


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: July 19, 2016 (B of T) Date: July 21, 2016

TITLE: PC 16-14, 523 E. Roosevelt Road; Pioneer Day Care 

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Zoning Ordinance, to allow for a day care center located within the B4APD Roosevelt Road Corridor District, Planned Development.

The Plan Commission recommended approval of this petition by a vote of 6-0.

The petitioner requests a waiver of first reading of the ordinance.

Fiscal Impact/Funding Source:

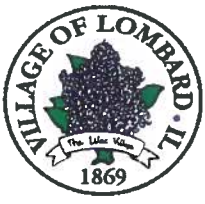
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *JG for WJH*

DATE: July 21, 2016

SUBJECT: **PC 16-14; Pioneer Day Care, 523 E. Roosevelt Road**

Please find the following items for Village Board consideration as part of the July 21, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-14; and
3. An Ordinance granting approval of a conditional use pursuant to Section 155.417(G)(2)(b)(v) of the Lombard Zoning Ordinance for a day care center.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the July 21, 2016 Board of Trustees agenda with a waiver of first reading.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

July 21, 2016

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bob Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 16-14; Pioneer Day Care, 523 E. Roosevelt Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Zoning Ordinance, to allow for a Day Care center.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 18, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioners Jeannine Baran and Nancy Lantz.

Chairperson Ryan read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Commissioner Flint noted that he is on the Board of School District 44, and that Pioneer Day Care is a current tenant.

Ms. Baran noted that she and Ms. Lantz are the on-site owners and operators of Pioneer Day Care in Lombard. She said they are requesting a conditional use permit for an interim space as they have lost their lease at their current home. The interim space is for approximately one year, while their location at 390 E. St. Charles Road is being built.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none,

Chairperson Ryan asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She said the staff report incorrectly addressed the property as West, when it should be East Roosevelt Road. She said the petitioner is looking for approvals at 523 E. Roosevelt Road, in High Point Shopping Center. She said Pioneer Day Care is currently established in Lombard, and they received approvals through PC 15-29 and Ordinance 7163 for a new day care center at 390 E. St. Charles Road. The lease at their current location will be ending soon and therefore they need temporary space. They have entered in to lease with Brixmoor Real Estate for approximately two years. However, in order for the project to process as proposed zoning entitlements would need to be granted in lieu of processing a petition as a temporary event. The subject property is currently improved with a retail commercial center. Staff finds the project is consistent with the zoning and land use of the surrounding properties. His Grace Montessori School and Kinder Care in downtown Lombard are examples of two day care centers that are located in integrated shopping centers. Pioneer is proposing to locate in a quiet area of High Point Shopping Center away from establishments that may be considered potentially incompatible land uses. Staff notes that Kumon learning center is also located in High Point Shopping Center. She said the Building Division has no comments on the petition. Staff supports the petition.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Flint said he is on the Board of School District 44 and Pioneer Day Care is their tenant.

Commissioner Burke noted there is no condition for Pioneer to obtain a State permit for a day care center. Ms. Ganser said the Village assumes that all day care centers in Lombard operate with the correct State permits and license. Ms. Baran said they cannot move with a State license, which is site specific. She said that DCFS, the State Fire Marshall, the Health Department, and the Lombard Fire Marshall will all approve their new location.

On a motion by Commissioner Olbrysh, and a second by Commissioner Flint, the Plan Commission voted 6-0 that the Village Board approve the petition associated with PC 16-14, subject to the following four (4) conditions;

1. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. The relief is only granted to the tenant space at 523 E. Roosevelt Road; and
4. No drop-offs and pick-ups shall be allowed in the fire lane.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

PIONEER DAYCARE – 523 W. Roosevelt Road

July 18, 2016

Title

PC 16-14

Petitioner

Jeannine Baran & Nancy Lantz
Pioneer Child Care
543 E. Taylor Road
Lombard IL 60148

Property Owner

Brixmoor Property Group
40 Skokie Blvd, Suite 600
Northbrook IL 60062

Property Location

523 W. Roosevelt Road
(Trustee District #6)

Zoning

B4APD

Existing Land Use

Retail

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use for a day care center

Prepared By

Jennifer Ganser
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

Pioneer Day Care is currently established at 543 E. Wilson Avenue, and they received approvals through PC 15-29 and Ordinance 7163 for a new day care center at 390 E. St. Charles Road. The lease at their current location will be ending soon and therefore they need temporary space. They have entered in to lease with Brixmoor Real Estate for approximately a two year period. However, in order for the project to process as proposed zoning entitlements would need to be granted in lieu of processing a petition as a temporary event.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a conditional use, pursuant to Section 155.417(G)(2)(b)(v) of the Zoning Ordinance, to allow for a day care center located within the B4APD Roosevelt Road Corridor District, Planned Development.

