/Bureau of Inspectional Services comments to the petitioner with respect to fire sprinklers, ADA and Illinois Accessibility requirements. The petitioner indicated that they will meet all requirements.

The petitioner's proposed plans indicate improvements to the south side exterior of the building including widening the existing entrance and adding another entrance to the east. In addition, they would provide an outdoor play area on the existing green space located east and west of the existing entrance. The proposed play area to the east would be fully fenced with a 6' high chain link fence to ensure proper security for the children. The play area would include playground equipment with slides and climbing areas.

The petitioner has indicated that they would request a sign on the north elevation of the building facing Eisenhower Lane. As details of the proposed sign were not submitted, they would be obligated to meet the underlying provisions of the Sign Ordinance.

Loading/Unloading

Students attending the school would be transported via their parents or taxi cab only. No buses would be used. The school staff would arrive at the facility by 8:00 AM. Students would arrive in 15 minute intervals starting at 8:30 AM and ending at 9:30 AM. Students would be leaving the school and picked up in 15 minute intervals starting at 2:30 PM and ending at 3:30 PM. All drop off and pick up would occur on the south side of the building. Staff encourages the staggered drop off and pick up so as to eliminate any back up onto Eisenhower Lane. The petitioner's site plan does indicate a drop off and pick up area on the south side of the building. That area can accommodate up to 8 cars for stacking/queuing. Based on the representation by the petitioner and the layout of the site, the transporting function of the site should function well.

Site Considerations

Staff provides a series of photographs of the proposed site for reference purposes (see attached exhibits at the end of the report). The property is surrounded by light industrial uses on all sides. The southern portion of the subject property is located on a municipal boundary line shared with the Village of Downers Grove. That portion of Downers Grove abutting the subject property contains properties with light industrial uses as well. Thick vegetation is provided on the southern portion of the subject property whereas the adjacent property to the south is no longer visible from the subject property.

Parking

The Zoning Ordinance requires one (1) space per employee plus eight (8) spaces for visitors for K-8th grades. High schools require one (1) 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. This is consistent with a similar request for a private school at 1110 N. Main (PC 04-02).

Based upon the school's proposed demand, they will require 80 total spaces for the school. In review of the plans, this demand can be accommodated by the existing spaces. Pursuant to the Zoning Ordinance and the Illinois Accessibility Code, a minimum of 4 handicap accessible spaces shall be provided. The site currently provides 2 handicap spaces. The petitioner's site plan does show them adding 2 additional handicap spaces. The total parking provided would be 84 parking spaces. As previously noted, the Code requires a minimum of 80 spaces be provided.

The property is surrounded by light industrial uses on all sides. Other tenants occupying those surrounding uses include a variety of "light" industrial and office type uses. From a land use perspective, staff finds that the proposed private school use is compatible with the surrounding land uses. The fact that the school draws from a broader geographic area and given the layout of the existing site being able to accommodate the transportation and parking needs of the school, the proposed use at this location can be supported.

The Comprehensive Plan recommends Planned Business Park at this location. The York Brook Business Park is specifically described in the Comprehensive Plan as being one of the newer, established business park locations within the Village. The York Brook Business Park is also completely developed and generally well maintained. Although described in the Comprehensive Plan, there are no specific recommendations for the types of uses that should occur within the York Brook Business Park. Given this circumstance, the very nature of a business park can be generally summarized as providing light industrial, business and office land uses.

In 2004, the Village approved text amendments to the Zoning Ordinance for private schools as conditional uses in the I - Limited Industrial District (PC 04-01) along with a companion request for a private school located at 1110 N. Main Street (PC 04-02). 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 may be more appropriate. The petitioner's specific site can be supported for the school as the building promotes good circulation, provides adequate parking and is not bordered by more heavily industrial uses. Therefore, staff believes the use is consistent with the Comprehensive Plan and recommends approval subject to the attached conditions.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that the educational facility is a positive addition to the community and there is a great need for this type of school. The building sits alone and is isolated from others. He stated that it has a nice parking lot, and some green space to the north.

Commissioner Sweetser stated that she agrees that this is a very wonderful addition to the community and glad to see it. She asked the petitioner if their curriculum has to have ISBE certification or approval. Ms. Tyrpak indicated that the Illinois State Board of Education does have to approve them. The ISBE also comes on regular visits and can access the paperwork in their files. Commissioner Sweetser then asked if the green space and playground equipment previously mentioned would be age appropriate for all the children. Ms. Tyrpak answered that all students have the opportunity to go outside and the area will be fenced in. All the children, including the older ones, will have access to the same playground equipment. She also indicated that part of the green space would be used for gardening.

Commissioner Burke asked if the petitioner is leasing the building. Mark Montana, 225 W Washington, Chicago, said yes.

Commissioner Burke expressed a concern that the petitioner could sublease or the landlord could lease to a use that is not compatible with the school as they are not occupying the entire building. Mr. Montana said they are leasing the entire building from the beginning of the lease, so no other tenant could go in there. He said Phase II is to further understand how they are growing and how the build out can be. They have a plan for Phase II.

Commissioner Burke suggested that the Plan Commission add a condition limiting the use of the building to an academic institution and that the entire building is subject to the conditional use and only used for that purpose. George Wagner, Village Counsel, suggested some language to consider for an added condition #5

Add condition:

5. During the operation of the school, the entire building is subject to the conditional use and shall only be used for activities associated with the school as outlined in their application.

Resolutions

I. [090163](#)

Lombard Town Centre - 2009 Request for Funding

1. Request for \$75,000 to fund Lombard Town Centre's activities.
2. Resolution Providing for Funding for Lombard Town Centre as the Official Illinois Main Street Program Organization Serving the Village of Lombard.

