

February 19, 2004

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

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

Dear President and Trustees:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

William Heniff noted that the petitioner is proposing to open a private school within the existing industrial building at 1110 N. Main Street. Before the Village can consider the merits of their petition, the Zoning Ordinance must be amended to list private educational facilities, either as a permitted use or as a conditional use, within the I Limited Industrial Zoning District.

While the petitioner is looking to establish private elementary and high school facilities as a conditional use, staff believes that public schools should also be listed in the same manner. Although public schools are exempt from Building and Zoning Codes in the State of Illinois (they are regulated via the State School Building Code), staff believes that the companion amendment should still be added for consistency.

Should the amendment be approved, it would apply to all properties with I zoning. As such, other I properties could be considered for school purposes should the text amendment be approved. Schools are proposed to be listed as conditional uses - any future facilities would have to meet the standards for conditional uses and would be subject to a future public hearing process.

He then noted that private schools are conditional uses in the residence districts and the O Office district. Historically, schools have been considered to be most compatible with residential zoning districts, as schools typically draw upon the neighboring school-aged populations. However, for schools that cater to special needs of students, the attending students are dispersed in a wider geographic area and are transported via a private vehicle or bus. Therefore, locations that can adequately address the transportation needs of these students may better serve the overall needs of the students in some cases.

Staff notes that schools are already listed as conditional uses in another employment-based zoning district - the O Office District. Listing private schools as a conditional use in the I District as well can also provide additional opportunities for locating private schools that would not be compatible with residence districts.

The Zoning Ordinance lists private schools as conditional uses in all districts in which they are allowed, staff believes listing such schools as conditional uses within the I District would be consistent with the Ordinance. The proposed amendment would make the Zoning Ordinance more permissive only to the extent that it would allow public and private schools within the I District through the conditional use public hearing process. Without the text amendment, schools could only be approved if the property was rezoned into a district that would allow schools, which staff believes would not be practical or feasible in most cases. Therefore establishing the review through the conditional use process is more desirable.

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. Public and private schools can, in come cases, have more in common with industrial uses (i.e.,

little or no pedestrian movements, increased trip generations than a typical neighborhood school, community or regional draw to the facility, etc.). Therefore, staff believes that future proposed schools can be looked at on a case-by-case basis to determine if their respective operation is consistent with the intent of the underlying district and would be appropriate for the respective site.

The Village has a history of amending its Zoning Ordinance to address newly evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard. Staff notes that recent text amendments have also addressed land uses that have changed in nature. This amendment is intended to realize that some schooling activities have unique operations and locating these establishments within the community should be considered in the context of their impacts on neighboring properties. Staff finds that in some cases private schools could be more appropriate in non-residential districts rather being located within residential subdivisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairperson Ryan opened the meeting up to the Commissioners.

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

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

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

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

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

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

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

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

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

Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 04-01.

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

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

Respectfully,

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VILLAGE OF LOMBARD

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