EXISTING CONDITIONS

The subject property is currently improved with a retail commercial center.

PROJECT STATS

Lot & Bulk

Parcel Size: 11.09 acres
Tenant Area: 12,730 square feet

Submittals

1. Petition for Public Hearing;
2. Response to Standards for a Conditional Use;
3. Existing Interior Floor Plan, prepared by JTS Architects, undated; and
4. Plat of Survey, prepared by The Orin Group, LLC, dated December 5, 2006.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has comments.

Fire Department:

The Fire Department has no concerns with the proposed use. Meeting the stipulations for occupancy as they relate to the Life Safety Code requirements will be necessary for use and approval to operate the facility.

Private Engineering Services (PES):

PES has no comments.

Public Works:

The Department of Public Works has no comments.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	B4APD	Retail Commercial
South	R4PD	Residential Townhomes
East	B4APD	Retail Commercial
West	B4APD	Retail Commercial

The B4A Roosevelt Road Corridor District is intended to provide retail and commercial development that is complimentary with adjacent uses, including nearby residential. Staff finds the project is consistent with the zoning and land use of the surrounding properties. The day care center will serve the local population, as Pioneer does currently at their location at 543 E. Taylor Road in Lombard.

His Grace Montessori School and Kinder Care (downtown) are examples of two day care centers that are located in integrated shopping centers. Pioneer is proposing to locate in a quiet area of High Point Shopping Center away from establishments that may be considered potentially incompatible land uses. Staff notes that Kumon learning center is located in High Point Shopping Center.

No exterior site changes are being proposed, only interior tenant improvements. Though the lease is temporary, day care centers are a conditional use in the B4A District, and therefore, a conditional use permit is required. No variances are being requested.

2. Comprehensive Plan Compatibility

A daycare conditional use permit is consistent with the Comprehensive Plan's recommendation of community commercial uses for the site.

3. Site Plan: Access & Circulation

Access will be provided from Roosevelt Road. Staff notes that not all the children attend Pioneer every day and the drop-offs and pick-ups are not all at the same time. The site has ample parking for employees and drop-off and pick-ups. Per Village Code, a drop-off area is required for day care centers. Staff notes that the drop-off area is the parking lot and parking spaces. Pioneer has noted that the children need to be dropped off and picked up in person and signed in or out. The majority of the children at the day care are under five (5) years of age, and therefore do need a guardian to bring them into the building.

FINDINGS & RECOMMENDATIONS

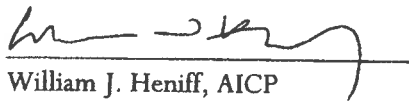
Staff finds that the day care center is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use and finds that they **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-14.

Based on the submitted petition and the testimony presented, the proposed request for a conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 16-14, subject to the following conditions:

1. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. The relief is only granted to the tenant space at 523 W. Roosevelt Road; and
4. No drop-offs and pick-ups shall be allowed in the fire lane.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development
c. Petitioner

Section 115.103 (F)(8) of the Lombard Zoning Ordinance ---Standards for Conditional Uses

523 E. Roosevelt Road, Space 320 in the High Pointe Centre

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

This location will be our temporary home for Pioneer Child Care while our building at 390 & 396 East St. Charles Rd. is being built, as we have been denied by the school-district and the park district an extension at our current building. We will assure that the temporary site is a safe, clean, and secure location for children and employees.

2. That the conditional use will not be injurious to the uses and enjoyment of the other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located.

The temporary space will be self-contained. General upkeep of the interior will be done by Pioneer Child Care; we must follow D.C.F.S., Health Department, and both local and state fire inspectors. Exterior property will be taken care of by the Brixmor Property Group. Pioneer Child Care will not diminish property values in the area.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The space will be used as a day care center. There is no reason to believe that the day care center will have any effect on the development or improvement of surrounding properties. In fact, having the property occupied and not vacant could help with the development of the surrounding properties.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided.