Attachments: [lombardtowncentre- 2009-2010 request for funding.doc](#)

[LTC-funding2009 BOT memo.doc](#)

[LTC 2009 funding Sexton memo.doc](#)

[R 102-09.pdf](#)

[090163.pdf](#)

Dan Whittington, President of the LTC, summarized the materials submitted which highlighted the activities for the LTC over the last year.

Mr. Sibr inquired about training and Mr. Whittington indicated that many of the board members and staff recently completed training.

Mr. McNicholas stated that the LTC indicated last year that they planned to be

self-sufficient soon. He asked if they have a Business Plan?

Mr. Whittington indicated that they are working on that right now and that they hope to have funding be in thirds (1/3 Village of Lombard, 1/3 sponsors & 1/3 memberships).

Laura Bergeson, Executive Director of LTC, indicated that they have been doing an extensive outreach with prospective businesses and restaurants.

Mr. Whittington indicated that combined, all members of the LTC have spent 3000 hours volunteering with various events and meetings.

Mr. Grant indicated that he was a former member of the LTC and said they have an energetic Executive Director and without funding, her role will only be fundraising.

Mr. McNicholas suggested that they become more self-sufficient in the future.

Mr. Sibr suggested that they fund the LTC every quarter.

Mr. Whittington indicated that they have quarterly reports and financial reports submitted to the Village.

J. [090268](#)

**112 W. St. Charles Road - Downtown Retail Business Grant
Request to approve a Downtown Retail Business Grant in an amount not to exceed \$10,300. (DISTRICT #1)**

Attachments: [112wStCharles-2ECDCmemo2.doc](#)

[bot memo.doc](#)

[coversheet.doc](#)

[112wStCharles-2ECDCmemo.doc](#)

[R 103-09.pdf](#)

[Downtown Retail Business Grant program.pdf](#)

[Agreement DT.pdf](#)

[090268.pdf](#)

Mr. Heniff summarized the staff memo. The Community Development Department received an application for the Downtown Retail Business Grant Program for Sky Centers, located at 112 W. St. Charles Road. Sky Centers recently moved into the tenant space at 112 W. St. Charles Road (formerly occupied by Yeager FotoGrafix) and is currently renovating the interior.

Mr. Heniff stated the applicant's principal business is martial arts instruction. However, the studio will also have a retail component offering martial arts equipment, apparel, nutritional supplements, tea products, and educational materials. The applicant indicated that the proposed retail display area will occupy approximately 12 percent of the total floor area and the submitted cash flow/profit and loss forecast estimates that retail sales will account for 45 percent of total income.

In the initial review, staff did not support the request based upon the grant program's current requirements. The initial information submitted by the applicant stated that retail sales would amount to 12 percent of total income. This information was later revised to 45 percent of total income. The current

Downtown Retail Business Grant Program Policy does not allow service businesses to be considered eligible. However, the proposed amendments to the Program Policy would allow a service business to be potentially eligible for a grant if it has at least 25 percent of its gross income or gross floor area dedicated to retail sales activity.

The applicant, George Sky, outlined why there were changes to his income statement indicating that certain items were not taken into consideration. He said he was waiting for more information at the time and was unable to provide until recently.

Mr. Sibr commented that there will also be wall space used for retail and that should be taken into consideration. Mr. Sky stated that approximately 2/3 of the wall space will be for retail.

Mr. Grant stated that this use will increase foot traffic in the area.

Chairperson Moreau suggested that percentage of retail should not be the only driving factor and that increased foot traffic should also be considered.

Mr. McNicholas asked if the applicant would have proceeded with the old numbers. Mr. Sky stated yes.

Mr. McNicholas asked if the new numbers were based on new products. Mr. Sky stated yes.

Mr. McNicholas asked if there will be people buying products that are not clients. Mr. Sky stated yes.

Mr. Grant stated that this is a large space that will be difficult to fill. He also stated that retail wall space should be included.

Chairperson Moreau stated that for Lombard to have a viable downtown, we will need a mix of uses.

- K. [090273](#) FY2009 Total Landscape Maintenance, Change Order No. 1 Reflecting an increase to the contract with The TLC Group in the amount of \$29,483.00.

Attachments: [090273.pdf](#)

[R 104-09.pdf](#)

[Change of Order- The TLC Group.pdf](#)

- L. [090295](#) 2010 Census - Ad Hoc Committee
Establishing an Ad-hoc Committee to investigate, analyze, advise, and make recommendations to the President and Board of Trustees with regard to the Census Complete Count Committee.

Attachments: [Cover sheet - establishing CCCC.doc](#)

[DAH referral memo committee resolution.doc](#)

[R 105-09.pdf](#)

[090295.pdf](#)

Other Matters

- M. [090287](#) FY2010 Driveway Apron, Curb and Sidewalk Restoration
Award of a contract to Lorusso Cement Contractors, Inc., the lowest responsible bid of eight bidders, in the amount of \$225,000.00. Bid in compliance with Public Act 85-1295.
Attachments: [090287.pdf](#)
[Contract # M-10-02.pdf](#)
- N. [090290](#) FY2010 Bituminous Mix
Request for a waiver of bids and award of a contract to DuKane Asphalt Company in the amount of \$192,500.00. Public Act 85-1295 does not apply.
Attachments: [090290.pdf](#)
- O. [090285](#) Kiwanis House Walk Signage
Request for use of the public right-of-way for temporary signage.
Attachments: [090285.pdf](#)

IX. Items for Separate Action**Ordinances on First Reading (Waiver of First Requested)****Other Ordinances on First Reading****Ordinances on Second Reading****Resolutions****Other Matters****X. Agenda Items for Discussion****XI. Executive Session****Reconvene****XII. Adjournment**