



#080693

**MEMORANDUM**

**TO:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, Director of Community Development *WH*

**DATE:** December 12, 2008

**SUBJECT:** PC 08-32; 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School) – Additional Materials Received

The attached letters were received on December 11, 2008, after the public hearing for PC 08-32 was completed. The letters were not received in time to be included with the packet transmitted for the December 18 Village Board of Trustees meeting.

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EGGERSDORFER ARCHITECTS  
& Assoc. Inc. P.C.

December 10, 2008

Village of Lombard  
255 E. Wilson Av.  
Lombard, Illinois 60148

Re: ADA & Illinois Accessibility Code for Creative Day Learning Center

Dear Stuart Moynihan,

We have been requested by William & Cheryl Dennis to respond to your letter dated 12/08/08. We have reviewed the Illinois Accessibility Code "Public Facility, Alterations-Minimum Requirements, Section 400.510 a. This section states "No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility...").

The code scope item #1 states that "If the alteration cost 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction".

The code scope item #2, states: If the alteration cost 15%-50% the reproduction cost, than the following shall comply with the applicable requirements.

- a. The elements or space being altered.
- b. An entrance and means of egress intended for use by general public.
- c. All spaces and elements necessary to provide horizontal and vertical accessible routes...
- d. At least one accessible toilet room for each sex...
- e. Accessible parking space...
- f. An accessible route from sidewalk or from accessible parking space...

Creative Day Learning Center alterations shall include a new opening from the classroom to existing toilet, add prep sink and hand sink in kitchen area, add audio visual devices in classroom/hall, add smoke detectors in gym and add new door lever and closure on classroom doors. These spaces and alterations will comply with scope #1 item above.

The estimated cost of these improvements is \$35,000. The existing building area is 23,859 sq. ft. The estimated cost of building replacement is \$200.00 per sq. ft. The reproduction cost of the building is 23,859 x 200 = \$4,771,800. The alteration cost percentage is \$35,000/\$4,771,800=.74%. Therefore only the space and elements being altered shall comply with the applicable requirements stated in item #1 above.

Clearly the chairlift, washroom enhancements and build-out improvements identified in your letter fall under code scope #2, and exceed the code requirements when the alteration cost are less than 15% of the building reproduction cost. These improvements are not consistent with the Illinois Accessibility Code.

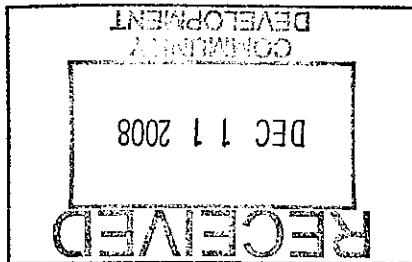
Please call our office if you have any questions or comments.

Sincerely,  
Eggersdorfer Architect & Assoc. Inc.

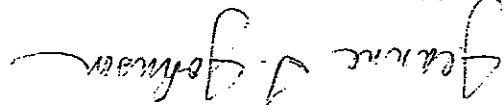
John J Eggersdorfer

CC. Bill & Cheryl Dennis

123 E Lake Street, Suite 303  
Bloomington, Illinois 60108



Jeanne T. Johnson  
1005 E. Maple St, B  
Lombard IL 60148  
630.530.1494



Sincerely,

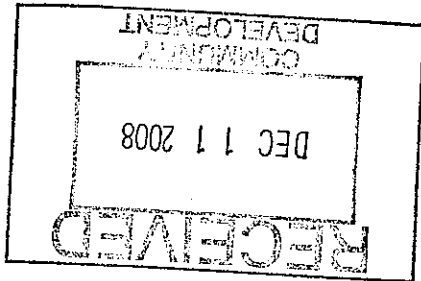
My son was enrolled at Creative Day Learning Center from 1995-1999. At that time it was located in Villa Park. I was extremely pleased with the care, education and safe environment provided by Cheryl and her staff. We always felt welcomed there. She took a personal interest in the children attending her facility, getting to know the whole family. She would have her own family and extended family participate in some of the activities throughout the year, so we got to know her family as well. I was attracted to the size of Creative Day Learning Center, feeling that more attention could be given to my son and the other children, and indeed it was. Flexibility was also a requirement for me since I owned a small business in Lombard at the time. She was very reasonable and willing to work with me to achieve that. Please know that I highly recommend Creative Day Learning Center be approved to operate at 215 S. Lincoln Ave. in Lombard without further hesitation, especially with the need of excellent, quality day care in the community.

Re: Letter of Reference for  
Cheryl Holtz-Dennis, Director and Owner of Creative Day Learning Center

Dear Gentlemen:

David Hulseberg, Village Manager  
William Heniff, Senior Planner  
Village of Lombard Trustees  
Village of Lombard  
255 E. Wilson Ave.  
Lombard IL 60148

December 4, 2008

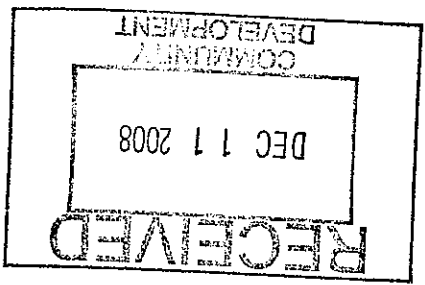


*Colleen Yoakum*

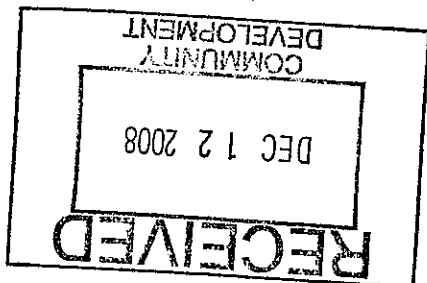
Thank you,  
Colleen Yoakum  
840 Foxworth Blvd # 101  
Lombard, IL 60148  
(630) 889-8220

My name is Colleen Yoakum. My daughter went to Creative Day Care in Villa Park, IL for 3 1/2 years. Her teacher was Ms. Cheryl Holtz. Ms Holtz is a caring and responsible teacher and caretaker for young children. She taught my daughter great lessons that enables her to be the great student she is today in school. She has been a daycare provider for many years and is shows in the way she cares for the children. She is a teacher that you can trust to care for and protect the children while in her capable hands. Ms. Holtz moving her business to Lombard would be an asset to the village.

To Whom It May Concern:



**ELECTRO-CIRCUITS MFG. CO.**  
1651 MITCHELL BLVD. SCHAMBURG, IL 60193  
FAX (847) 352-5073 PH. (847) 352-5015



Village of Lombard  
Lombard, IL  
Re: Creative Day

To Whom It May Concern:

My daughter, Arianna, attended Creative Day for about two years. I was very happy with her progress and the activities she enjoyed. She is now 7 years old, and although it has been a few years since she attended Creative Day, she still talks about her friends and teachers from there. Unfortunately when she began Kindergarten it was out of my way to bring her there in the afternoons so she could no longer attend.

My daughter also attended the summer program at Creative Day, which included swimming days, movie and train trips, and outdoor activities. My husband and I always felt comfortable knowing she was in safekeeping.

Creative Day was not only a safe, healthy, and fun program for my daughter to attend, it was also affordable compared to most Daycares I looked into. There were healthy meals provided, contact between the parents and teachers, educational activities, and fun crafts for my daughter to bring home.

I am excited for the move Creative Day is making to a larger building and a great location. I will always keep them in mind and would definitely use them in the future.

Thank you,

Melissa Ortiz

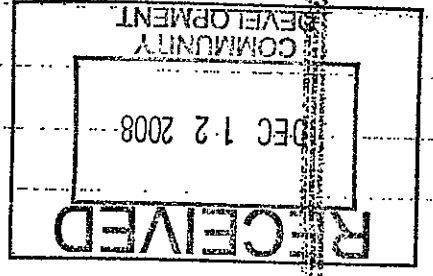
Melissa Ortiz  
357 W. Winthrop Ave  
Addison, IL 60101  
(630) 479-4742

12-11-08

to whom it may concern:

This letter is to help  
 expand new support services  
 with the center pay and learning center  
 we have been looking for it to  
 happen. The center would be  
 on a part to provide community  
 help - children look forward and  
 call in attending the day and  
 center. The learning and learning  
 that change and they provide  
 had been very difficult to find  
 in another center. Please  
 help the center open soon, my  
 children really miss the  
 atmosphere the center pay  
 learning center provide!

Juanita Rodriguez  
 636-655-4444  
 410 N. Mantua Street  
 Portland, OR  
 97208



Dena Kolosieke  
589 N. Indiana St.  
Elmhurst, IL 60126  
(630)279-5458  
djkolo@sbcglobal.net

Sincerely,

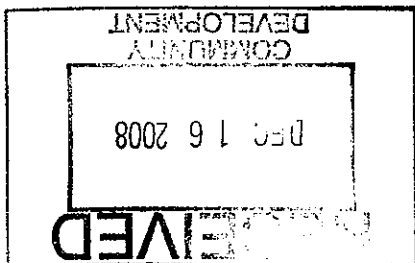
If you have any questions, or would like to discuss this issue further, please feel free to contact me.

This letter is to recommend you to allow Creative Day Learning Center to maintain their business in the Village of Lombard. As the parent of a child who has been involved in the program, I can attest that Cheryl Holtz-Dennis, owner and operator, is conscientious and well disciplined to follow the directives and guidelines of the facility in which her business is housed. She is also fully aware of the need to maintain certifications for health and safety, including DCFs, state guidelines, etc. She has been flexible and accommodating for her students, both in terms of scheduling and individual needs. She and her business would be an asset to your community.

To Whom it may Concern:

Community Development Board Members  
Village Manager of Lombard  
Lombard Trustees

December 4, 2008



December 16, 2008

Village of Lombard

Board of Trustees

Mayor Mueller

Village Manager Hulseberg

Dear Trustee,

My name is Bill Dennis, my wife is Cheryl Holz-Dennis and she is the owner/director at Creative Day Learning Center. I have been helping to represent my wife in her endeavor to open her day care business here in Lombard. We have lived in Lombard for over 20 years and have been active in community and school district affairs. Our daughter, Taylor, is a sophomore at Glenbard East High School.

Cheryl previously ran her day care business in Villa Park, however, expansion of other programs at that location caused her to lose her space as of the end of July 2008. We have been looking for an alternate site since earlier last summer and had been unsuccessful in finding an adequate location until a friend reminded us that St. John's Lutheran Church and School had recently built a new school and that their old school was now sitting vacant.

We contacted St. John's and were given the opportunity to rent two classrooms and the office space between them. We would also be able to use the kitchen, gym, playground area. The State Fire Marshal, DuPage County Health Department and DCFS were contacted and all three entities performed a pre-inspection of the site. There were upgrades that needed to be done, but general approval of the location was granted.

We then contacted various contractors to see how expensive the build-out costs would be. The fire system needs to be updated with smoke detectors and strobes in certain areas. We need to break-out a doorway leading from each classroom into the rear office to access a bathroom on the first floor. Air conditioners need to be purchased for the two classrooms. The kitchen needs to be brought up to commercial code. This includes installing a hand wash sink and a prep sink, and, purchasing a commercial microwave and convection oven. The first classroom and kitchen have already been painted and carpet was ordered, and is on hold, for the first classroom and the office area. Additionally, all doors along the first floor and basement corridors must have automatic returns installed, the office door must be replaced, or at least the glass must be replaced, and an access system has to be installed at the entrance to allow parents to be buzzed-in. Build-out costs will be approximately \$40,000.00 and with cost overruns I figure it to be closer to \$50,000.00.

We then went to the Village of Lombard for permits and were informed that Creative Day Learning Center would need to apply for a Conditional Use, Special Use and Parking Variation. We then learned that some of the immediate neighbors to St. John's



were still upset regarding the building of the new school and that a letter had been circulated against Creative Day Learning Center coming into St. John's.

Cheryl and I walked the immediate neighborhood and spoke with whomever was home at the time, 10 out of 20 households and 8 out of those 10 had no objection to Creative Day occupying space at St. John's. The 2 dissenters were Karen Ness and her immediate neighbor. They both appeared at the Plan Commission meeting and spoke against the petition. The neighbor voiced concerns regarding ADA compliance.

At the Plan Commission meeting there was considerable discussion between the commissioners stating that the intended use was of two classrooms as a day care facility is compatible with the previous use of the 'old school' property and surrounding community and that the residential nature of the property is not truly residential in nature due to the green space, number of churches and public uses found in the immediate area. Commissioner Sweetser brought the motion to recommend, but added condition 6 which relates to ADA compliance.

There was some confusion as to whether Creative Day had to comply with ADA regulations due to St. John's being a church and further why Creative Day might be exempt. No one on the panel knew ADA regulations and how they might apply to this situation. Commissioner Sweetser was concerned that it was a 'life safety' issue. There was no definition of what compliance would encompass, or, whether there were other issues to be considered. At no time during this discussion did the commission solicit any comments from Creative Day or the community at large regarding this new condition. Other than one citizen's comment, one question from the commission to my self and my previous comments during my presentation that the State Fire Marshal, DuPage County Health Department and DCFs did see ADA compliance as an issue with the building as planned, and that I was not sure what their reasoning was. At that point in time, I had done no research into ADA compliance and neither had the Village.

The motion to recommend was passed with 6 conditions. The first five conditions were in place prior to the meeting and will be addressed. However, condition #6 goes beyond both Federal and State ADA guidelines and regulations and will create substantial additional expenses for Creative Day Learning Center.

In an effort to research the ADA compliance issue Creative Day was told initially to contact Doug Gamble of the Illinois State Capital Development Board. We attempted to call and e-mail Mr. Gamble several times with no reply. We decided to contact a contractor experienced with ADA compliance. Mr. Richard Battaglin has modified numerous Post Office facilities and schools to meet ADA compliance regulations. Mr. Battaglin inspected the building and determined that Creative Day Learning Center would be compliant with current ADA regulations absent modification of the building, other than to the areas being altered. We then contacted the architect who drafted the building plans submitted to the Village. Mr. John Eggersdorfer re-inspected the building and after consulting the Illinois Accessibility Code and determined that Creative Day

Learning Center would be compliant with the Illinois Accessibility Code by modifying only those areas altered through renovation.

Due to the fact that we could not contact Mr. Gamble, the Village arranged for the Village Inspection Supervisor, Mr. Ted Kloris, to inspect the 'old school' building. Mr. Kloris mentioned several modifications that could be made if it were found that the building needed to be ADA compliant. Within a few days we received an e-mailed correspondence from the Community Development Department outlining what it thought the estimated cost to bring portions of the 'old school' building up to ADA compliance.

After I e-mailed a response to the Community Development Department, we finally got in contact with Mr. Gamble. We had a fairly lengthy discussion in which he read an e-mail I sent him, conferred with the Illinois Accessibility Code and determined that pursuant to Section 400.510 b: "If the alteration cost is 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction." The reproduction cost of the facility is anywhere from \$4-6.5 million dollars, \$50,000.00 is less than 1% of the reproduction costs.

Mr. Gamble, Mr. Eggersdorfer and Mr. Battaglin have all submitted this opinion in writing and we have submitted these documents to the Community Development Department for inclusion in the Village Board Packet for the upcoming meeting this Thursday.

The reproduction cost of the facility is anywhere from \$4 – 6.5 million dollars, \$50,000.00 is less than 1% of the reproduction costs. We received an e-mail from the Village outlining what they believe the costs would be to comply with ADA accessibility requirements. We respectfully disagree with those figures. We spoke to the ADA contractor and he felt that the lift aspect of the proposal alone would easily cost \$25 – 30,000.00 and building out a bathroom on the first floor, having to move plumbing and such would easily cost \$15 – 20,000.00.

Creative Day Learning Center is a privately owned day care center and has always remained small in nature. If Creative Day is allowed to open at St. John's one of the other conditions attached to the petition is that there is a cap of 40 students. Creative Day has not been operational since the end of July. Creative Day has continued to pay a valued employee since that time on a weekly basis. Creative Day is concerned about lost clientele due to the length of time it has been closed. Parents needed to place their children in other situations. Creative Day will open one classroom and then expand into the second classroom as needed.

There are inquiries as to when Creative Day might open. There has been interest from members of the community as to when Creative Day might open. We foresee a gradual buildup of clientele, but that buildup takes time. There will be advertising costs and while the present staff is adequate for the opening, there will be additional costs when/if Creative Day expands into the second classroom.

Further, St. John's is uncertain of their long range plans for the old school building and will only offer a 2 year lease, however there are contingencies for continuation of lease periods. Our intentions are to work with St. John's and the community to provide a valued service for many years. We would like to utilize the library, the parks, the pool, the Dairy Queen, the Aquatic Pet Store, the Metra train, Mr. Z's and many other area businesses. Clientele would possibly utilize area businesses as they are on their way either to, or from, Creative Day. Creative Day would offer the growing downtown section of Lombard a valued service that might attract families with children to reside in the immediate area. We see the inclusion of Creative Day Learning Center at St. John's 'old school building' as a win-win-win for Creative Day, for the Village and for the community.

Please feel free to contact either Cheryl or myself at 630-953-2187, or via e-mail at [dennisstree@sbcglobal.net](mailto:dennisstree@sbcglobal.net), or [attydennis1@sbcglobal.net](mailto:attydennis1@sbcglobal.net), with any questions and/or comments.

Thank you for your consideration in this matter,

Bill Dennis  
Cheryl Dennis  
Creative Day Learning Center

## POSTSCRIPT

It has come to my attention since drafting this letter that a Trustee is considering pulling portions of this petition from the agenda of the Board of Trustees at the Thursday meeting and remand it back to the Plan Commission for further clarification regarding allowing a commercial business to operate in a residentially zoned area.

It was said there is concern that allowing Creative Day Learning Center into St. John's will set a precedent which could lead to a "Kindercare" type business taking over the location.

I would have to respectfully disagree with that view. If you look at the petition as it is structured, you will see that it is very particular with Creative Day Learning Center in mind. There was a traffic evaluation completed based upon 40 additional students, not 60, not 80, not 100, only 40. Based on those numbers, there was minimal effect on traffic. The parking spaces directly in front of the building can not be used to configure parking access and a variance would have to be sought again if enrollment were ever to be increased. Enrollment is capped at 40. Kindercare and other corporate child care centers normally have enrollments 3 times that number of children. They would have to submit a petition to raise the enrollment numbers.

The reason this space makes sense for Creative Day Learning Center and not for a larger day care center has to do with usable space in the old school building. Any attempts to expand to the upper floor would require the entire building to comply with ADA regulations and to conform to fire safety regulations by installing a sprinkler system throughout the entire building and to furnish additional bathrooms on both floors. These issues were all discussed and resolved by the Community Development Department and the Plan Commission. These issues were also discussed when St. John's came before you to build a new school. These issues did not disappear. They would continue to adversely affect any entity wanting to utilize the entire building. Costs to renovate the entire school were reported to be approximately \$1.6 million dollars several years ago and would likely be over \$2 million and rising as time goes by.

Comparing Creative Day Learning Center with larger day care facilities is comparing apples to oranges. They are not comparable even though they are both fruit. It is my understanding that the Plan Commission and Board of Trustees review each petition individually and not based upon dissimilar situations and/or vaguely similar situations. To say allowing Creative Day into this location sets a precedent for larger centers, or even other types of business, to follow after it, is a specious argument at best.

Again, Thank You for your time and consideration in this matter.

William J. Dennis

Cheryl B. Holtz

Creative Day Learning Center

Attn: Mr. David Hulseberg  
Village Manager  
Village of Lombard

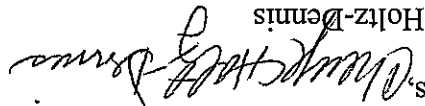
Fax: (630) 620-8222

RE: e-mail response from Doug Gamble  
Accessibility Specialist  
Capital Development Board  
State of Illinois

Mr. Hulseberg,

Attached please find the e-mail response received from Mr. Gamble regarding ADA compliance of Creative Day Learning Center at St. John's Lutheran Church & School (old building). Mr. Klioris mentioned looking for same at his recent inspection of the building.

Please feel free to contact me should you have any questions.

Regards,  
  
Cheryl Holtz-Dennis

Creative Day Learning Center

CC: Mr. Ted Klioris, Building Inspection Supervisor  
Mr. Jerry Howell, Village Fire Marshal



RE: Creative Day Learning Center-Lombard Illinois  
From: "Gamble, Doug" <Doug.Gamble@Illinois.gov>  
To: attydennis1@sbcglobal.net  
Creative Day Learning Center-Lombard Illinois.eml (18KB)

Tuesday, December 9, 2008 4:15 PM

Hi Dennis

If the alterations are less than \$100,000, then the only requirements for accessibility would be to make the element you are altering accessible. No elevator, lift, or ramp or alterations to the existing toilet rooms are required.

Douglas I. Gamble

Douglas I. Gamble  
Accessibility Specialist  
State of Illinois  
Capital Development Board

3rd Floor Stratton Building  
401 South Spring Street  
Springfield, Illinois 62706

Phone: (217) 782-8530  
FAX: (217) 524-4208