Utilities exist to the property and there is plenty of parking. Please see attached map of High Pointe Centre.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Pioneer Child Care's brief rental at this location will not cause any traffic congestion as we require the parents to park their car and walk their child in and out of day care daily. High Point Centre is an established shopping center, stop signs and traffic lights already exist.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard: and,

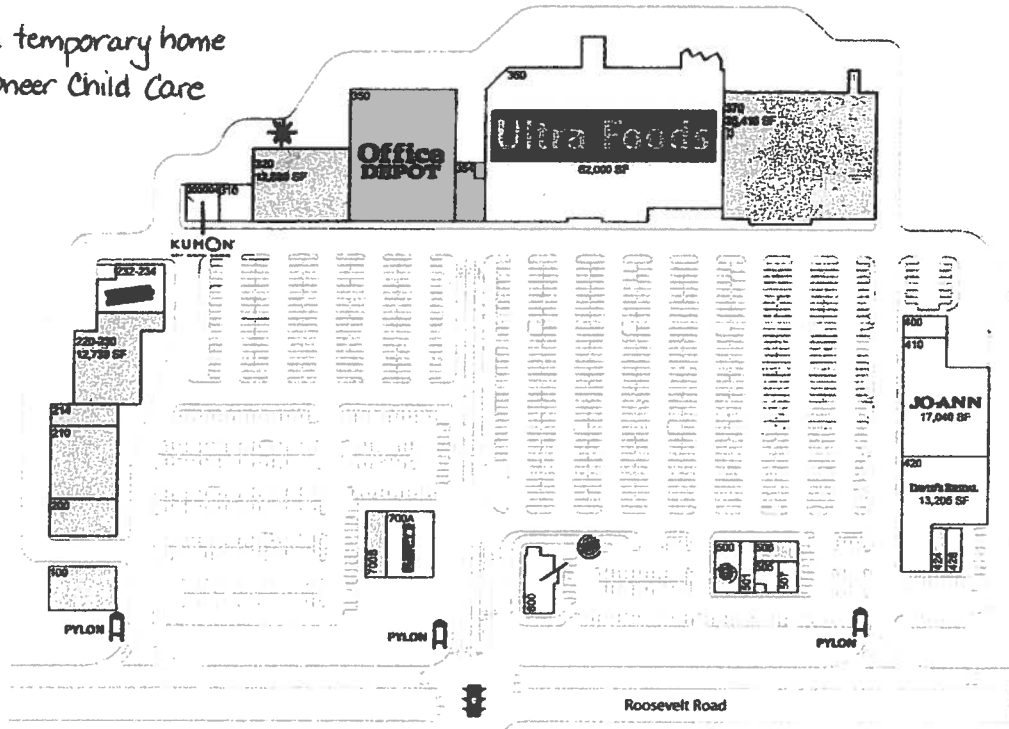
The use of a day care center should not be contrary to the plan. Pioneer Child Care will have a short term (15 month) lease at this location; our permanent home will be constructed during this time. Our clients will be given notification of a waiver upon enrolling that we will not have outdoor space at this temporary location; however, we will rent more than adequate space which will allow us to provide gross motor play indoors. Please see the attached D.C.F.S. standard.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

There is no reason to believe that this temporary home of Pioneer Child Care would not conform to the regulations of the district. Pioneer Child Care has been in Lombard for over 36 years.

High Point Centre


* Future temporary home of Pioneer Child Care



100 AVAILABLE	5,400 SF	400 Weight Watchers	1,680 SF
200 AVAILABLE	5,119 SF	410 Jo-Ann Fabric & Craft Stores	17,040 SF
210 AVAILABLE	9,836 SF	420 David's Bridal	13,205 SF
214 AVAILABLE	3,000 SF	424 AVAILABLE	900 SF
220-230 AVAILABLE	12,738 SF	426 Sport Clips	1,060 SF
232-234 Lumber Liquidators	4,328 SF	500 Panda Express	2,380 SF
300/304 Kumon	2,250 SF	501 WingZone	1,593 SF
310 LC Spa Nail	2,150 SF	505 H&R Block	1,318 SF
320 AVAILABLE	12,888 SF	506 AVAILABLE	1,549 SF
350 Office Depot	25,612 SF	507 Cricket	1,000 SF
354 Furniture for Less	3,360 SF	600 Burger King	3,670 SF
360 Ultra Foods	62,000 SF	700A Sleepy's	5,400 SF
370 AVAILABLE	36,416 SF	700B AVAILABLE	2,700 SF

LICENSING STANDARDS FOR DAY CARE CENTERS

September 22, 2014 – P.T. 2014.17

- n) Prior approval of the Department is required when play space not connected with the center is used to meet the requirements of subsections (a) through (1) of this Section in lieu of the center's own play space. Proposed use of a nearby park, school yard or other alternative shall be considered on a case-by-case basis in consultation with local health and safety officials, with consideration given to the following criteria:
- 1) Location;
 - 2) Accessibility to children and staff by foot or the availability of push carts or other means of transporting infants and toddlers;
 - 3) Age(s) of the children in the group(s);
 - 4) Availability of appropriate equipment;
 - 5) Traffic patterns of vehicles and people in the area;
 - 6) Condition of the park in areas related to safety;
 - 7) Usage of the park by other groups when the children would be most likely to use it;
 - 8) Compliance with the requirements of subsections (a) through (m) of this Section.
- o) If an area not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.
- p) Roof-top playgrounds are permissible only if the playground is completely surrounded by a non-climbable fence at least eight feet in height which has no openings of any kind, a structural clearance for the use of the roof as a play area has been obtained, and the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau has approved in writing the use of the roof as a playground.
- q)  The Department may grant a waiver of the outdoor play area requirement under the following conditions:
- 1) The facility is located in an urban area where suitable, safe outdoor space is not available;
 - 2) The facility has an indoor activity room that provides 75 square feet per child for at least 25% of the licensed capacity of the facility and is used for gross motor play in lieu of outdoor space; and
 - 3) Parents are given notification of this waiver in writing upon enrollment of their children.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Nowakowski, Tamara

From: Heniff, William
Sent: Tuesday, July 05, 2016 1:30 PM
To: Ganser, Jennifer
Cc: Nowakowski, Tamara
Subject: FW: Pioneer Child Care - Waiver of the first reading

	<p>William J. Heniff, AICP Director of Community Development Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-3599 Fax: (630) 629-2374 Email: heniffw@villageoflombard.org Web: www.villageoflombard.org</p>
<p>Follow us:   </p>	

From: pioneer543@aol.com [<mailto:pioneer543@aol.com>]
Sent: Tuesday, July 5, 2016 12:43 PM
To: Heniff, William
Subject: Pioneer Child Care - Waiver of the first reading

Hello Bill,

This email is a request to obtain a waiver of the first reading for us, Pioneer Child Care. This will allow us to keep our business flowing as we move into our new interim location at 523 E. Roosevelt Rd. We will still need to have D.C.F.S., health department, and both local and state fire marshal's approval before we can completely move in. Thank you very much for this consideration.

Jeannine and Nancy

Jeannine Baran / Nancy Lantz
Pioneer Child Care
543 E. Taylor Road
Lombard, IL 60148
630-620-0033

ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL OF CONDITIONAL USE PURSUANT TO SECTION 155.417(G)(2)(b)(v) OF THE LOMBARD ZONING ORDINANCE FOR A DAY CARE CENTER LOCATED IN THE B4APD ZONING DISTRICT

PC 16-14: 523 E. Roosevelt Road, Pioneer Day Care

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois;

WHEREAS, the Subject Property as defined below is zoned B4APD; and,

WHEREAS, an application requests approval for a conditional use for a day care center; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 18, 2016 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use is hereby granted for the Subject Property, as described in Section 4 below, pursuant to Title 15, Chapter 155, Section 155.417(G)(2)(b)(v) of the Zoning Ordinance to establish a day care center;

SECTION 2: This ordinance is limited and restricted to the property generally located at 523 E. Roosevelt Road, Lombard, Illinois, and legally described as follows:

Ordinance No. _____

Re: PC 16-14

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LOT 1 IN HIGH POINT CENTRE PLAT OF CONSOLIDATION AND DEDICATION, BEING A SUBDIVISION OF PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1987 AS DOCUMENT R87-86353 IN DUPAGE COUNTY, ILLINOIS.
PIN 06-20-200-036

SECTION 3: The approvals set forth in SECTION 1 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall be required to apply for and receive building permits for any improvements to the site;
2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. The relief is only granted to the tenant space at 523 E. Roosevelt Road; and
4. No drop-offs and pick-ups shall be allowed in the fire lane.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2016.

First reading waived by action of the Board of Trustees this _____ day of _____, 2016.

Passed on second reading this _____ day of _____, 2016.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2016.

Ordinance No. _____

Re: PC 16-14

Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk