

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: William T. Lichter, Village Manager

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

TITLE: PC 04-22: Text Amendments to the Lombard Zoning Ordinance
PC 04-23: 950 N. Grace Street

SUBMITTED BY: Department of Community Development *OH/Wtb*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration two petitions as follows:

For PC 04-22

The petitioner requests approval of a text amendment to Section 155.415 of the Lombard Zoning Ordinance, allowing religious institutions to be listed as a conditional use within the B4 Corridor Commercial District.

The Village also requests the approval of companion text amendments, as follows:

- Section 155.412: Adding "religious institutions" as a conditional use in the B1 Limited Neighborhood Shopping District;
- Section 155.413: Adding "religious institutions" as a conditional use in the B2 General Neighborhood Shopping District;
- Section 155.414: Adding "religious institutions" as a conditional use in the B3 Community Shopping District;
Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B3 Community Shopping District;
- Section 155.415: Adding "religious institutions" as a conditional use in the B4 Corridor Commercial Shopping District (as also requested by the petitioner);
Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B4 Corridor Commercial Shopping District;
- Section 155.416: Adding "religious institutions" as a conditional use in the B5 Central Business District;
Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B5 Central Business District;
- Section 155.417: Adding "religious institutions" as a conditional use in the B5A Downtown Perimeter District;
Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B5A Downtown Perimeter District;

Section 155.418: Adding "religious institutions" as a conditional use in the I Limited Industrial District;
Adding "Clubs and lodges, nonprofit and fraternal" to the list of conditional uses in the I Limited Industrial District;

Section 155.802: Adding definition of "religious institution"

Sections 155.401 et. seq.: Redirecting definitional references of "religious institutions" to Section 155.802.

The petitioner is requesting waiver of first reading. (DISTRICT #4)

The Plan Commission recommended approval of this petition.

For PC 04-23

The petitioner requests use approval of the following actions for property located within the B4 Corridor Commercial District:

1. A conditional use for a religious institution;
2. A variation from Section 155.707 (B)(4) to allow for alternate plant materials within a required transitional yard on the west side of the subject property;
3. A variation from Section 154.404 (A)(3) of the Subdivision and Development Ordinance modifying the public water distribution system requirements for adjacent properties; and
4. Approval of a development agreement for the subject property. (Resolution)
5. Petitioner is requesting a waiver of the Village's portion of the public hearing fees. (Motion)

The petitioner is requesting waiver of first reading. (DISTRICT #4)

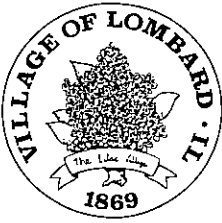
The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <u>William T. Lichk</u>	Date <u>8/11/04</u>

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



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DH/WTH*

DATE: August 19, 2004

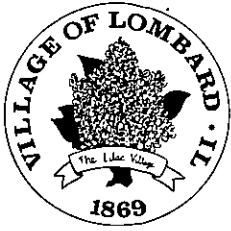
SUBJECT: **PC 04-22 & 23: 950 N. Grace Street (Our Lady of Lebanon Church)**

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

1. Plan Commission referral letter;
2. IDRC report for PC 04-22 & 04-23;
3. An Ordinance granting approval of a text amendments to the Zoning Ordinance pertaining to religious institutions, clubs and lodges.
4. An Ordinance granting approval of a conditional use for a religious institution with variations to the landscape planting requirements as well as the public water main requirements, subject to conditions.
5. A Resolution approving a Development Agreement for the subject property.
6. Plans associated with the petition.

Since the initial public hearing, the congregation has been working with the architect to refine the proposed building elevations. Attached for the Board's reference are modified elevations for which the petitioner is seeking approval. The changes pertain to the proposed dome (which would be removed) and the bell tower (which will be moved and modified). The draft Ordinance approving the conditional use has been modified to reference the latest submittal.

The petitioner is also requesting a waiver of first reading of the aforementioned Ordinances. Moreover, consistent with past Board practice with other religious institutions, the petitioner is also requesting a waiver of the Village portion of the Plan Commission public hearing fees.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
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August 19, 2004

Village President
William J. Mueller

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

Trustees

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

**Subject: PC 04-22: Text Amendment to the Lombard Zoning Ordinance
PC 04-23: 950 North Grace Street**

Village Manager
William T. Lichter

Dear President and Trustees:

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

PC 04-22; Text Amendment to the Lombard Zoning Ordinance: The petitioner requests approval of a text amendment to Section 155.415 of the Lombard Zoning Ordinance, allowing religious institutions to be listed as a conditional use within the B4 Corridor Commercial District.

The Village also requests the approval of companion text amendments, as follows:

Section 155.412: Adding "religious institutions" as a conditional use in the B1 Limited Neighborhood Shopping District;

Section 155.413: Adding "religious institutions" as a conditional use in the B2 General Neighborhood Shopping District;

Section 155.414: Adding "religious institutions" as a conditional use in the B3 Community Shopping District;

Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B3 Community Shopping District;

Section 155.415: Adding "religious institutions" as a conditional use in the B4 Corridor Commercial Shopping District (as also requested by the petitioner);

Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B4 Corridor Commercial Shopping District;

Section 155.416: Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B5 Central Business District;

Section 155.417: Reclassifying "Clubs and lodges, nonprofit and fraternal" from a permitted use to a conditional use in the B5A Downtown Perimeter District;

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

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

Section 155.418: Adding “religious institutions” as a conditional use in the I Limited Industrial District;

Adding “Clubs and lodges, nonprofit and fraternal” to the list of conditional uses in the I Limited Industrial District;

Section 155.802: Adding definition of “religious institution”

Sections 155.401 et. seq.: Redirecting definitional references of “religious institutions” to Section 155.802.

and;

PC 04-23; 950 North Grace Street: The petitioner requests use approval of the following actions for property located within the B4 Corridor Commercial District:

1. A conditional use for a religious institution;
2. A variation from Section 155.707 (B)(4) to allow for alternate plant materials within a required transitional yard on the west side of the subject property;
3. A variation from Section 154.404 (A)(3) of the Subdivision and Development Ordinance modifying the public water distribution system requirements for adjacent properties; and
4. Approval of a development agreement for the subject property.

After due notice and as required by law, the Plan Commission conducted a public hearing for these petitions on July 16, 2004. Mr. Heniff explained that the petitioner will present the petition for PC 04-22 and PC 04-23 and staff will present the companion text amendments associated with the petition. Vice-Chairperson Flint indicated that there will be a separate vote on each petition.

John Pieper, attorney for the petitioner, the Maronite Catholic Bishop of the USA, presented the petition. The subject property is Lot 3 of the Terrace Lake Subdivison. Their petition is being brought forward to allow the for the church to establish a home in Lombard.

He discussed the history of the church and mentioned their search for a new church site. The Zoning Ordinance needs to be modified to allow them to have a church in the B4 as a conditional use. They feel this site is suited to a church, and they are asking for the text amendment to move forward. He mentioned the other types of assemblages, which are allowed in as conditional uses in business districts and stated that religious institutions should be considered in the same manner.

He then gave the specifics of the project. He gave the location of the site, the acreage, and the surrounding land uses and mentioned the critical wetlands east of the site. They are seeking a conditional use to allow for a 19,000 square foot facility with seating for 300 persons. He referred to the building plans and noted the second floor, which will have priest accommodations. Parking lot lighting will be consistent with lighting standards. Street lights will be installed as part of the public improvements. He referred to the aerial photograph

depicting the area north of North Avenue and west of Grace Street. He noted the critical wetlands which impacts one of their variation requests.

He submitted color elevations of the church. Referencing the site plan, the church is located on the southern boundary as it is the deepest portion of the lot. The plan proposes two access points off of Grace and parking north of church that will include 105 spaces. To the west of the parking lot is a buffer zone that is required by DuPage County to be preserved for the critical wetlands. Stormwater detention will be provided in the parking lot and the detention facility in the buffer zone area. He referenced the landscape plan. They have retained landscape consultants to provide an inventory of the types of trees and plantings that are consistent with the County Ordinance for the buffer zone.

He then discussed the public watermain request. Village code would require them to extend the watermain from its current terminus to the north property line. This main would cause a problem for the Village and church. For the Village, health concerns exist when you have a dead end main and the water will become that has to be purged consistently. Fire hydrants will be installed east of the church. They are asking that the watermain not be extended and will terminate at the service line to the church. He mentioned the property to the north, which is currently unincorporated, and that they are hoping to acquire that parcel. It is also the last parcel that would be annexed into the Village along Grace Street. If it is necessary to extend the watermain, they will pay for the extension thru the companion development agreement. This is a unique situation which will justify their request.

The transitional yard request addresses a unique situation. The property to the west has critical wetlands and a 50-foot buffer is required. The Zoning Ordinance requires a transitional yard of 30-feet and requires specific vegetation. The required vegetation is inconsistent with the County's requirements. He mentioned a management plan they must have with the County that requires the periodic controlled burning of the plantings.

Regarding traffic generation, they will have two services on Sunday morning and religious training classes held between the two services. That is their peak hour, which is the same time Grace Street will be at their lowest peak hours. They feel they are consistent with the neighborhood. He mentioned the bell tower and the bells are for aesthetics purposes and they are not audible from outside the church.

Vice-Chairperson Flint then opened the meeting for public participation. Edward Knight, 265 Edgebrook Avenue, Wood Dale, stated that he is an alderman for the City of Wood Dale and Chairman of the Zoning Board. He wanted to add support to the project. It is a low impact use on residents of the area. Traffic can be accommodated and it is a great location for the church. He talked about the watermain - if they made to bring it to north end of property, it would create a problem with their pressure.

Vice Chairperson Flint then requested staff report. William Heniff, presented the text amendments associated with PC 04-22 first and then discussed the major issues associated with 04-23.

Regarding PC 04-22, staff reviewed existing uses in the various business zoning districts and compared to like uses such as meeting halls. He referred to the staff report and the results are consistent with what the petitioner found. Counsel reviewed the issue of religious institutional uses in business districts and felt the use is compatible with the B business districts. Congregation and assembly hall uses should be considered in the same manner and function. The text amendment makes all meeting halls in the B and I districts as conditional uses. Case law finds that one district must allow religious institutions by right - the O office districts meets that requirement. He mentioned the standards for text amendments and lastly, he referred to the last page in appendix and mentioned the additional definition of a religious institution.

Commissioner Olbrysh asked if the proposed the definition of religious institutions is broad enough to include convents. Mr. Heniff said that it does.

Commissioner Sweetser asked about the term "religious institutions". Mr. Heniff stated that the term is frequently used in zoning ordinances. She also suggested an amendment to the definition for ease of understanding.

Vice Chairperson Flint asked if there was any discussion. Being none, Commissioner Olbrysh made a motion, which was seconded by Commissioner Sweetser. 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 04-22.

PC 04-23

Starting with the discussion of PC 04-23, Mr. Heniff summarized the petitioner's request. He noted the Comprehensive Plan depicts the site for commercial uses. However, many religious institutions have similar characteristics as commercial uses.

Regarding the surrounding land uses, this site is appropriate as residences exist to the east and open space to the west. This use is a less intense use than many other commercial uses and is compatible with the built environment.

Referencing the elevations submitted, they are not asking for any relief from bulk requirements. Due to the critical wetland buffer, Lombard's planting requirements might not be appropriate for this location.

He then mentioned the extension of the watermain to run it up to the church property. The petitioner wants special consideration not to go to the north end of the property. The property north of the subject property is zoned I-1 by DuPage County. The land use for that property is

not consistent with the Village's plan. The adjacent property owner wants to keep with industrial use of the property and staff is not supportive of annexation of that property as an industrial parcel.

The petitioner proposes to enter into a Development Agreement, stating that should the property be annexed into the Village, a reverse recapture obligation would be created. A long dead end is not desirable and he mentioned that flushing the hydrant that would be needed and staff believes a variation could be supported.

Vice-Chairperson Flint then opened the meeting for questions and comments by the Commissioners.

Commissioner Olbrysh stated that the site is an excellent location for the church and a good use for the property. This is really not a neighborhood type of church but a community church in a broader sense.

Responding to a question by Commissioner Olbrysh, Father Alfred, pastor of Our Lady of Lebanon described the differences and similarities between the Roman Catholic and the Maronite Catholic Church.

Commissioner Sweetser asked if the recommendation needs to include conditions pertaining to the public improvement requirements. Mr. Heniff said that the petitioner is aware of the requirements and that the requirements are also listed within the Subdivision and Development Ordinance.

Commissioner Burke stated that the watermain variation request is reasonable. He asked about the Village collecting a bond rather than addressing the issue through the development agreement. Mr. Heniff stated that a bond is a short-term obligation. The agreement would be written to have the ability to state that if they acquire the I-1 property, the watermain will not be needed. The Village can also address the obligation through the agreement in the water billing process. Mr. Peiper stated that water billings constitute a lien against real estate, so the security of the real estate provides the Village with protections.

Commissioner Burke referenced the landscaping variance. What guarantee do we have that the County will make them put in the landscaping. Mr. Heniff said that the County will push for the preservation of the wetland. Commissioner Burke stated that the Director of Community Development has the final review of the landscape planting materials, which will tie into DuPage County's final approval.

Commissioner Sweetser asked about the finance of recapture. Recapture could take a long time and an escrow bond is something typically required. George Wagner stated that the development agreement will address the financing aspects. Commissioner Sweetser stated that the agreement could ignore what the Commissioners have stated. Mr. Heniff stated that he would share the

comments with Village Counsel. Staff will note for the record that the Commissioners want to ensure that adequate protections are provided as part of this proposal.

Commissioner Burke referred to condition #2 and mentioned the proposed educational rooms. There should be language added to the conditions so the petitioner does not have to come back for an amended conditional use. Mr. Peiper stated that the new definition of religious institution should allow for religious study activity. Mr. Heniff stated that the condition was added to differentiate between religious study activity and general educational activities. Mr. Peiper stated that his client knows that if their educational activities are more extensive, they would have to come back.

Commissioner Burke referenced the southern elevation of the building, which lacks vegetation. He suggested that a condition be added to include plantings along the south property line.

Commissioner Olbrysh asked about time limitations to the approval. Mr. Heniff stated that code requires that the project be substantially underway within one year of approval of the Ordinance. The petitioner has represented to staff that they want to break ground this fall and time is of the essence.

Vice Chairperson Flint asked if there was any additional comments from the commissioners or the public. Being none, Commissioner Olbrysh made a motion, which was seconded by Commissioner Sweetser. 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 5 to 0, recommended to the Corporate Authorities, **approval** of the petition associated with PC 04-23 subject to the following conditions, as amended:

1. The petitioner shall develop the site essentially in accordance with site plan prepared by Nicholas Batistich Architects, hand-dated June 28, 2004 and made a part of this request.
2. That the conditional use shall be for the construction and operation of a religious institution on the subject property. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facility, pre-school activities, elementary school activities, a conditional use amendment will be required.
3. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said plans associated with the permit application shall also address the comments noted in the Inter-departmental Group Report.
4. That the site shall be constructed and operated in conformance with the Lombard Village Codes.

5. That the relief granted as part of this petition shall be subject to the petitioner executing a development agreement with the Village.
6. That the petitioner shall submit to the Village a final landscape plan for the transitional yard on the subject property. The plan shall reflect any additional plant materials required as part of the DuPage County wetland approval process and shall include any additional transitional landscape plantings as required by the Director of Community Development.
7. That the petitioner's final landscape plan shall also provide additional landscape plant materials along the south property line, with said planting subject to review and approval by the Director of Community Development.

Respectfully,

VILLAGE OF LOMBARD



Stephen Flint
Vice-Chairperson
Lombard Plan Commission

att-

c Petitioner
 Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: July 19, 2004

FROM: Department of
Community Development

PREPARED BY: William J. Heniff, AICP
Senior Planner

TITLE

PC 04-22; Text Amendment to the Lombard Zoning Ordinance: The petitioner requests approval of a text amendment to Section 155.415 of the Lombard Zoning Ordinance, allowing religious institutions to be listed as a conditional use within the B4 Corridor Commercial District.

The Village also requests the approval of companion text amendments, as follows:

Section 155.412: Adding “religious institutions” as a conditional use in the B1 Limited Neighborhood Shopping District;

Section 155.413: Adding “religious institutions” as a conditional use in the B2 General Neighborhood Shopping District;

Section 155.414: Adding “religious institutions” as a conditional use in the B3 Community Shopping District;

Reclassifying “Clubs and lodges, nonprofit and fraternal” from a permitted use to a conditional use in the B3 Community Shopping District;

Section 155.415: Adding “religious institutions” as a conditional use in the B4 Corridor Commercial Shopping District (as also requested by the petitioner);

Reclassifying “Clubs and lodges, nonprofit and fraternal” from a permitted use to a conditional use in the B4 Corridor Commercial Shopping District;

Section 155.416: Reclassifying “Clubs and lodges, nonprofit and fraternal” from a permitted use to a conditional use in the B5 Central Business District;

Section 155.417: Reclassifying “Clubs and lodges, nonprofit and fraternal” from a permitted use to a conditional use in the B5A Downtown Perimeter District;

Section 155.418: Adding “religious institutions” as a conditional use in the I Limited Industrial District;

Adding “Clubs and lodges, nonprofit and fraternal” to the list of conditional uses in the I Limited Industrial District;

Section 155.802: Adding definition of “religious institution”

Sections 155.401 et. seq.: Redirecting definitional references of “religious institutions” to Section 155.802.

**GENERAL INFORMATION
(AS IT PERTAINS TO THE DEVELOPMENT ASSOCIATED WITH PC 04-23)**

Petitioner: Maronite Catholic Bishop of the USA
c/o John Pieper, Attorney
1761 S. Naperville Road, Suite 201
Wheaton, IL 60187

Property Owner: Nicholas Batistich
475 S. Frontage Road
Burr Ridge, IL 60521

Status of Petitioner: Contact Purchaser

ANALYSIS

BACKGROUND

The petitioner is proposing to develop a religious institution on the vacant property located at 950 North Grace Street. The petitioner's development proposal will be considered as part of PC 04-23. However, as a companion to their request, they are also requesting a text amendment to the Village Code to add religious institutions within the list of conditional uses within the B4 Corridor Commercial Zoning District. While the text amendment is requested to allow for the use on the subject property, the text amendment, if approved, would be applicable to all properties with B4 District.

As a companion to this request, staff is also recommending several substantial changes to the Zoning Ordinance as it relates to religious institutions and other types of clubs/meeting establishments. Staff is also proposing adding a definition of "religious institutions" to the definition section of the Ordinance.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

Public Works

The Engineering Division of the Public Works Department has no comments regarding the petition.

BUILDING AND FIRE

The Fire Department has no comments regarding the proposed text amendment.

PLANNING

Compatibility with the Zoning Ordinance

The petitioner is proposing to construct and operate a religious institution. A detailed discussion of their specific request is considered as part of PC 04-23. However, before the Village can consider the merits of their petition, the Zoning Ordinance must be amended to list religious institutions as a conditional use in the B4 Corridor Commercial District, within the Zoning Ordinance.

Land Use Classification

Currently, assemblage for other purposes, such as cultural institutions or clubs and lodges (non-profit or fraternal), are listed as permitted or conditional uses in nearly all business districts. Staff believes that religious institutions should be treated more consistent with other such uses.

Village Counsel has reviewed this issue and notes that recent case law as well as the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and the Illinois Religious Freedom Restoration Act (IRFRA) supports the need to review religious institutions as a similar manner as other types of membership organizations. As such, Counsel is supportive of the reclassification of religious institutions as noted as part of the request. For consistency, staff also proposes modifications to “clubs and lodges – non-profit and fraternal” making these uses conditional uses rather than permitted uses.

For reference purposes, staff surveyed a number of surrounding communities to determine how their respective ordinance classifies “religious institutions”. The findings are noted in Attachment A.

Definition Change/Addition

Where listed, the Zoning Ordinance currently refers the Ordinance reader to the R1 District for a definition of the religious institutions. Within the R1 District, the Ordinance reads:

1. Religious institutions, as follows:

- a. Churches, chapels, temples, and synagogues
- b. Convents, seminaries, monasteries, and nunneries
- c. Rectories and parish houses
- d. Religious retreats

For ease of use, staff recommends that definitions of uses should be included within Section 155.802 Definitions rather than to another Section of the Ordinance.

To determine an appropriate definition of religious institutions, staff reviewed other definitions of religious institutions found in neighboring communities as well as in professional publications. Moreover, staff also notes the need to be inclusive of all types and functions frequently associated with religious worship.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. In addition to the petitioner’s responses, staff offers additional responses below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

Should the amendment be approved, it would apply to all properties with B1, B2, B3, B4, B5, B5a, and I zoning. Religious Institutions are proposed to be listed as conditional uses in all of the previously mentioned districts - any future facilities would have to meet the standards for conditional uses and would be subject to a future public hearing process. Clubs and Lodges are proposed to be changed from a permitted use to a conditional use in the B3, B4, B5, and B5a districts- any future facilities would have to meet the standards for conditional uses and would be subject to a future public hearing process.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The Zoning Ordinance lists religious institutions and clubs as follows:

	Existing	Proposed	Existing	Proposed
District	Rel. Inst.	Rel. Inst.	Clubs/Lodges	Clubs/Lodges
C/R Conservation/Recreation District	Prohibited	Prohibited	Prohibited	Prohibited
R1 – Single-Family Residence	Conditional	Conditional	Prohibited	Prohibited
R2 – Single-Family Residence	Conditional	Conditional	Prohibited	Prohibited
R3 – Attached Single-Family Residence	Conditional	Conditional	Prohibited	Prohibited

R4 – Limited General Residence	Conditional	Conditional	Prohibited	Prohibited
R5 – General Residence	Conditional	Conditional	Prohibited	Prohibited
R6 – Central Residence	Conditional	Conditional	Prohibited	Prohibited
O – Office	Permitted	Permitted	Conditional	Conditional
B1 – Limited Neighborhood Shopping	Prohibited	Conditional	Prohibited	Prohibited
B2 – General Neighborhood Shopping	Prohibited	Conditional	Conditional	Conditional
B3 – Community Shopping	Prohibited	Conditional	Permitted	Conditional
B4 – Corridor Commercial	Prohibited	Conditional	Permitted	Conditional
B5 – Central Business	Conditional	Conditional	Permitted	Conditional
B5A – Downtown Perimeter	Conditional	Conditional	Permitted	Conditional
I – Limited Industrial	Prohibited	Conditional	Prohibited	Conditional

The purpose of the ordinance is to provide more opportunities for locating religious institutions and to permit religious institutions in districts in a manner that is more consistent with the permitting of other non-religious institutional uses. Previously, religious institutions were only allowed as conditional uses in residential districts and clubs and lodges (non-profit and fraternal) were permitted in most business districts. Under the new text amendment, religious institutions and clubs and lodges (non-profit and fraternal) will be conditional uses in all business and industrial districts. Staff believes allowing reviewing on a case-by-case basis whether a proposed institutional use is appropriate for the underlying zoning district is consistent with the ordinance.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendment would create nonconformities for existing clubs and lodges that were previously established as permitted uses. Specifically, this would include the American Legion Hall on St. Charles Road and the Moose Lodge located on Roosevelt Road. Each of these uses could remain as legal non-conforming uses at their respective properties. Should the Village Board adopt this amendment, staff proposes to contact each of these organizations to see if they are interested in applying for conditional use approval for their respective facilities.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment would make the Zoning Ordinance more permissive only to the extent that it would allow religious institutions within the B1 B2, B3, and B4 Commercial Districts as well as the I District through the conditional use public hearing process. Without the text amendment, religious institutions could only be approved if the property was rezoned into a district that would permit religious institutions, which staff believes would not be practical or feasible in most cases. Therefore, establishing the review through the conditional use process is more desirable.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

Staff believes that the proposed amendment would be consistent with the Comprehensive Plan. Religious institutions may represent a more intense use than appropriate for a residential district, which is the only district that religious institutions are currently allowed. Therefore, staff believes that future proposed religious institutions 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.

It is also important to recognize that the changing nature of these facilities may make it more appropriate for these facilities to locate along arterial roadways (large congregations that serve a well dispersed congregation). These properties are frequently designated for non-residential uses. Given the traffic generation of these uses it may be more appropriate to locate these facilities in this manner rather than directing the uses to established neighborhoods served by local collector streets. Based upon traffic considerations in the Comprehensive Plan, this amendment would be consistent with the objectives of the Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning Ordinance to address newly evolving circumstances presented by petition or otherwise. The proposed amendments are consistent with established Village policy in this regard. Staff also believes that institutions religious and non-religious should be treated in a more consistent manner in regards to the districts that they are permitted as conditional uses.

Proposed Text Amendments

Appendix B lists the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning Ordinance are denoted by underlining or ~~striking~~ new text.

FINDINGS AND RECOMMENDATIONS

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendment to the Zoning Ordinance plan **does comply** with the Standards required by the Zoning Ordinance. Therefore, I move that the Plan Commission accept the findings

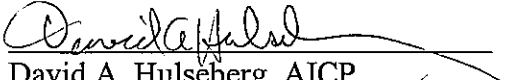
Plan Commission

Re: PC 04-22

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of the Inter-departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **approval** of PC 04-22.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:WJH

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Appendix A
Zoning Districts that Allow Religious Institutions

	RESIDENTIAL	BUSINESS OR COMMERCIAL	OFFICE	INDUSTRIAL OR MANUFACTURING
BENSENVILLE	Conditional Use: all Residential Districts	Conditional Use: all Commercial Districts	Conditional Use: all Office Districts	Conditional Use: all industrial Districts except I4 General Industrial district
DARIEN	Conditional Use: all Residential Districts except R3 Multi-family Residential District	<u>Not Permitted</u>	Conditional Use: O Office District; Not Permitted: OR & I Office, Research and Light Industrial District	<u>Not Permitted</u>
DOWNERS GROVE	Conditional Use: all Residential Districts	Permitted Use: all Business Districts	Permitted Use: O-R Office and Research District	<u>Not Permitted</u>
ELMHURST	Conditional Use: all Residential Districts except R5 Specialty Residential District	<u>Not Permitted</u>	Permitted Use: O/I/C Office Institutional Cultural District; Not Permitted: O1 Office District	<u>Not Permitted</u>
GLEN ELLYN	Conditional Use: all Residential Districts except R5 Residential Planned Development	Conditional Use: all Commercial Districts except C6 Multi-Use Planned Development District	Conditional Use: C5 Office District	<u>Not Permitted</u>
GLENDALE HEIGHTS	Conditional Use: all Residential Districts	Conditional Use: all Commercial Districts except C4 Regional Commercial District	Conditional Use: O1 and O2 Office District	Conditional Use: I Light Industrial District; Not permitted: BP Business Park District

LISLE	Conditional Use: all Residential Districts	<u>Not Permitted</u>	Conditional Use: O-R Office-Research District; Not Permitted: O Office District	<u>Not Permitted</u>
OAK BROOK	Conditional Use: all Residential Districts	Permitted Use: B3 General Business District; Not Permitted: all other business Districts	Permitted Use: Institutional District; Not Permitted: O3 and O4 Office Districts	Permitted Use: ORA1 and ORA2 Office Research and Assembly Districts
WHEATON	Conditional Use: all Residential Districts	<u>Not Permitted</u>	Permitted Use: I Institutional District; Not Permitted: OR Office and Research District	Conditional Use: M1 Manufacturing District
WOOD DALE	Conditional Use: R1 and R8 Residential Districts; Not Permitted: R2, R3, R4, R5, R6, R7 Residential Districts	Permitted Use: all Business Districts	<u>N/A</u>	Permitted Use: all manufacturing Districts
WOODRIDGE	Conditional Use: all Residential Districts	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>

**Appendix B
Proposed Text Amendments**

SECTION 155.405 R1 SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

8. Religious institutions, as follows:
 - a Churches, chapels, temples, and synagogues
 - b Convents, seminaries, monasteries, and nunneries
 - c Rectories and parish houses
 - d Religious retreats

SECTION 155.406 R2 SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

(C) Conditional Uses

9. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.407 R3 ATTACHED SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

8. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.408 R4 LIMITED GENERAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

8. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.409 R5 GENERAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

11. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.410 R6 CENTRAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

12. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.412 B1 LIMITED NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Cultural facilities/institutions
2. Day care centers
3. Learning Centers, with an outdoor component
4. Package liquor and party supply stores
5. Parking lots, open, including commercial and other than accessory, for the storage of private passenger automobiles
6. Planned developments in conformance with Section 155.500 of this Ordinance
7. Public utility and service uses
8. Religious Institutions
9. Taverns and cocktail lounges, not including entertainment and dancing

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

SECTION 155.413 B2 GENERAL NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Amusement establishments, including: bowling alleys, pool halls, gymnasiums, swimming pools, and skating rinks
2. Animal hospitals and kennels
3. Automobile repair
4. Automobile service
5. Club (Non-profit/Fraternal)
6. Cultural facilities/institutions
7. Day care centers
8. Drive-in and drive-through establishments/services
9. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.
10. Gasoline sales
11. Greenhouses and nurseries
12. Funeral homes
13. Learning Centers, with outdoor component

14. Motor vehicle sales
15. Outside display and sales of products the sale of which is a permitted or conditional use in this district
16. Outside service areas for other permitted or conditional uses in this district
17. Planned developments in conformance with Section 155.500 of this Ordinance
18. Public utility and service uses
19. Religious Institutions
20. Taverns and cocktail lounges, not including entertainment and dancing
21. Theaters, indoor
22. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

SECTION 155.414 B3 COMMUNITY SHOPPING DISTRICT REQUIREMENTS

B. Permitted Uses

Any use permitted in the B1 District shall be permitted in the B3 District; and, in addition, the following uses shall be permitted in the B-3 District:

1. Automobile accessory stores
2. Banks and financial institutions
3. Bicycle sales
4. Business machine sales
5. Camera and photographic supply stores
6. Carpet and rug stores, retail sales only
7. Closet and storage organizer stores

- ~~8. Clubs and lodges, nonprofit and fraternal~~
9. Department stores
10. Electrical and household appliance stores, including radio and television sales
11. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use
12. Furrier shops
13. Garden supply, tool, and seed stores
14. Health services, gymnasiums, and weight reduction services
15. Home improvement stores
16. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
17. Leather goods and luggage stores
18. Liquor stores, packaged goods
19. Locksmith shops
20. Mail order, catalog store
21. Musical instrument sales
22. Offices, business and professional
23. Office supply stores
24. Paint, glass, and wallpaper stores
25. Pet shops
26. Phonograph record and sheet music stores
27. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises

28. Picture framing, when conducted for retail trade on the premises only
29. Printing and duplicating services
30. Repair, rental , and servicing of any article the sale of which is a permitted use in the district
31. Secondhand stores and rummage shops
32. Sewing machine sales and service-household appliances only
33. Shoe stores
34. Sporting goods stores
35. Tailor shops
36. Theater, indoor
37. Ticket agencies, amusement
38. Tobacco shops
39. Toy shops
40. Travel bureaus and transportation ticket offices
41. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, any conditional use in the B1 District shall be a conditional use in the B3 District and in addition, the following conditional uses may be allowed:

1. Amusement establishments including bowling alleys, pool halls, swimming pools, skating rinks
2. Automobile repair

3. Automobile service
4. Bus station
5. Catering services
6. Clubs and Lodges, nonprofit and fraternal
7. Day Care Centers
8. Drive-through and drive-in establishments/services
9. Funeral homes
10. Gasoline sales
11. Hotel and Convention Hall
12. Hotels and motels
13. Learning Centers, with outdoor component
14. Medical and dental laboratories
15. Meeting hall
16. Motor vehicle sales
17. Off-site parking, in conformance with Section 155.602 (A) (3) (b) of this Ordinance
18. Outside display and sales of products the sale of which is a permitted or conditional use in this district
19. Outside service areas for other permitted or conditional uses in this district
20. Parking garages or structures, other than accessory parking for private passenger automobiles only
21. Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)
22. Psychics, ESP Readers, and fortune tellers

23. Public utility and service uses
24. Recreation and community centers, noncommercial
25. Religious Institutions
26. Restaurants including entertainment, dancing, and/or amusement devices
27. Taverns and cocktail lounge
28. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance
29. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.

SECTION 155.415 B4 CORRIDOR COMMERCIAL DISTRICT REQUIREMENTS

B. Permitted Uses

Any use permitted in the B3 District shall be permitted in the B4 District, and, in addition, the following uses shall be permitted in the B4 District:

1. Amusement establishments, indoor only, including: bowling alleys, pool halls, gyms, and skating rinks
2. Bakeries
3. Commercial greenhouses and nurseries
4. Electrical showrooms and shops
5. Funeral homes
6. Furniture re-conditioning
7. Health services, gymnasiums, and weight reduction services
8. Hotels and motels
9. Laboratories; medical, dental, research, and testing

10. Laundries
11. Parking lots and structures
12. Pawn shops
13. Plumbing showrooms and shops, including hot tubs, spas, and supplies
14. Repair, rental or servicing of any article, the sale of which is a permitted use in the district
15. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Amusement establishments, outdoor, including: archery ranges, shooting galleries, miniature golf facilities, and other similar outdoor amusement facilities
2. Amusement parks, including: permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement facilities
3. Animal hospitals and kennels
4. Automobile repair
5. Automobile service
6. Boat showrooms, sales and repairs
7. Building material and products sales and storage
8. Clubs and lodges, nonprofit and fraternal
9. Contractor construction offices, shops, and yards
10. Day Care Center

11. Drive-through and drive-in establishments/services
12. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.
13. Gasoline sales
14. Learning Centers, with outdoor component
15. Machinery sales
16. Mobile homes sales
17. Model homes and garage displays
18. Motor vehicle sales
19. Off-site parking, in conformance with Section 155.602 (A) (3) (b) of this Ordinance
20. Outside display and sales of products the sale of which is a permitted or conditional use in this district
21. Outside service areas for other permitted or conditional uses in this district
22. Photographic processing business
23. Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)
24. Planned developments in conformance with Section 155.500 of this Ordinance
25. Psychics, ESP Readers, and fortune tellers
26. Public utility and service uses
27. Religious Institutions
28. Restaurants, which include entertainment, dancing, and/or amusement devices
29. Stadiums, auditoriums, and arenas—open or enclosed
30. Storage centers, provided that the use fronts along an arterial roadway with an average daily trip volume (ADTV) of less than 25,000

31. Theaters, drive-in
32. Trailer and camper trailer sales and rental for use with private passenger motor vehicles
33. Four (4) story buildings and buildings which are forty feet (40') to forty-five feet (45') in height.
34. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

SECTION 155.416 B5 CENTRAL BUSINESS DISTRICT REQUIREMENTS

C. Conditional Uses

17. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.417 B5A DOWNTOWN PERIMETER DISTRICT REQUIREMENTS

(C) Conditional Uses

18. Religious institutions, ~~as defined in the R1 District~~

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - (a) Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;

(b) Not being located within 1,000 feet of another adult use (distances to be measured from property lines);

(c) Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

1. Automobile repair
2. Automotive service
3. Banks
4. Building material sales and storage
5. Cartage and express facilities
6. Catering Services
7. Compost collection facility
8. Concrete and cast stone fabrication and molding
9. Contractors, architects, and engineers equipment and material storage yards
10. Cosmetics production
11. Dairy products processing or manufacture
12. Food manufacture, packaging, and processing
13. Gasoline sales
14. Glass products production
15. Heliports, private or commercial
16. Metal Plating, Forging, or Casting
17. Mortuarial Services
18. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance

19. Outpatient medical and dental offices and clinics
20. Paper products manufacture
21. Parks and playgrounds
22. Planned developments in conformance with Section 155.500 of this Ordinance
23. Plastic extruding
24. Recreation buildings or community centers
25. Recycling collection centers
26. Religious Institutions
27. Restaurants
28. Schools: public and/or private elementary, middle and high
29. Soap manufacture
30. Stadiums, auditoriums, and arenas – open or enclosed
31. Outside Storage of Motor Vehicles
32. Trade school
33. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat
34. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.

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

SECTION 155.802 RULES AND DEFINITIONS

RELIGIOUS INSTITUTION: A building of which its principal use is for religious worship. Religious institutions shall include churches, chapels, temples, synagogues and mosques. Religious institutions shall also include those ancillary activities and uses typically associated with religious institutions, such as religious study activities, clergy residences, and congregation offices.

Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

North:	Unincorporated land zoned I-1 Light Industrial; utilized as a motor vehicle storage yard
South:	North Avenue and property zoned B4 Corridor Commercial and developed as a free-standing restaurant/banquet hall (this site is proposed to be redeveloped with a CVS Pharmacy and another commercial use)
East:	Grace Street and property zoned R4 Single Family Residential in DuPage County; developed as single family residential
West:	Lot 2 in Terrace Lakes Subdivision zoned CR Conservation and Recreation; the property is undeveloped wetlands

ANALYSIS

SUBMITTALS

This report is based on the following documentation on file with the Department of Community Development:

1. Petition for Public Hearing: Signature dated June 28, 2004.
2. Site Plan Submittal (includes concept elevational drawings, floor plans, and site plan): prepared by N. Batistich, Architects, hand-dated June 28, 2004.
3. Landscape Plan, prepared by Donohue & Associates, Ltd., dated June 24, 2004.
4. Lighting Plan, prepared by Bensen Electrical Contracting, Inc., dated June 22, 2004.
5. Plat of Survey: Prepared by Mackie Consultants, LLC., dated January 10, 2002.
6. Responses to Standards for Conditional Use and Variations.

BACKGROUND AND DESCRIPTION

The subject property is currently a vacant lot on Grace Street located approximately 655 feet north of North Avenue. The petitioner, Maronite Catholic Bishop of the United States of America, is requesting conditional use approval for the religious institution in the B4 District

with variations for alternate plant materials within a required transitional yard and for modifying the public water distribution system requirements for adjacent properties. The petitioner plans to construct a 19,900 square foot church building on the property. The building will be a two-story structure that will also include a sub-level that will be used for Sunday school, meeting and/or administrative space. Additionally, the site plan includes living quarters on the second floor.

Special Note: This report assumes that the Village adopts the text amendments requested by the petitioner and associated with PC 04-22. If they are not adopted, this petition cannot be considered as proposed.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From an engineering or construction perspective, the Private Engineering Services Division notes that per the Subdivision and Development Ordinance, this development constitutes a major development and full public improvements are required. This shall include provisions for street lights, parkway landscaping and public utilities. A public sidewalk shall also be required. If sufficient width does not exist within the public right-of-way for the sidewalk, it can be placed on private property with a public easement for pedestrian access.

Additional comments regarding the proposed site development will be coordinated as part of the final engineering review and approval process.

PUBLIC WORKS

The Public Works Department does not have any additional comments at this time.

FIRE AND BUILDING

The Bureau of Inspectional Services offers the following comments:

1. The building will have to meet the new 2000 International Codes for construction, along with any changes to the Village's Title XV Ordinances.
2. A separate fire sprinkler valve room with outside access only is required.
3. A hood and duct suppression system monitored by the fire alarm system will be required for the main kitchen.
4. The garage will need to be sprinklered as it is below a residential space.
5. The second floor residence will require sprinkler protection and be valved as a separate floor.

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Corridor Commercial uses for the subject property. As noted as part of PC 04-22, religious institutions can have much in common with many uses commonly found in corridor commercial areas. Since the nature of the proposed religious institution is to serve the religious worship needs of their dispersed congregation, staff believes that a site such as the one selected by the petitioner would be consistent with the objectives of the Plan.

Compatibility with the Surrounding Land Uses

The properties to the immediate north and west of the subject property are designated for open space and recreation in the Comprehensive Plan because they are located within a floodplain and wetland area. The proposed religious institution land use is a much less intense land use than other uses that could be constructed on the property by right. Additionally, the petitioner's site plan includes a requisite wetland buffer area and buffer improvements per DuPage County requirements.

The use would also be compatible with the existing residential uses east of the subject property, particularly in consideration of the proposed landscape and buffering improvements proposed on the subject property.

South of the site is the proposed Terrace Commercial development. However, the plans proposed a detention facility to be located immediately south of the church building. North of the site is an unincorporated parcel zoned industrial. Staff anticipates that this use would be removed in the future as the petitioner has expressed a desire to acquire this property as well.

To ensure that the proposed use is compatible with the surrounding land uses and meets the standards for conditional uses, staff offers the following analysis and discussion of the subject property:

Traffic Impacts

The subject property is located along a minor arterial roadway (Grace Street). The petitioner's plans include two full access/egress points from Grace Street, a four-lane undivided highway. The church activity is proposed to consist of Sunday church services plus ancillary services, religious study activities, special religious events and occasional evening meetings. These activities are similarly found with other existing religious institutions in the community and staff anticipates the traffic generation for this use to be similar to others. It is not anticipated that the proposed use would create negative impacts as the peak usage period (Sunday mornings) is opposite the time periods in which Grace Street is most busy (weekday mornings and evenings).

Parking

The proposed parking lot on the premises was intended to serve the maximum amount of generation for the site. Unlike many religious institutions in the Village, the location of the petitioner’s site does not provide for convenient on-street parking in close proximity to the church. As such, the petitioner has designed the site to meet the needs of the congregation based upon the highest demand periods for the site. The petitioner has designed the building to accommodate around 300 worshipers. The proposed lot meets all design requirements for parking lots (i.e., stall width, handicapped spaces, aisle width). Staff has informed the petitioner that overflow parking could be negotiated with the property owner to the south.

Elevational Drawings

The petitioner has submitted concept elevational drawings for the proposed building. The design of the building is a classical eastern European/Mediterranean church design. The east elevation, the most prominent elevation along Grace Street) will include arched glass windows. A bell tower and cupola accentuate the roof. Staff feels that the design of the church is compatible with the adjacent residential properties as well as the other non-residential uses.

Compatibility with the Zoning Ordinance

Staff notes that the conditional use approval is being granted only for the proposed use and facilities. Should any other uses on the property be added, staff notes that an amended conditional use approval will be required.

The subject property will remain B4 Corridor Commercial District. Conditional use approval is required in order to allow for a religious institution in the B4 District. The proposed site plan has the following characteristics:

Table 1: Proposed Conditions and Development Regulations

	Proposed	Required by Lombard (B4 Zoning)
Principal Building		
Front Yard (Grace Street)	30 feet	30 feet
Interior Side Yard (north)	358 feet	10 feet
Interior Side Yard (south side)	10 feet	10 feet
Rear Yard (west side)	Approx. 70 feet	40 feet
Open Space	> 10%	10 percent
Building Height	Approx. 30 feet	35 feet
Required Number of Parking Spaces	105 spaces	1 per 3 seats (302 seats max. proposed) = 101 spaces

Landscaping

The petitioner intends to meet the provisions of the Zoning Ordinance. To ensure compatibility with adjacent properties, the petitioner has provided substantial vegetation in the form of evergreen screenings along the parking lot area. This is intended to minimize any excessive light

from vehicles. Other plantings are proposed around the building foundation and the parking lot per code.

Included within the petition is a variation request from the landscape requirements for the transitional yard located on the west side of the subject property. The petitioner has been working with DuPage County staff to develop an appropriate buffer plan for their property. As depicted on the landscape plan, the petitioner does propose to add plantings per Village Code to the area. However, DuPage County may require the petitioner to perform scheduled burns of this area to aid in the re-establishment of the native plant species. Should this requirement be made, the petitioner would not be able install the proposed plant materials. Therefore, staff supports the requests and recommends deference to the planting requirements required by DuPage County.

Compatibility with the Subdivision and Development Ordinance

The Subdivision and Development Ordinance requires public improvements (i.e., sidewalk, parkway trees, etc.) within the public rights of way. The Ordinance allows for the installation of these improvements or payment of fees in lieu of installation.

The petitioner is requesting relief from the requirement to provide water distribution system to adjacent properties. The petitioner is seeking consideration given the unique location of the subject property. While the petitioner would construct the fully required water main extending it to the north property line, they note that this line would be unused. From a Village standpoint, Village crews would have to flush the dead-end main on a regular basis for water quality purposes. Moreover, as the Village's ultimate boundaries are north of the petitioner's property, it is not anticipated that any of their connections would be made to the property.

Staff noted that the petitioner has represented an interest in acquiring the unincorporated industrial lot immediately north of the subject property. If they do so, there will be no long-term need for the line, unless the petitioner seeks to put a structure on the site (this is not contemplated at this time). Only if the unincorporated property were to annex into the Village would this line be needed and then the connections could be controlled by the annexation agreement for that property. The unincorporated property does not meet the Village's zoning code provisions for lot width and area and the existing use is not compatible with the Comprehensive Plan. Staff supports a variation that retains the church's obligation to install the water line at the Village's direction. A companion development agreement will be considered with the final reading of Ordinances including this provision.

Compatibility with the Sign Ordinance

The petitioner will be installing a free-standing institutional sign to denote the church name and activities. The petitioner intends on meeting the provisions enumerated within the Sign Ordinance.

FINDINGS AND RECOMMENDATIONS

The proposed conditional use for a religious institution is compatible with the surrounding land uses and is in compliance with the recommendation of the Comprehensive Plan. Staff supports the proposed variations regarding the installation of public improvements and from the transitional landscape requirements.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposed conditional use and variations do comply with the standards required by the Lombard Zoning Ordinance and Subdivision and Development Ordinance; and, therefore, I move that the Plan Commission adopt the finding included within the Inter-department Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of the conditional use and variations associated with PC 04-23, subject to the following conditions:

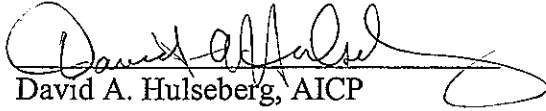
1. The petitioner shall develop the site essentially in accordance with site plan prepared by Nicholas Batistich Architects, hand-dated June 28, 2004 and made a part of this request.
2. That the conditional use shall be for the construction and operation of a religious institution on the subject property. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facility, pre-school activities, elementary school activities, a conditional use amendment will be required.
3. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said plans associated with the permit application shall also address the comments noted in the Inter-departmental Group Report.
4. That the site shall be constructed and operated in conformance with the Lombard Village Codes.
5. That the relief granted as part of this petition shall be subject to the petitioner executing a development agreement with the Village.

Lombard Plan Commission

Re: PC 04-23

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Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg", written over a horizontal line.

David A. Hulseberg, AICP

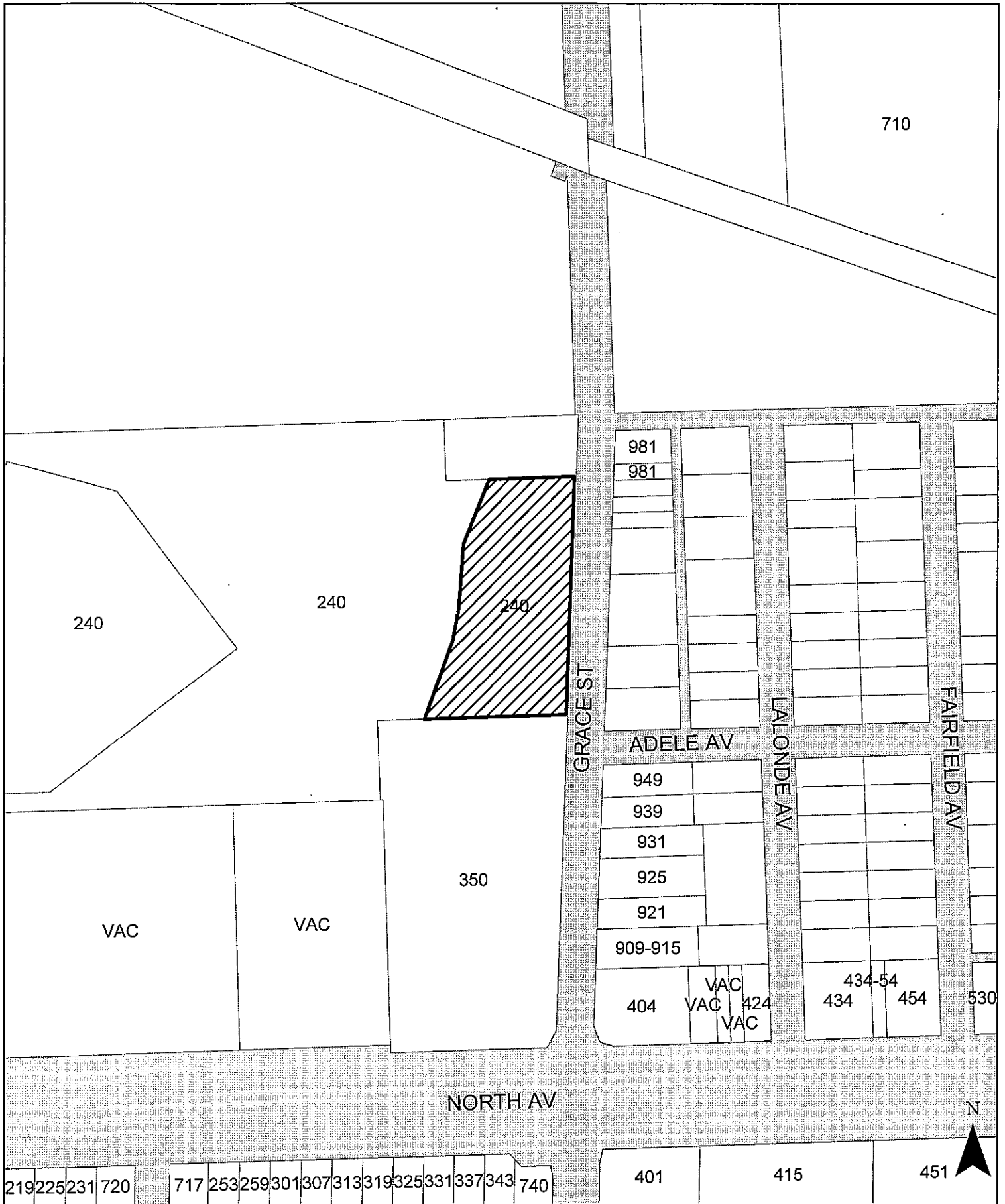
Director of Community Development

c: petitioner

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Location Map

PC 04-22 & PC 04-23: 950 N. Grace Street (Our Lady of Lebanon Church)



**AMENDED PETITION OF THE
MARONITE CATHOLIC BISHOP OF THE UNITED STATES OF AMERICA
To The
VILLAGE OF LOMBARD
FOR A TEXT AMENDMENT, CONDITIONAL USE, AND VARIATIONS**

INTRODUCTION

The Petitioner, the Maronite Catholic Bishop of The United States of America, is the contract purchaser of Lot 3 in the recently created Terrace Lakes subdivision that was recorded on December 31, 2003 (the “Subject Property”). The Subject Property is in a B-4 Zoning District. The Petitioner has applied for a text amendment to allow for “Religious Institutions”, as defined in the Lombard Zoning Ordinance, as a conditional use in a B-4 Zoning District. The Petitioner is also requesting that a conditional use allowing for a religious institution be granted. Finally, the Petitioner is requesting a variance from certain transitional yard landscape requirements so as to remove or avoid a conflict with the requirements of the County of DuPage for a necessary “wetland’s buffer yard.”

REQUEST FOR TEXT AMENDMENT

I. PROPOSED TEXT AMENDMENT.

The petitioner is proposing a text amendment to the Lombard Zoning Ordinance (Chapter 155 of the Lombard Code of Ordinances) to add “Religious Institutions”, as defined in Section 155.405(C)(8) of the Zoning Ordinance, as a conditional use in a B-4 Zoning District.

II. B-4 DISTRICTS.

The purpose of the B-4 District is to:

“Accommodate motorist-oriented commercial activities which may be incompatible with the uses encouraged in other business districts; and whose service area is not confined to any one neighborhood or community. This district is located within major commercial corridors.”

The conditional uses for the B-4 District already include various uses that involve an

assemblage of individuals for different purposes. “Stadiums, auditoriums, and arenas-open or enclosed” are existing conditional uses. Permitted uses in a B-4 District include funeral homes, clubs and lodges (non-profit and fraternal), and indoor theaters. Conditional uses in other districts that relate to assemblage include convention halls (B-3) and community centers--non-commercial (B-3). At present, religious institutions are limited as conditional uses in residential districts. However, as the foregoing demonstrates, assemblage for other purposes is already allowed in one form or another in other zoning districts under the “B” classification. Allowing a different form of assemblage by means of a conditional use within the B-4 District is consistent with already existing conditional uses and permitted uses in a B-4 District, as well as the permitted and conditional uses in other districts. Allowing religious institutions as a conditional use, compared to a permitted use, provides the Village with the opportunity to examine the specifics of each project in the context of the surrounding uses and decide whether or not the proposed use is compatible and appropriate at the specific location proposed for a development.

III. STANDARDS FOR TEXT AMENDMENT.

1. THE DEGREE TO WHICH THE PROPOSED AMENDMENT HAS GENERAL APPLICABILITY WITHIN THE VILLAGE AT LARGE AND NOT INTENDED TO BENEFIT SPECIFIC PROPERTY.

Religious institutions form a vital component of the demographics that make a city or village a “community”. As Lombard has grown, vacant locations suitable for construction of a religious institution have become limited. Providing religious institutions as a conditional use within a B-4 District will allow for an increase in the allowable areas for such institutions throughout these districts and will provide a benefit to the Village as a whole.

2. THE CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE OBJECTIVES OF THIS ORDINANCE AND THE INTENT OF THE APPLICABLE ZONING DISTRICT REGULATIONS.

The proposed amendment is entirely consistent with the purposes of the B-4 District and is comparable to other existing B-4 District conditional uses, including the conditional use of “stadiums, auditoriums, and arenas-open or enclosed.” The membership of a religious institution is typically drawn from an area that often is not confined to any one single neighborhood or even one single community. Rather, religious institutions typically draw from surrounding communities in addition to the community in which it is located. The major arterial roadways that are at the core

of the B-4 District Zoning can readily serve such a use with minimum impact on lesser surrounding roadways. In terms of the intensity of the proposed conditional use, typically such a conditional use would be less intense than the uses associated with for-profit commercial enterprise.

3. THE DEGREE TO WHICH THE PROSED AMENDMENT WOULD CREATE NONCONFORMITY.

The proposed amendment would not create any nonconformity within the District, but would merely provide an alternative form of assemblage to those already existing as permitted uses and conditional uses. Obviously, stadiums, arenas and auditoriums involve a large number of individuals assembling together for a specific event or purpose and at a specific time. When viewed in such light, religious institutions are in reality no different in that they involve an assemblage of individuals for a purpose and generally at a specific time. Hence, the proposed text amendment is entirely consistent with the provisions of the Lombard Zoning Ordinance already existing.

4. THE DEGREE TO WHICH THE PROPOSED AMENDMENT WOULD MAKE THIS ORDINANCE MORE PERMISSIVE.

The proposed amendment would increase the number of potential uses that could be allowed within a B-4 District. However, by using the mechanism of a “conditional use”, the Village retains the ability to examine the compatibility and appropriateness of a specific proposal in a site specific context. The Village can then decide if such use is indeed compatible with and appropriate for the surrounding neighborhood. While the text amendment does indeed make the ordinance more permissive, it does so only marginally given the control which the Village preserves through the mechanism of a conditional use.

5. THE CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE COMPREHENSIVE PLAN.

The Comprehensive Plan is implemented through the Village’s zoning classifications and regulations for its zoning districts. The existing B-4 classification throughout the Village is generally consistent with the Comprehensive Plan. As shown above, the proposed text amendment is compatible with the stated purposes of the B-4 District and accordingly, is compatible with the Village’s Comprehensive Plan.

6. THE DEGREE TO WHICH THE PROPOSED AMENDMENT IS CONSISTENT WITH VILLAGE POLICY AS ESTABLISHED IN PREVIOUS RULINGS ON PETITIONS INVOLVING SIMILAR CIRCUMSTANCES.

The Village's policy towards religious institutions has been one which recognizes the need for religious freedoms and has generally been favorable towards the establishment of religious institutions. This is demonstrated by the fact that religious institutions may be allowed as a conditional use within the Village's most restrictive zoning classifications, *i.e.* residential. Expanding the districts in which the religious institutions are permitted is entirely consistent with the Village's existing policies and past practices as it relates to religious institutions.

REQUEST FOR CONDITIONAL USE FOR A "RELIGIOUS INSTITUTION "

Petitioner is requesting approval of a conditional use to allow for the establishment of a "Religious Institution", Our Lady of Lebanon Church, near the intersection of Grace Street and North Avenue in the Village of Lombard. This application is contingent upon the approval by the Village Board of a Text Amendment allowing for Religious Institutions as a conditional use within a B-4 Zoning District. The following is the Petitioner's response to the standards necessary for all conditional uses approved by the Village of Lombard.

I. Detailed Responses to Criteria for a Conditional Use.

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.

The subject property abuts B-4 on the south, industrial to the north (County of DuPage), wetlands to the west, and residential to the east on the opposite side of Grace Street. The site plan for the proposed church meets all of the standards for site planning, including items such as storm water detention and management, landscaping, and lighting. Since the property is adjacent to wetlands, the County of DuPage must approve the storm water management plan to assure compliance with not only storm water management, but also with any issues associated with

adjacent wetlands. By adhering to the Village's standards for a photometric/lighting plan, the petitioner has assured that the lighting plan will not adversely impact the residential neighborhood to the east. The landscape plan provides for all necessary landscaping, including a continuous landscape screen along the eastern boundary/Grace Street which will serve to shield the residential area to the east across Grace Street. The anticipated traffic associated with the proposed conditional use is significantly less than for many of the permitted uses in a B-4 District. Traffic will typically be heaviest on Sunday morning when the traffic on adjacent roadways will be significantly less than on weekdays. Peak traffic hours on North Avenue and on Grace Street are typically on weekdays during morning and evening rush hours. While the church will have evening functions on weekdays, these functions typically would not start until the peak of rush hour traffic has past.

2. THAT THE CONDITIONAL USE WILL NOT BE INJURIOUS TO THE USES AND ENJOYMENT OF 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 proposed conditional use of a religious institution and a church of the size and configuration of the proposed will not be injurious to other property or substantially diminish property values. The aesthetics of the church and the configuration of the buildings minimizes the visual impact which the buildings may have on the surrounding area, which except for the residential neighborhood to the east across Grace Street, is commercial or conservation/stormwater management. Certainly the nature of a church such as the one proposed generates little if any impact on abutting properties and will not substantially diminish property values of neighboring properties.

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 abutting properties are mostly developed or, because of the restrictions generated by the wetlands to the west, are not capable of being developed beyond existing uses. The property to the north is in DuPage County and is currently being used as a contractors office/storage yard. Due to site configuration and wetlands restrictions, it is not anticipated that the property will be redeveloped

for a different use. The only possible redevelopment in the area is the site which housed the former Terrace Restaurant. According to Village officials, the redevelopment of the property by a major retail pharmaceutical company is anticipated. It is expected that a new subdivided lot immediately to the south of the Subject Property will contain the detention area for a proposed resubdivision of the restaurant property. The property to the east is already improved with existing single family dwellings and hence no further development is anticipated. Granting the conditional use as requested will not impede the normal and orderly development and improvement of the surrounding properties.

4. THAT ADEQUATE PUBLIC UTILITIES, ACCESS ROADS, DRAINAGE AND/OR NECESSARY FACILITIES HAVE BEEN OR WILL BE PROVIDED.

The property is already served by Grace Street which is an arterial street and the subject property is within a short distance of North Avenue. Sanitary sewer of sufficient capacity is already in place. The petitioner will be installing, as required by the Village, a new water main and a sidewalk along Grace Street. Due to existing limitations on the available Grace street right-of-way, the Village has requested, and the petitioner has agreed, to install the new sidewalk along Grace Street on church property and to provide the Village with the appropriate easement for that sidewalk. Stormwater detention will be provided and a wetlands consultant has been retained to make application to the County of DuPage for the appropriate wetlands approvals and permits.

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.

The traffic will typically be heaviest on Sunday mornings when traffic volumes on Grace Street should be well below typical peak hour volumes that exist during weekday rush hours. Services and special events during the week would typically take place in the evening when traffic volume from the evening rush hour is declining. The internal configuration of the parking and driveway areas provides for two means of ingress and egress and are consistent with Village design parameters for streets like Grace Street. "Stacking" of vehicles exiting the property is provided in each of the two access driveways.

6. THAT THE PROPOSED CONDITIONAL USE IS NOT CONTRARY TO THE OBJECTIVES OF THE CURRENT COMPREHENSIVE PLAN FOR THE VILLAGE OF LOMBARD.

The current Comprehensive Plan is implemented through the existing zoning. While the objectives of that plan for properties in B-4 Districts focuses on commercial uses, the classifications in the B-4 District do include non-commercial uses. The constraints imposed upon the site by the adjacent wetlands, including a 50 foot wetlands buffer, significantly limit the options for the development of subject property for many of the commercial uses permitted in a B-4 District. Considering those constraints and the broad planning guidelines set forth in the Comprehensive Plan, the proposed use is not contrary to the objectives of the current Comprehensive Plan.

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.

The plans and drawings submitted for the proposed development of the project conform to the recommendations of the Village and its ordinances. The height of the structures, set backs, parking, lighting, landscaping, signage, storm water management, and utilities comply in all respects with the ordinances of the Village.

REQUEST FOR VARIATIONS

I. PROPOSED VARIATION

The Petitioner is requesting variations from the landscape requirements provided by Section 155.707A.4. and Sections 155.707B.4(b thru d) to allow for and utilize a required 50 foot wetlands buffer yard in lieu of the landscape requirements required for a transitional yard between a B-4 Zoning District and a CR Zoning District.

II. RELEVANT PROVISIONS

Section 155.707A.4 provides as follows:

“A. Size of Transitional Landscape Yards

The size of transitional landscape yards in the districts identified below shall be as follows:

* * *

4. O, B3 and B4 Districts

Wherever a rear yard or interior side yard lot in the O, B3 or B4 District abuts a lot in the CR or a Residence District, a transitional landscape yard 30 feet in width shall be provided along such lot line.”

The specific landscape requirements for this transitional yard are set forth in Section 155.707B.4.(b thru d), which provides:

“4. O, B3 and B4 Districts

Within required transitional landscape yards the following improvements shall be required:

* * *

b. Shade trees shall be required in conformance with Section 155.705(C)(4), above, with one tree every 25 feet along the entire length of the landscape yard. Shade trees may be clustered subject to the approval of the Director of Community Development.

c. Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 75% of the length of the landscape yard. Shrubs shall be installed at a height of 3 feet and shall reach a mature height of not less than 6 feet. Shrub masses may be curvilinear in shape

d. Areas not planted with trees or shrubs shall be maintained as lawn.”

III. DISCUSSION

The west side of the Subject Property is Lot 2 in the Terrace Lakes Subdivision and is zoned CR. It is a sensitive 12 acre wetland area subject to various state, federal and county regulations for these types of wetlands. One of those requirements is a 50 foot wetlands buffer yard along the west property line between the Subject Property and the wetlands. Since these wetlands requirements are derived from federal law, they must be followed or the property cannot be developed. The need for a variation arises because of existing or potential conflict between the different types of plantings required in a wetlands buffer, the maintenance of those plantings, and the plantings required by the

Lombard Ordinance for a transitional yard. The wetlands plantings will periodically require a “controlled burn” to restore those plantings and keep them healthy. While this may be as little as once every two years, such a burn would, in all probability, damage or destroy the trees, shrubs, and shrub masses that are required by the Lombard Zoning Ordinance. The need to perform these controlled burns would make it difficult to maintain the shrubs required for the transitional yard.

IV. DETAILED RESPONSE TO STANDARDS FOR VARIATIONS

1. BECAUSE OF THE PARTICULAR PHYSICAL SURROUNDINGS, SHAPE, OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF THE REGULATIONS WERE TO BE APPLIED.

Because the Subject Property abuts a prime environmentally sensitive wetland, a 50 foot buffer yard is required by the County of DuPage which is implementing federal requirements. The situation is unique in that the literal application of Lombard’s transitional yard requirements may make it difficult if not impossible to develop the Subject Property given the differences between the types of plantings required. The application for a DuPage County Storm Water Management Permit for the Subject Property has been tendered by the Petitioner and the Village of Lombard to the County of DuPage. During the review process, it is anticipated that changes may be made to the specific landscaping that the Petitioner is proposing to install in the required wetlands buffer yard. In order to allow the project to proceed in a timely fashion, Petitioner is seeking to allow the requirements imposed by DuPage County to control and govern the 50 foot buffer yard in lieu of the specific transitional yard requirements required by Lombard. To the extent that the Petitioner will be permitted to comply with both, it fully intends to do so, so long as any landscaping required by Lombard can be maintained and preserved without threat of damage due to the controlled burns. Because the transitional yard and the wetlands buffer area overlap one another, the Petitioner desires the flexibility to first comply with the necessary wetlands buffer requirements imposed by the County of DuPage, and then, to the extent feasible, comply with the transitional yard requirements of the Lombard Zoning Ordinance.

2. THE CONDITIONS UPON WHICH AN APPLICATION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION IS SOUGHT, AND ARE NOT GENERALLY APPLICABLE TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION.

Specific conditions described are unique to the property and are not typically found in other B-4 Zoning Districts. There are few prime wetlands within the Village of Lombard and these do not typically abut B-4 Zoning Districts. The need to have a 50 foot wide wetlands buffer along the western edge of the Subject Property means that out of the 2.4 acres of the Subject Property, approximately 24,000 square feet, or 24% of the area of the Subject Property, cannot be built on except for storm water management.

3. THE PURPOSE OF THE VARIATION IS NOT BASED PRIMARILY UPON A DESIRE TO INCREASE FINANCIAL GAIN.

The purpose of the variation is not for financial gain, but only to address a potential conflict between two differing sets of regulations. To the extent practicable and feasible, Petitioner will endeavor to comply with Lombard's transitional yard requirements. Were it not for the existence of the 50 foot wide wetlands buffer yard, the need for the variation would not exist and the Petitioner would be able to simply submit the necessary landscape plan addressing the transitional yard requirements. However, given the nature of these regulations, it is not expected that Petitioner will be able to literally comply with the Lombard requirements and also conform with the requirements for a wetlands buffer.

4. THE ALLEGED DIFFICULTY OR HARDSHIP IS CAUSED BY THIS ORDINANCE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE PROPERTY.

The difficulty and the reason for seeking the variation, is created by virtue of the wetlands buffer requirement and not by the Petitioner or the current owner. These wetlands are a natural feature of the area and have existed for decades. The imposition of federal regulations to protect these wetlands creates the conflict and the reason for the variation.

5. THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED.

The purpose of the 50 foot wetlands buffer is to protect the wetlands area and mitigate any impacts resulting from adjacent development. The purposes of a transitional yard between a B-4 Zoning District and a CR Zoning District are similar, if not the same. Given the similarity of the purpose between the buffer yard and the transitional yard, the granting of the requested variations will not be detrimental or injurious to the public welfare because of the requirements imposed for a wetlands buffer.

6. THE GRANTING OF THE VARIATION WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.

Granting the variation will not alter the essential character of the property, because the Petitioner will still have to comply with the more stringent requirements associated with the wetlands buffer. Since the adjacent wetlands require specific protections unique to wetlands, the more specific County requirements for a wetlands buffer should be permitted to control. Granting the requested variation will facilitate the orderly development of the property.

7. THE PROPOSED VARIATION WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY OR SUBSTANTIALLY INCREASE THE CONGESTION OF THE PUBLIC STREETS, OR INCREASE THE DANGER OF FIRE, OR IMPAIR NATURAL DRAINAGE OR CREATE DRAINAGE PROBLEMS ON ADJACENT PROPERTIES, OR ENDANGER THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.

The purpose of the wetlands buffer is to buffer or protect the wetlands from abutting development. Specific requirements exist for storm water management, including specific plantings and vegetation to be placed within the detention area. The consequences of granting the requested variation is only to allow the development of the property using the more appropriate wetlands buffer requirements rather than the more generic transitional yard requirements. Allowing the full implementation of regulations intended to protect wetlands will not have any impact whatsoever on the abutting streets, abutting properties, and will facilitate rather than impair natural drainage.

Ken Maxwell
1128 N. Ardmore Ave.
Villa Park, IL 60182

Village of Lombard
Attn: William J. Heniff, AICP
Department of Community Development
255 E. Wilson Ave.
Lombard, IL 60148-3931

Dear Mr. Heniff,

Regarding: 2N194 Grace St., Lombard, IL Property

I, Kenneth W. Maxwell object to not running the water across subject property,
since I would like to build .

Sincerely,



Ken Maxwell

JOHN N. PIEPER
ATTORNEY AT LAW

1761 S. NAPERVILLE ROAD
SUITE 201
WHEATON, ILLINOIS 60187

VOICE: (630) 690-2900
FAX: (630) 690-5380
E-MAIL: j.n.pieper@worldnet.att.net

August 10, 2004

Via telefax only to 629-2374

Mr. William J. Heniff, AICP
Senior Planner
Village of Lombard
255 East Wilson Avenue
Lombard, IL 6014860301

In Re: Our Lady of Lebanon Church -Applications PC 04-22 & PC 04-23

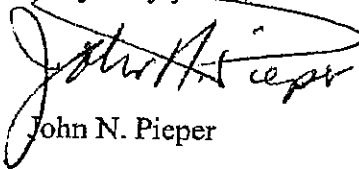
Dear Mr. Heniff,

As you know, I represent the Maronite Catholic Bishop of the United States of America, who is the applicant in the above referenced matter. On behalf of my client and the members of the parish, we are requesting the Village Board at its board meeting on August 19, 2004, consider and approve, at first and final reading, all of the ordinances granting the relief sought in our application and that the Village Board also approve at the same meeting the Development Agreement for the Project. We are making this request in order to expedite commencement of construction in the hope of being under roof before winter with the savings attendant to avoiding exterior work on the church during the winter.

The church is a not-for-profit corporation that is expecting to incur substantial costs in bringing the proposed new church to the Village. We are also asking that the Village Board to grant a waiver of the fees for the zoning application and the public hearing. Of course, the church will certainly reimburse the Village for any out of pocket expense (court reporter *etc.*).

In closing and on behalf of myself and my clients, we thank you and the Village Board for your consideration in this matter.

Very truly yours,



John N. Pieper

cc: Sam Ibrahim
JNP/sls

ORDINANCE _____

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

(PC 04-22: Religions Institutions and Meeting Halls as Conditional Uses in Business Districts)

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

WHEREAS, the Village has received a petition to operate a religious institution on a property zoned B4 Corridor Commercial District and located at 950 North Grace Street, Lombard, IL; and

WHEREAS, as currently adopted, the Lombard Zoning Ordinance does not allow for religious institutions in the B4 Corridor Commercial District; and

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

WHEREAS, an application has been filed requesting approval of a text amendment to allow for religious institutions as a conditional use within the B4 Corridor Commercial District in the Village of Lombard; and

WHEREAS, the Village also recommends that companion text amendments should also be approved designating religious institutions as conditional uses in all Business Districts and the I Limited Industrial District within the in the Village of Lombard; and

WHEREAS, the Village also recommends that companion text amendments should also be approved designating clubs and lodges as conditional uses in Business Districts and the I Limited Industrial District within the in the Village of Lombard; and

WHEREAS, the Village also recommends that companion text amendments should also be approved to various sections of the Zoning Ordinance pertaining to religious institutions for clarity; and

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

WHEREAS, a public hearing to consider a text amendment to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on July 19, 2004 pursuant to appropriate and legal notice; and,

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

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

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

SECTION 1: That the Title 15, Chapter 155, Section 405 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.405 R1 SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

8. Religious institutions, as follows:

- a Churches, chapels, temples, and synagogues
- b Convents, seminaries, monasteries, and nunneries
- c Rectories and parish houses
- d Religious retreats

SECTION 2: That the Title 15, Chapter 155, Section 406 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.406 R2 SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

(C) Conditional Uses

8. Religious institutions, as defined in the R1 District

SECTION 3: That the Title 15, Chapter 155, Section 407 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.407 R3 ATTACHED SINGLE-FAMILY RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

8. Religious institutions, as defined in the R1 District

SECTION 4: That the Title 15, Chapter 155, Section 408 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.408 R4 LIMITED GENERAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

9. Religious institutions, ~~as defined in the R1 District~~

SECTION 5: That the Title 15, Chapter 155, Section 409 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.409 R5 GENERAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

11. Religious institutions, ~~as defined in the R1 District~~

SECTION 6: That the Title 15, Chapter 155, Section 410 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.410 R6 CENTRAL RESIDENCE DISTRICT REQUIREMENTS

C. Conditional Uses

12. Religious institutions, ~~as defined in the R1 District~~

SECTION 7: That the Title 15, Chapter 155, Section 412 (C), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

SECTION 155.412 B1 LIMITED NEIGHBORHOOD SHOPPING DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Cultural facilities/institutions
2. Day care centers

3. Learning Centers, with an outdoor component
4. Package liquor and party supply stores
5. Parking lots, open, including commercial and other than accessory, for the storage of private passenger automobiles
6. Planned developments in conformance with Section 155.500 of this Ordinance
7. Public utility and service uses
- 8. Religious Institutions**
9. Taverns and cocktail lounges, not including entertainment and dancing
10. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

SECTION 8: That the Title 15, Chapter 155, Section 413 (C), of the Code of Lombard, Illinois is hereby amended to read in part as follows:

**SECTION 155.413 B2 GENERAL NEIGHBORHOOD SHOPPING DISTRICT
REQUIREMENTS**

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Amusement establishments, including: bowling alleys, pool halls, gymnasiums, swimming pools, and skating rinks
2. Animal hospitals and kennels
3. Automobile repair
4. Automobile service
5. Club (Non-profit/Fraternal)

6. Cultural facilities/institutions
7. Day care centers
8. Drive-in and drive-through establishments/services
9. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.
10. Gasoline sales
11. Greenhouses and nurseries
12. Funeral homes
13. Learning Centers, with outdoor component
14. Motor vehicle sales
15. Outside display and sales of products the sale of which is a permitted or conditional use in this district
16. Outside service areas for other permitted or conditional uses in this district
17. Planned developments in conformance with Section 155.500 of this Ordinance
18. Public utility and service uses
19. Religious Institutions
20. Taverns and cocktail lounges, not including entertainment and dancing
21. Theaters, indoor
22. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

SECTION 9: That the Title 15, Chapter 155, Section 414 (B) and (C), of the Code of Lombard, Illinois is hereby amended to read in its entirety as follows:

SECTION 155.414 B3 COMMUNITY SHOPPING DISTRICT REQUIREMENTS

B. Permitted Uses

Any use permitted in the B1 District shall be permitted in the B3 District; and, in addition, the following uses shall be permitted in the B-3 District:

1. Automobile accessory stores
2. Banks and financial institutions
3. Bicycle sales
4. Business machine sales
5. Camera and photographic supply stores
6. Carpet and rug stores, retail sales only
7. Closet and storage organizer stores
8. ~~Clubs and lodges, nonprofit and fraternal~~
9. Department stores
10. Electrical and household appliance stores, including radio and television sales
11. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use
12. Furrier shops
13. Garden supply, tool, and seed stores
14. Health services, gymnasiums, and weight reduction services
15. Home improvement stores
16. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
17. Leather goods and luggage stores
18. Liquor stores, packaged goods

19. Locksmith shops
20. Mail order, catalog store
21. Musical instrument sales
22. Offices, business and professional
23. Office supply stores
24. Paint, glass, and wallpaper stores
25. Pet shops
26. Phonograph record and sheet music stores
27. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises
28. Picture framing, when conducted for retail trade on the premises only
29. Printing and duplicating services
30. Repair, rental , and servicing of any article the sale of which is a permitted use in the district
31. Secondhand stores and rummage shops
32. Sewing machine sales and service-household appliances only
33. Shoe stores
34. Sporting goods stores
35. Tailor shops
36. Theater, indoor
37. Ticket agencies, amusement
38. Tobacco shops
39. Toy shops

40. Travel bureaus and transportation ticket offices

41. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, any conditional use in the B1 District shall be a conditional use in the B3 District and in addition, the following conditional uses may be allowed:

1. Amusement establishments including bowling alleys, pool halls, swimming pools, skating rinks
2. Automobile repair
3. Automobile service
4. Bus station
5. Catering services
6. Clubs and Lodges, nonprofit and fraternal
7. Day Care Centers
8. Drive-through and drive-in establishments/services
9. Funeral homes
10. Gasoline sales
11. Hotel and Convention Hall
12. Hotels and motels
13. Learning Centers, with outdoor component
14. Medical and dental laboratories
15. Meeting hall
16. Motor vehicle sales

17. Off-site parking, in conformance with Section 155.602 (A) (3) (b) of this Ordinance
18. Outside display and sales of products the sale of which is a permitted or conditional use in this district
19. Outside service areas for other permitted or conditional uses in this district
20. Parking garages or structures, other than accessory parking for private passenger automobiles only
21. Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)
22. Psychics, ESP Readers, and fortune tellers
23. Public utility and service uses
24. Recreation and community centers, noncommercial
25. Religious Institutions
26. Restaurants including entertainment, dancing, and/or amusement devices
27. Taverns and cocktail lounge
28. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance
29. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.

SECTION 10: That the Title 15, Chapter 155, Section 415 (B) and (C), of the Code of Lombard, Illinois is hereby amended to read in their entirety as follows:

SECTION 155.415 B4 CORRIDOR COMMERCIAL DISTRICT REQUIREMENTS

B. Permitted Uses

Any use permitted in the B3 District shall be permitted in the B4 District, and, in addition, the following uses shall be permitted in the B4 District:

1. Amusement establishments, indoor only, including: bowling alleys, pool halls, gyms, and skating rinks
2. Bakeries
3. Commercial greenhouses and nurseries
4. Electrical showrooms and shops
5. Funeral homes
6. Furniture re-conditioning
7. Health services, gymnasiums, and weight reduction services
8. Hotels and motels
9. Laboratories; medical, dental, research, and testing
10. Laundries
11. Parking lots and structures
12. Pawn shops
13. Plumbing showrooms and shops, including hot tubs, spas, and supplies
14. Repair, rental or servicing of any article, the sale of which is a permitted use in the district
15. Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) of this Ordinance, the following conditional uses may be allowed:

1. Amusement establishments, outdoor, including: archery ranges, shooting galleries, miniature golf facilities, and other similar outdoor amusement facilities

2. Amusement parks, including: permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement facilities
3. Animal hospitals and kennels
4. Automobile repair
5. Automobile service
6. Boat showrooms, sales and repairs
7. Building material and products sales and storage
8. Clubs and lodges, nonprofit and fraternal
9. Contractor construction offices, shops, and yards
10. Day Care Center
11. Drive-through and drive-in establishments/services
12. Dwelling Units, located above the first floor, where all the requirements of Section 155.412(B)(1) of this Code are not met.
13. Gasoline sales
14. Learning Centers, with outdoor component
15. Machinery sales
16. Mobile homes sales
17. Model homes and garage displays
18. Motor vehicle sales
19. Off-site parking, in conformance with Section 155.602 (A) (3) (b) of this Ordinance
20. Outside display and sales of products the sale of which is a permitted or conditional use in this district
21. Outside service areas for other permitted or conditional uses in this district
22. Photographic processing business

23. Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)
24. Planned developments in conformance with Section 155.500 of this Ordinance
25. Psychics, ESP Readers, and fortune tellers
26. Public utility and service uses
27. Religious Institutions
28. Restaurants, which include entertainment, dancing, and/or amusement devices
29. Stadiums, auditoriums, and arenas—open or enclosed
30. Storage centers, provided that the use fronts along an arterial roadway with an average daily trip volume (ADTV) of less than 25,000
31. Theaters, drive-in
32. Trailer and camper trailer sales and rental for use with private passenger motor vehicles
33. Four (4) story buildings and buildings which are forty feet (40') to forty-five feet (45') in height.
34. Accessory uses and buildings, incidental to and on the same zoning lot as the conditional use, which are constructed and operated in conformance with Section 155.210 of this Ordinance

SECTION 11: That the Title 15, Chapter 155, Section 416 (C) of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.416 B5 CENTRAL BUSINESS DISTRICT REQUIREMENTS

C. Conditional Uses

17. Religious institutions, ~~as defined in the R1 District~~

SECTION 12: That the Title 15, Chapter 155, Section 417 (C) of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.417 B5A DOWNTOWN PERIMETER DISTRICT REQUIREMENTS

(C) Conditional Uses

18. Religious institutions, ~~as defined in the R1 District~~

SECTION 13: That the Title 15, Chapter 155, Section 418 (C) of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.418 I LIMITED INDUSTRIAL DISTRICT REQUIREMENTS

C. Conditional Uses

Subject to the provisions of Section 155.103 (F) in this Ordinance, the following conditional uses may be allowed:

1. Adult uses (including but not limited to adult book stores, adult cabarets, adult theaters, and adult video stores) subject to the adult use:
 - (a) Not being located within 500 feet of a zoning district which permits (or allows as a conditional use) residential development, educational or religious institutions, parks, or playgrounds;
 - (b) Not being located within 1,000 feet of another adult use (distances to be measured from property lines);
 - (c) Being conducted in a manner that prohibits the observation of any material depicting, describing or relating to any specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.
2. Automobile repair
3. Automotive service
4. Banks
5. Building material sales and storage
6. Cartage and express facilities

7. Catering Services
8. Clubs and Lodges, non-profit and fraternal
9. Compost collection facility
10. Concrete and cast stone fabrication and molding
11. Contractors, architects, and engineers equipment and material storage yards
12. Cosmetics production
13. Dairy products processing or manufacture
14. Food manufacture, packaging, and processing
15. Gasoline sales
16. Glass products production
17. Heliports, private or commercial
18. Metal Plating, Forging, or Casting
19. Mortuarial Services
20. Off-site parking, conforming to Section 155.602 (A) (3) (b) of this Ordinance
21. Outpatient medical and dental offices
and clinics
22. Paper products manufacture
23. Parks and playgrounds
24. Planned developments in conformance with Section 155.500 of this Ordinance
25. Plastic extruding
26. Recreation buildings or community centers
27. Recycling collection centers

28. Religious Institutions

29. Restaurants

30. Schools: public and/or private elementary, middle and high

31. Soap manufacture

32. Stadiums, auditoriums, and arenas -- open or enclosed

33. Outside Storage of Motor Vehicles

34. Trade school

35. Other manufacturing, processing, storage, or industrial uses as determined by the Director of Community Development to be of the same general character as the uses permitted in Subsection 155.418(C), above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, toxic or noxious matter or glare or heat

36. Four (4) story buildings within one hundred feet (100') of residentially-zoned property or a minor or major arterial street and buildings which are forty feet (40') to forty-five feet (45') in height and which are within one hundred (100') of a residentially-zoned property or a minor or major arterial street.

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

SECTION 14: That the Title 15, Chapter 155, Section 802 of the Code of Lombard, Illinois is hereby amended to read in part as follows:

SECTION 155.802 RULES AND DEFINITIONS

RELIGIOUS INSTITUTION: A building whose principal use is for religious worship. Religious institutions shall include churches, chapels, temples, synagogues and mosques. Religious institutions shall also include those ancillary activities and uses typically associated with religious institutions, such as religious study activities, clergy residences, and congregation offices.

SECTION 15: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 04-22
Page 16

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

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

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

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
FOR A RELIGIOUS INSTITUTION
WITH A VARIATION TO THE TRANSITIONAL LANDSCAPE
AND THE PUBLIC IMPROVEMENT REQUIREMENTS
IN THE B4 CORRIDOR COMMERCIAL DISTRICT**

(PC 04-23: 950 N. Grace Street)

(See also Ordinances _____)

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

WHEREAS, an application has heretofore been filed requesting approval of a conditional use for a religious institution on the subject property located within the B4 Corridor Commercial District; and,

WHEREAS, said application also requests approval of a variation from Section 155.707 (B)(4) of the Zoning Ordinance as it pertains to transitional landscape yard planing requirements on the subject property; and,

WHEREAS, said application also requests approval of a variation from the Section 154.404 (A)(3) of the Subdivision and Development Ordinance modifying the public water distribution system requirements for adjacent properties; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on July 19, 2004 pursuant to appropriate and legal notice; and,

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

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

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

SECTION 1: That the Ordinance is limited and restricted to the property generally located at 950 North Grace Street, Lombard, Illinois, and legally described as follows:

LOT 3 IN THE TERRACE LAKES RESUBDIVISION, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 2003 AS DOCUMENT R03-485321, IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 03-32-301-041

SECTION 2: That a conditional use for a religious institution with companion variations from Section 155.707 (B)(4) of the Zoning Ordinance as it pertains to transitional landscape yard planing requirements on the subject property, and from the Section 154.404 (A)(3) of the Subdivision and Development Ordinance modifying the public water distribution system requirements for adjacent properties are hereby granted for the Subject Property, subject to compliance with the following conditions:

1. The petitioner shall develop the site essentially in accordance with site plan prepared by Nicholas Batistich Architects, hand-dated June 28, 2004 and made a part of this request, with revised building elevation drawings dated August 10, 2004 and incorporated into the development agreement for the subject property.
2. That the conditional use shall be for the construction and operation of a religious institution on the subject property. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facility, pre-school activities, elementary school activities, a conditional use amendment will be required.
3. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said plans associated with the permit application shall also address the comments noted in the Inter-departmental Group Report.
4. That the site shall be constructed and operated in conformance with the Lombard Village Codes.
5. That the relief granted as part of this petition shall be subject to the petitioner executing a development agreement with the Village.

6. That the petitioner shall submit to the Village a final landscape plan for the transitional yard on the subject property. The plan shall reflect any additional plant materials required as part of the DuPage County wetland approval process and shall include any additional transitional landscape plantings as required by the Director of Community Development.
7. That the petitioner's final landscape plan shall also provide additional landscape plant materials along the south property line, with said planting subject to review and approval by the Director of Community Development.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

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

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

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

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

RESOLUTION
R _____05

**A RESOLUTION AUTHORIZING SIGNATURE OF
PRESIDENT AND CLERK ON A DEVELOPMENT AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Development Agreement, as attached hereto and marked Exhibit "A": and,

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the development agreement.

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

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said document as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said Agreement as attached hereto.

Adopted this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

DEVELOPMENT AGREEMENT

**AN AGREEMENT RELATING TO THE APPROVAL OF A
MAJOR DEVELOPMENT,
THE MAKING OF REQUIRED IMPROVEMENTS, AND PROVIDING FUNDS,
THEREFORE, FOR
OUR LADY OF LEBANON CHURCH, LOMBARD, IL**

This Agreement, made and entered into this 19th day of August, 2004 by and between the Maronite Catholic Bishop of the United States of America (hereinafter referred to as the "Developer"), and the VILLAGE OF LOMBARD, a municipal corporation, located in DuPage County, Illinois, (hereinafter referred to as the "Village").

WITNESSETH:

Whereas, the Developer is developing a 2.36 acre tract of real estate situated within the corporate limits of the Village, legally described in Exhibit 1 attached hereto and made a part hereof (hereinafter referred to as the "Subject Property"); and,

Whereas, the Developer is the Contract Purchaser of the Subject Property and Nicholas Batistich is the Owner of the Subject Property; and,

Whereas, the Developer has prepared final plans as referenced in this document which have been approved by the Plan Commission and the Corporate Authorities of the Village and which, upon receipt by the Village of an Irrevocable Letter of Credit for an amount specified as security for proposed public improvements, and for such other purpose or purposes herein mentioned if any, and upon execution of this Development Agreement, shall be recorded; and,

Whereas, plans and specifications for the making of the required improvements within the boundaries of the Subject Property, as prepared by N. Batistich, Architects, dated June 28, 2004, with sheets C-1, A-4, and A-5, bearing a revision date of August 10, 2004, have been approved by the Corporate Authorities of the Village, and plans for parkway landscape improvements, public utility improvements, street lighting and storm drainage facilities for the Subject Property, have been or will be submitted for the approval of the Corporate Authorities of the Village and copies thereof have been or will be filed in the office of the Village Clerk of the said Village, which copies by reference thereto are hereby incorporated as a part hereof; and,

Whereas, the Developer has entered into contracts or will enter into contracts for the public improvements required to be made within said development of the Subject Property pursuant to Lombard Village Code; and,

Whereas, the Developer has also submitted to the Corporate Authorities of the Village certain plans for the development of the Subject Property, which plans are more particularly enumerated as follows and have been submitted to the Plan Commission of Village:

1. Site Plan Submittal (includes concept elevational drawings, floor plans, and site plan): prepared by N. Batistich, Architects, containing 6 sheets (C-1; A-1; A-2; A-3; A-4; A-5) originally hand-dated June 28, 2004, and sheets C-1, A-4, and A-5 bearing a revision date of August 10, 2004.
2. Landscape Plan, prepared by Donohue & Associates, Ltd., dated June 24, 2004.
3. Lighting Plan, prepared by Bensen Electrical Contracting, Inc., dated June 22, 2004.

The documents listed in this paragraph are attached as Exhibit 2 and made a part hereof, hereinafter referred to as the "Development Plans").

Now, therefore, for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1: Commencement of construction of the public improvements detailed in the Development Plans may begin only after the Developer has delivered one or more Irrevocable Letters of Credit in a form satisfactory to the Village and issued by a bank or financial institution approved by the Village in an amount equal to 115% of the Developer's Engineer's estimate of cost of construction as approved by the Village's engineer or 115% of actual construction cost, as determined by owner's certification to the Village as to the contract amounts set forth in executed contracts, for the following improvements ("Public Improvements" as defined per Section 154.703 et. seq. of the Village Code) pertaining to the development as shown on the Development Plans and as further required by the Village as conditions of approval for the proposed development, as detailed in Section 10:

- (a) stormwater detention and related facilities to be constructed on the Subject Property;
- (b) public sidewalks, street lights and parkway trees and sod along the west side of the Grace Street right of way abutting the Subject Property;
- (c) underground utilities (including water distribution system, sanitary sewer system, and storm sewers) with appurtenances; storm water control systems (including retention or detention ponds, drainage ways and related facilities); and all related grading improvements; and
- (d) parking lot pavement, curb and gutter, signage, pavement parking and lighting.

Section 2: The Developer agrees to cause the Public Improvements enumerated in Section 1 above to be made and constructed with due dispatch and diligence. The Developer will, when required to bring about progress in the Public Improvement work with due dispatch, take aggressive steps to enforce each contract connected with the construction of said Public Improvements, to the end that said Public Improvements will be duly and satisfactorily completed within the time or times herein mentioned. The Developer agrees that all work in the construction of said Public Improvements shall be done in a good, substantial and professional manner, that all manufactured materials used therein shall be new and of good quality, that same shall at all times be subject to inspection by the Village, shall all be satisfactory to the Village and shall be subject to the Village's approval. The Developer will, at its sole cost and expense, furnish all necessary engineering services for said Public Improvements.

Section 3: The Public Improvements subject to the Letter of Credit and included within the Development Plans shall be completed within twenty-four (24) months following the recording of this Agreement unless otherwise extended by amendment to this Agreement, consented to by the Corporate Authorities of the Village, with said consent not to be unreasonably withheld, conditioned or delayed. All Letters of Credit, assurances, guarantees, acceptances, and related matters shall comply with the Lombard Village Code. In the event that the Village shall be forced to complete the Public Improvements, the Owner/Developer hereby grants a temporary easement to the Village to facilitate the necessary construction activity. The construction of Public Improvements by the Developer and issuance of approvals by the Village for the development shall comply with the following schedule:

(a) Sediment and Erosion Control

Sediment and Erosion control measures shall be implemented as per Chapter 154 of the Lombard Village Code prior to the issuance of building permits or authorization to proceed with mass grading or other improvements to the Subject Property. Said measures shall be maintained during the entire construction process and shall be inspected and repaired as necessary after each significant rainfall. Failure to do so may result in the issuance of a stop work order for any outstanding Public Improvements or building permits.

(b) Tree preservation measures

All necessary tree preservation measures including tagging of trees to be preserved and fencing around the tree drip lines, shall be implemented prior to issuance of building permits, authorization to proceed with mass grading, or any other improvements to the Subject Property.

(c) Authorization to proceed with Public Improvements

Upon approval of the final engineering plans, receipt of all required fees, approval of the Letter of Credit, recording of this Agreement, and completion of items "a" and "b" above, authorization to begin Public Improvements will be given by the Village.

(d) Construction of Storm Water Control System

The storm water management system for that portion of the Subject Property upon which construction activities have begun is to be operational prior to any paving or building construction. An operational storm water management system means that the volume of the storm water detention is adequate for the flow being directed to it and the restrictor outlet is in place and that the system has been reviewed and approved by the Director of Community Development.

(e) Issuance of Building Permits

(1) Foundation-Only Permits

Foundation-only permits may be issued upon completion of adequate construction access to the corresponding building sites and the completion of underground utility work across the street frontage of the subject building site.

(2) Building Permits

Building construction may commence only upon provision of adequate emergency access to the building site (gravel sub base) and an operational fire hydrant within 300 feet of the subject building site.

(f) Acceptance of Public Improvements

(1) Final Record Drawings (as-builts), including final grading and all utilities, shall be submitted for the review and approval of the Director of Community Development prior to acceptance of the Public Improvements.

(2) Engineer's Certification. The Design Engineer is to certify that the detention pond was constructed in accordance with Chapter 151 of the Lombard Village Code, subject to any requirements or conditions imposed by the County of DuPage, Department of Environmental Concerns, in its approvals of the stormwater management facilities, which approvals and/or conditions shall take precedence, and that the project was constructed substantially to plan.

- (3) All deficiencies described in the final punch list shall be satisfactorily completed and approved by the Directors of Public Works and Community Development.
- (4) A maintenance guarantee and deposit in a form required by the Lombard Village Code shall be submitted and approved. Said guarantee and deposit shall comply with Chapter 154 of the Lombard Village Code.
- (5) The Public Improvements to be dedicated to the Village shall be accepted by the Corporate Authorities of the Village. Upon acceptance by the Corporate Authorities of the Village, the installation guarantee (“guarantee of completion deposit” - Letter of Credit) shall be returned to the Developer.
- (6) The maintenance guarantee, upon inspection and determination that no deficiencies exist, shall be returned at the time of its expiration.

Section 4: Construction Damage to Public Improvements:

Care shall be taken to avoid damage to existing public infrastructure, including, but not limited to, utilities and curbs, during construction. Any public infrastructure damaged during construction shall be repaired to the satisfaction of the Village and in compliance with this Agreement and all relevant Village codes and ordinances.

Section 5: Dedication of Public Improvements:

Upon approval and acceptance of the aforesaid Public Improvements by the Village, the Public Improvements located within the Grace Street right of way and the 8-inch public watermain and public sidewalk (all as more fully described hereinafter and in the Mackie Plans, as hereinafter defined in section 9(1)) to be located within an easement to the Village, shall become the property of the Village and subject to its control, and if deemed necessary or desirable by the Corporate Authorities of the Village, a formal dedication or conveyance to the Village shall be made by the Developer.

Section 6: Letter of Credit:

It is expressly understood that this Agreement is conditioned upon and subject to the delivery to the Village of the document provided for in Section 1 above from the financial institution approved by the Village, and subject to the Corporate Authorities of the Village approving same and placing same on file.

Section 9: Watermain Extension

Section 154.404 (A)(3) of the Village Subdivision and Development Ordinance requires the extension of the public water distribution system requirements for adjacent properties. In lieu of requiring an extension of the watermain to a point parallel with the northern property line of the Subject Property, the Developer shall be required to undertake the following:

- (1) Concurrent with the issuance of building permits for the Subject Property, the Developer shall be required to extend the public water main (8-inch) to a point perpendicular to the service line into the proposed principal building, as depicted on the plans and specifications prepared for Developer by Mackie Consultants LLC, bearing original date of April 27, 2004, and bearing last revision date of July 28, 2004 and containing 8 sheets (the "Mackie Plans") a copy of which is attached hereto and incorporated herein by reference as Exhibit 3 (hereinafter referred to as the "Termination Point") and otherwise substantially in accordance with the Mackie Plans.
- (2) Upon the occurrence of the following conditions, the Developer shall then become responsible for the payment of certain monies to the Village as described hereinafter:
 - a. The annexation of the property immediately north of the Subject Property (legally described in Exhibit 4, hereinafter referred to as the "Maxwell Parcel") into the Corporate Limits of the Village; and,
 - b. The installation of a public watermain (8-inch) from the Termination Point to a point parallel with the northern property line of the Subject Property (the "Future Extension").

The Village agrees that if the Future Extension is ever constructed, the Future Extension shall substantially conform to the Mackie Plans, except for that portion of the 8-inch watermain constructed by the Developer. So long as the Future Extension is substantially in accordance with the Mackie Plans, the Developer shall pay to the Village the reasonable and necessary costs of construction of said main, as first estimated by the Village Engineer to the Developer prior to commencement of the construction of the Future Extension and to reimburse to the Village for any additional amounts as finally determined and certified by the Village Engineer to the Developer as being reasonable and necessary once the actual final costs of construction for the watermain improvements are known.

In addition, upon certification and approval of the reimbursement costs by the Village, which will occur upon acceptance of the watermain improvements by the Village for the Future Extension, the Village shall provide the Developer with a statement denoting the certified and approved construction costs of the watermain

improvements. The Developer agrees to reimburse the Village, who shall pay the entity constructing the Future Extension, such reasonable and necessary costs. Such payments shall be solely and exclusively charged as part of, and in addition to, the periodic recurring water billings to be charged to the owners of the Subject Property for water usage on the Subject Property, except that the Developer shall have the period of time specified hereinafter to make payment.

It is further understood and agreed to that under no circumstances will the General Fund of the Village be in any way obligated for said amount to be reimbursed to the entity constructing the watermain extension improvements, nor shall the Village be liable for its failure or neglect to collect said costs from the Developer. The Village is only obligated to pay from those funds the Village actually collects from the Developer. However, the Developer recognizes and allows the right of Village to shut-off water service to any structures on the Subject Property for failure to provide reimbursement for the watermain improvements within sixty (60) days from the date the request for reimbursement is sent by the Village to the Developer unless the parties otherwise agree in writing.

The foregoing reimbursement requirement, and any obligation to construct the Future Extension, shall become null and void upon the Developer acquiring title to the Maxwell Parcel; or the Maxwell parcel annexing to another municipality; or the Maxwell Parcel obtaining public water service from another municipality.

Section 10: Easement for Public Sidewalk and Public Watermain

Upon completion of construction and the provision of as-built drawings and as part of the dedication to the Village, the Developer agrees to provide a non-exclusive cross-access easement in a form mutually acceptable to Developer and the Village for a public sidewalk for any portion constructed on the Subject Property (said easement area is depicted in Exhibit 5 attached hereto and made a part hereof) and a non-exclusive easement for any portion of the 8-inch public watermain constructed on the Subject Property by Developer and dedicated to the Village, which easement shall be in a form mutually acceptable to the Village and the Developer.

Section 11: Additional Conditions

The Developer shall incorporate the following recommendations of the Plan Commission as part of the development of the Subject Property, except to the extent those recommendations are modified by the provisions of any ordinance adopted by the Village pursuant to the PC 04-22 or PC 04-23 (the "Ordinances"), or the provisions of this Agreement, in which case the provisions of the Ordinances or this Agreement, whichever is applicable, shall govern:

1. The petitioner shall develop the site essentially in accordance with site plan prepared by Nicholas Batistich Architects, hand-dated June 28, 2004 and made a part of this request.
2. That the conditional use shall be for the construction and operation of a religious institution on the subject property. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facility, pre-school activities, elementary school activities, a conditional use amendment will be required.
3. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said plans associated with the permit application shall also address the comments noted in the Inter-departmental Group Report, attached hereto as Exhibit 6.
4. That the site shall be constructed and operated in conformance with the Lombard Village Codes.
5. That the relief granted as part of this petition shall be subject to the petitioner executing a development agreement with the Village.
6. That the petitioner shall submit to the Village a final landscape plan for the transitional yard on the subject property. The plan shall reflect any additional plant materials required as part of the DuPage County wetland approval process and shall include any additional transitional landscape plantings as required by the Director of Community Development.
7. That the petitioner's final landscape plan shall also provide additional landscape plant materials along the south property line, with said planting subject to review and approval by the Director of Community Development.

Section 12: Acceptance:

Public Improvements located within the public right of way or within any easement required to be granted to the Village (public sidewalk and 8-inch public watermain) will be accepted by the Corporate Authorities of the Village after certification by the Village Engineer and Director of Community Development that said Public Improvements are in compliance with previously approved plans, specifications, and relevant codes and ordinances with said certification to not be unreasonable withheld or delayed. All required fees and procedures shall be provided prior to such acceptance. The Developer shall hold the Village free and harmless and indemnify the Village, its agents, officers and, employees from any and all claims, damages, judgments, costs and settlements including, but not limited to reasonable attorneys' fees that may arise from construction, use, repair, or maintenance of said Public Improvements before they are

accepted by the Village. From and after the acceptance of the Public Improvements, all maintenance, repair, reconstruction, and replacement shall be the sole and exclusive responsibility of the Village and the Village shall keep said Public Improvements in good and proper repair, and the Village shall hold the Developer and Developer's successor's and assigns, free and harmless and indemnify the Developer, and its agents, officers, volunteers, directors, assigns and, employees, from any and all claims, damages, judgments, costs and settlements including, but not limited to reasonable attorneys' fees that may arise from maintenance, repair, reconstruction, and/or use, of said Public Improvements.

Section 13: Waiver of Fees Related to the Public Hearing

The Village agrees to waive, and does hereby waive, any and all fees payable to the Village for Applications **PC 04-22** and **PC 04-23**; provided however that the Developer shall pay to the Village any actual out of pocket costs incurred by the Village for said public hearings, including items such as court reporter charges and publication costs.

Section 14: Binding Effect and Term and Covenants Running with the Land:

This Agreement has been executed on behalf of the Village pursuant to action adopted by the Corporate Authorities of said Village at a meeting of said Corporate Authorities duly held on August 19, 2004. It shall become binding upon the Developer upon Developer becoming the owner of the Subject Property.

This Agreement has been executed by the Developer and shall be binding on the heirs, successors, and assigns of the Developer, but shall not be binding on a unit owner subsequent to the issuance of an occupancy permit for that unit.

Upon any transfer or conveyance of the Subject Property, the transferor shall be released from any liability under this Agreement, and the transferee shall be bound by and deemed to have assumed the obligations of Developer or Developer's successors and assigns arising after the date of such transfer or conveyance.

This Agreement shall automatically expire upon the expiration of the maintenance guarantee Letter of Credit required at the time of acceptance of the Public Improvements as set forth in Section 3(f)(4) above.

Section 15: Defaults and Remedies

In the event of any non-monetary default and/or breach of this Agreement or any terms or conditions by either party hereto or bound by this Agreement, such party shall upon written notice proceed promptly to cure or remedy such default or breach within said sixty (60) days after

receipt of such notice; provided, however, that in the event such default is incapable of being cured within sixty (60) day period and the defaulting party commences to cure within said sixty (60) day period and proceeds to cure with due diligence, such party shall not be deemed to be in default under this Agreement. In case such action is not taken or not diligently pursued or the default or breach shall not be cured or remedied within the above time or in the event of a monetary default (time being of the essence with respect to the payment of any sums required hereunder), the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach including but not limited to proceedings to compel specific performance by the party in default or breach of its obligations, but not specific performance of any obligations to construct any buildings or other improvements. The rights of the parties to this Agreement, whether provided by law or this Agreement, shall be cumulative and the exercise by either party of any one or more of such remedies shall not preclude the exercise by it of any one or more of such remedies in relation to the same default or breach by the other party. No waiver made by either party with respect to any specific default by the other party under this Agreement shall be construed as a waiver of rights with respect to any other default by the defaulting party under this Agreement or with respect to the particular default except to the extent specifically waived in writing. Notwithstanding anything contained herein to the contrary, all monetary damages resulting from a breach of this Agreement shall be limited to the non-defaulting party's actual out of pocket costs and expenses resulting from such breach along with all costs and expenses, including reasonable attorneys' fees, incurred by the non-defaulting party in enforcing this Agreement. In the event of any litigation between the parties hereto resulting from a breach of this Agreement, the prevailing party in such litigation, as determined by final judgment, shall be entitled to an award of its attorneys' fees and costs incurred in such litigation.

Section 16: Defaults and Remedies:

In the event of any non-monetary default and/or breach of this Agreement or any terms or conditions by either party hereto or bound by this Agreement, such party shall upon written notice proceed promptly to cure or remedy such default or breach within said sixty (60) days after receipt of such notice; provided, however, that in the event such default is incapable of being cured within sixty (60) day period and the defaulting party commences to cure within said sixty (60) day period and proceeds to cure with due diligence, such party shall not be deemed to be in default under this Agreement. In case such action is not taken or not diligently pursued or the default or breach shall not be cured or remedied within the above time or in the event of a monetary default (time being of the essence with respect to the payment of any sums required hereunder), the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach including but not limited to proceedings to compel specific performance by the party in default or breach of its obligations, but not specific performance of any obligations to construct any buildings or other improvements. The rights of the parties to this Agreement, whether provided by law or this Agreement, shall be cumulative and the exercise by either party of any one or more of such remedies shall not preclude the exercise by it of any one or more of such remedies in relation to the same default or

breach by the other party. No waiver made by either party with respect to any specific default by the other party under this Agreement shall be construed as a waiver of rights with respect to any other default by the defaulting party under this Agreement or with respect to the particular default except to the extent specifically waived in writing. Notwithstanding anything contained herein to the contrary, all monetary damages resulting from a breach of this Agreement shall be limited to the non-defaulting party's actual out of pocket costs and expenses resulting from such breach along with all costs and expenses, including reasonable attorneys' fees, incurred by the non-defaulting party in enforcing this Agreement. In the event of any litigation between the parties hereto resulting from a breach of this Agreement, the prevailing party in such litigation, as determined by final judgment, shall be entitled to an award of its attorneys' fees and costs incurred in such litigation.

In witness whereof, the parties hereto have caused these presents to be duly executed on their behalf respectively and have caused their respective Corporate Seals to be affixed hereto, all as of the day and year first above written.

Developer: Maronite Catholic Bishop of the United States of America

By: Father Alfred Badawi, Pastor

Village of Lombard:

By: _____ (Village President)

Attest: _____ (Deputy Village Clerk)

EXHIBIT 1

**LEGAL DESCRIPTION FOR
950 NORTH GRACE STREET, LOMBARD, ILLINOIS
(THE SUBJECT PROPERTY)**

LOT 3 IN THE TERRACE LAKES SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 2003 AS DOCUMENT R03-485321, IN DU PAGE COUNTY, ILLINOIS.

Permanent Index Number (PIN): 03-32-301-041

EXHIBIT 2

DEVELOPMENT PLANS FOR SUBJECT PROPERTY



PLANNO

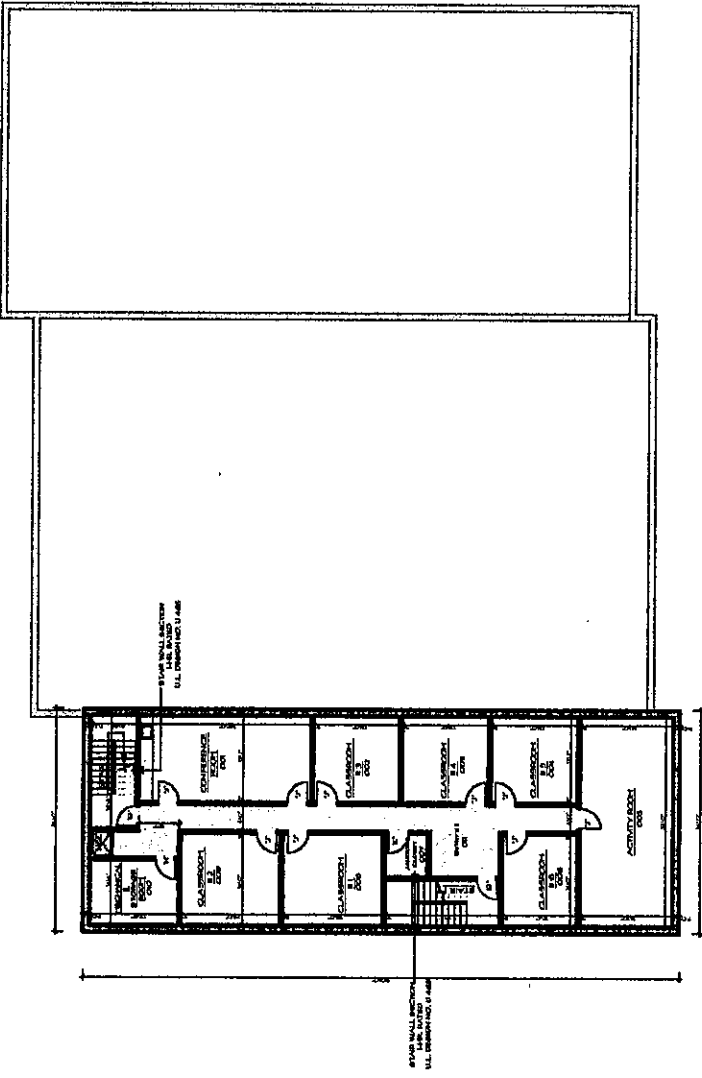
NO.	REVISIONS	DATE

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS BEFORE PROCEEDING WITH WORK. ON AN AS-BUILT BASIS. VERIFY THE LOCATION, ANCHORAGE, AND POSITIONING OF ALL DIMENSIONS AND LOCATIONS TO THE BEST OF HIS KNOWLEDGE AND BELIEF WITH THE FIELD SURVEY AND RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

DO NOT SCALE DRAWINGS

1. VERIFY CENTER POINTS THAT BEARINGS WERE PROVIDED BY THE SURVEYOR AND RECORDS TO THE BEST OF HIS KNOWLEDGE AND BELIEF WITH THE FIELD SURVEY AND RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

n. battistich, architects
 MEADOWBROOK OFFICE CENTER
 16 W. 475 S. FRONTAGE RD., SUITE 201
 BURR RIDGE, IL 60527



BASEMENT PLAN
 SCALE: 1/8"=1'-0"



A2

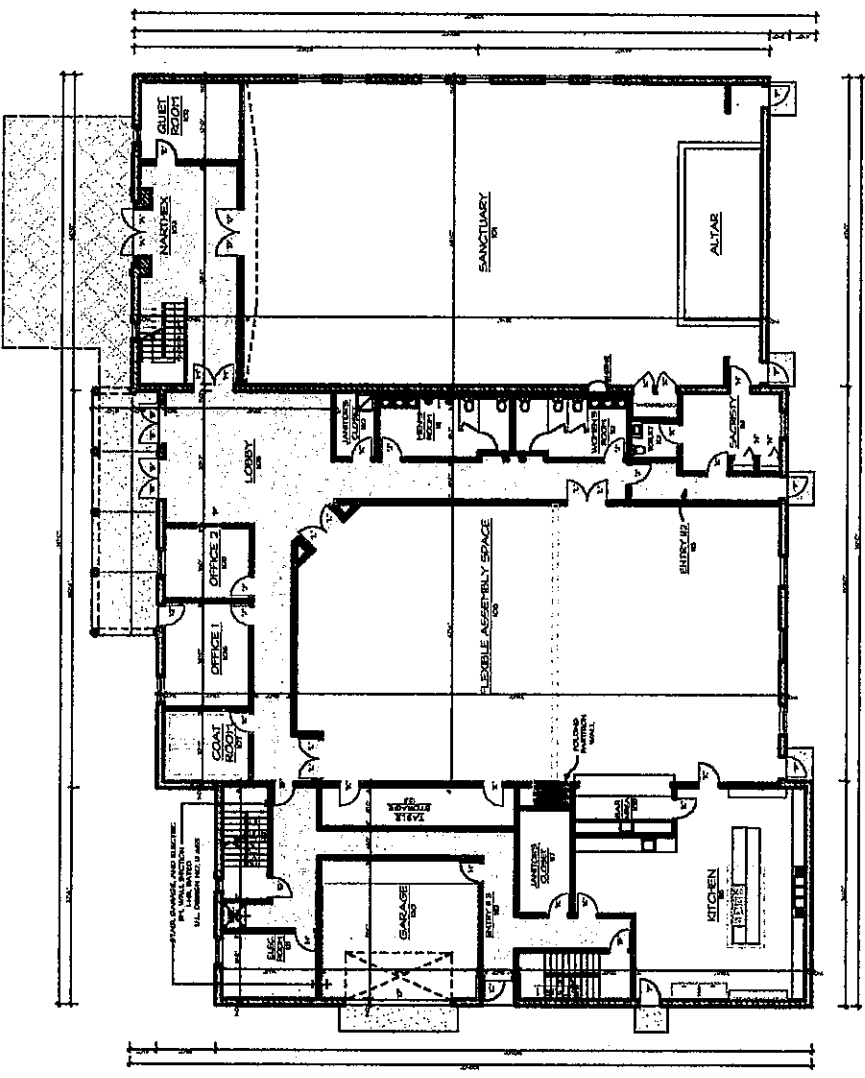
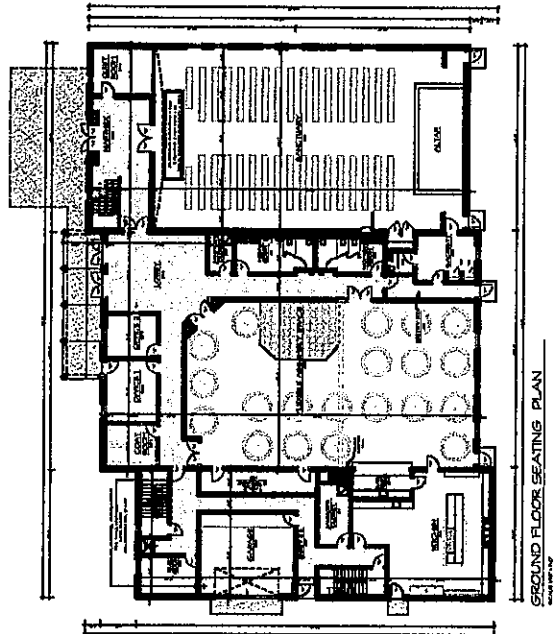
DATE	
REVISIONS	

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL WORK TO BE SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL WORK TO BE SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL WORK TO BE SHOWN ON THIS DRAWING.

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n. battistich, architects
 MEADOWBROOK OFFICE CENTER
 16 W. 475 S. FRONTAGE RD., SUITE 201
 BURR RIDGE, IL 60527



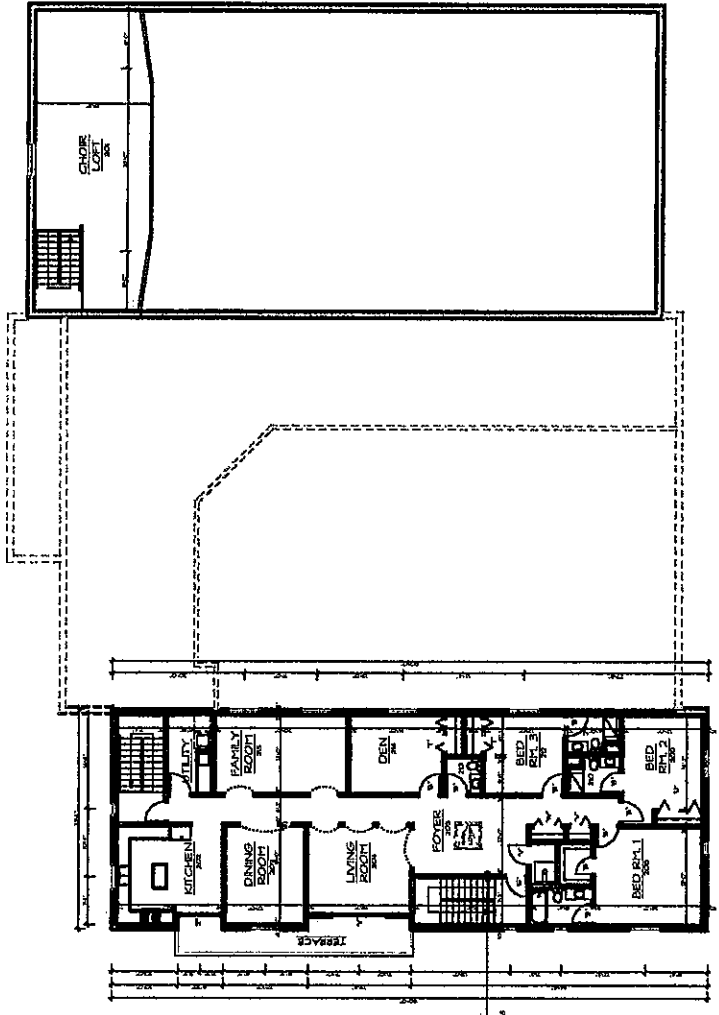
REVISIONS	DATE

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK. ALL DIMENSIONS TO BE SHOWN ON DRAWINGS SHALL BE BASED ON THE MOST RECENT REVISIONS TO THE DRAWINGS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK. ALL DIMENSIONS TO BE SHOWN ON DRAWINGS SHALL BE BASED ON THE MOST RECENT REVISIONS TO THE DRAWINGS.

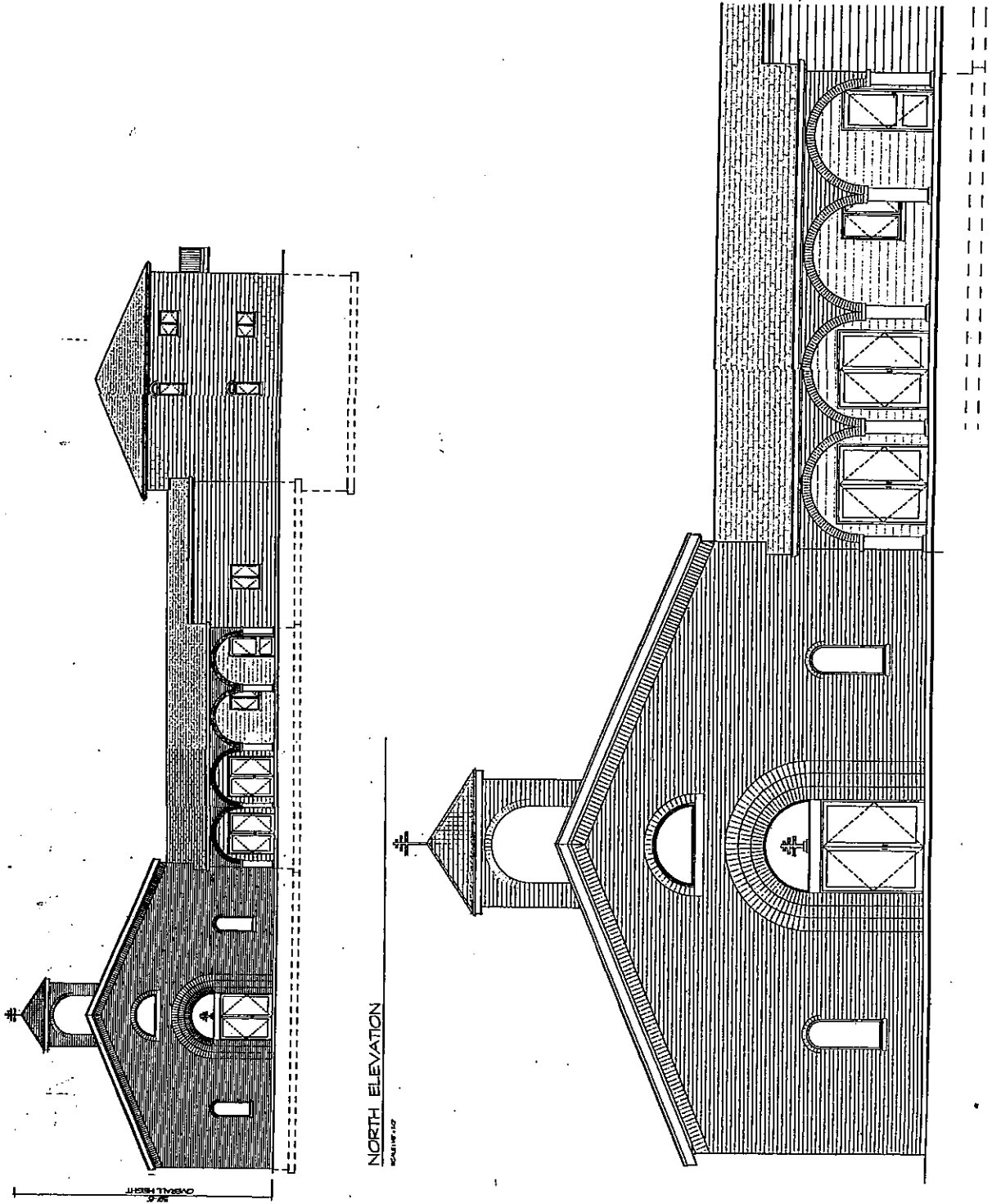
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n. batisstich, architects
 MEADOWBROOK OFFICE CENTER
 16 W. 475 S. FRONTAGE RD., SUITE 201
 BURR RIDGE, IL 60527



SECOND FLOOR PLAN
 SCALE 1/8" = 1'-0"

IF WALLS OR PARTITIONS ARE TO BE REMOVED OR ADDED, REFER TO THE ARCHITECT'S NOTES.



OVERALL HEIGHT



A/S

PLANNING NO. 18207-04

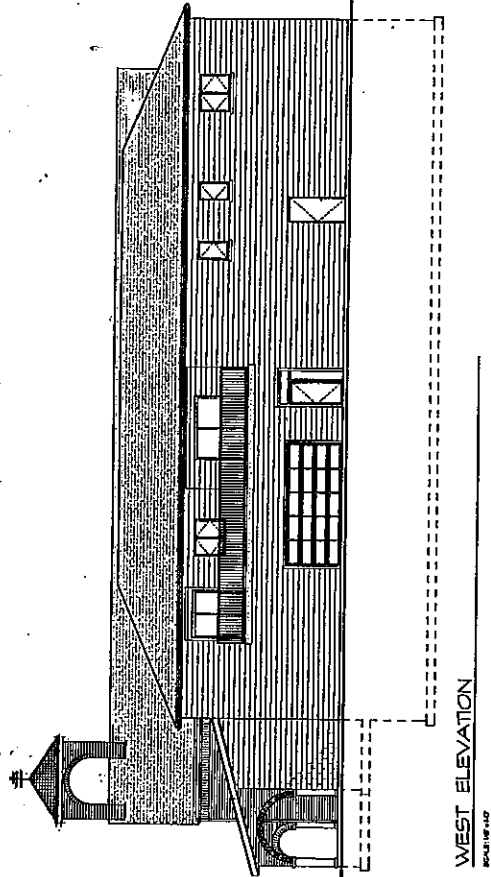
REVISIONS

DATE 6-7-04

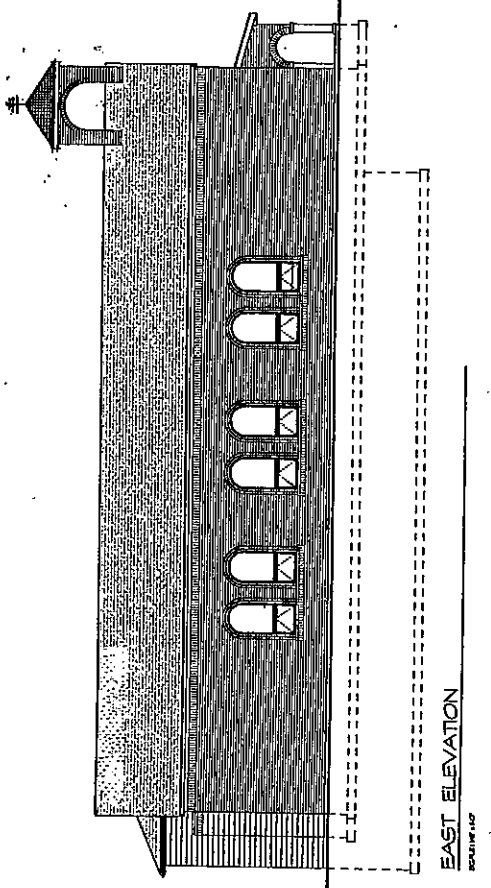
DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLUM AND DIMENSIONS
ON THE JOB AND SHALL BE RESPONSIBLE FOR
ANY DISCREPANCIES OR ERRORS ON ANY DRAWING.
NO PART OF THIS DRAWING SHALL BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR BY ANY MEANS
ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION STORAGE AND
RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING
FROM THE ARCHITECT.

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY
OR UNDER THE CLOSE PERSONAL SUPERVISION AND
DIRECT CONTROL OF AN ARCHITECT REGISTERED WITH THE
STATE OF ILLINOIS AND THAT THEY COMPLY WITH THE
REQUIREMENTS OF THE BUILDING CODE.

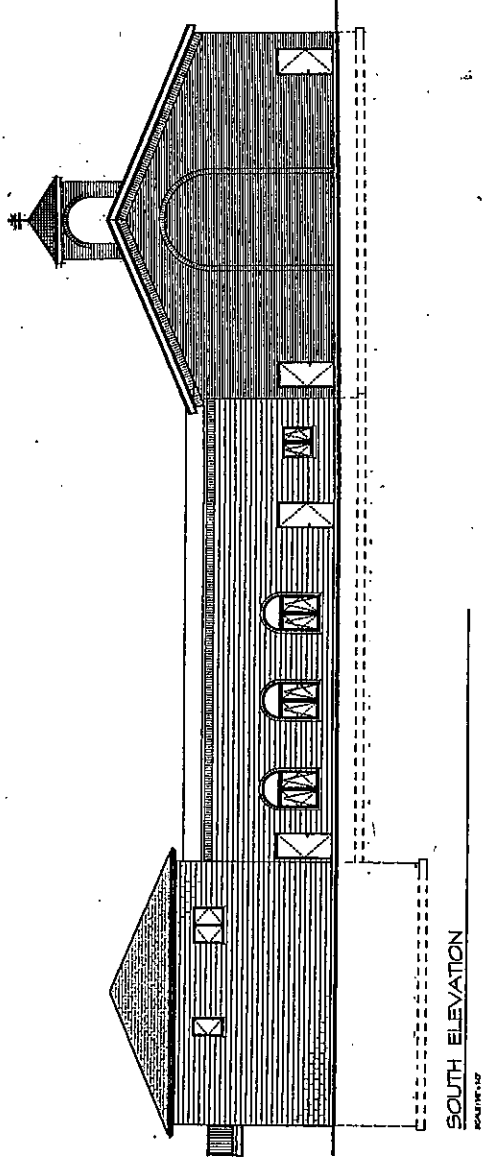
n. batsitch, architects
MEADOWBROOK OFFICE CENTER
16 W. 475 S. FRONTAGE RD., SUITE 201
BARR RIDGE, IL 60577



WEST ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"



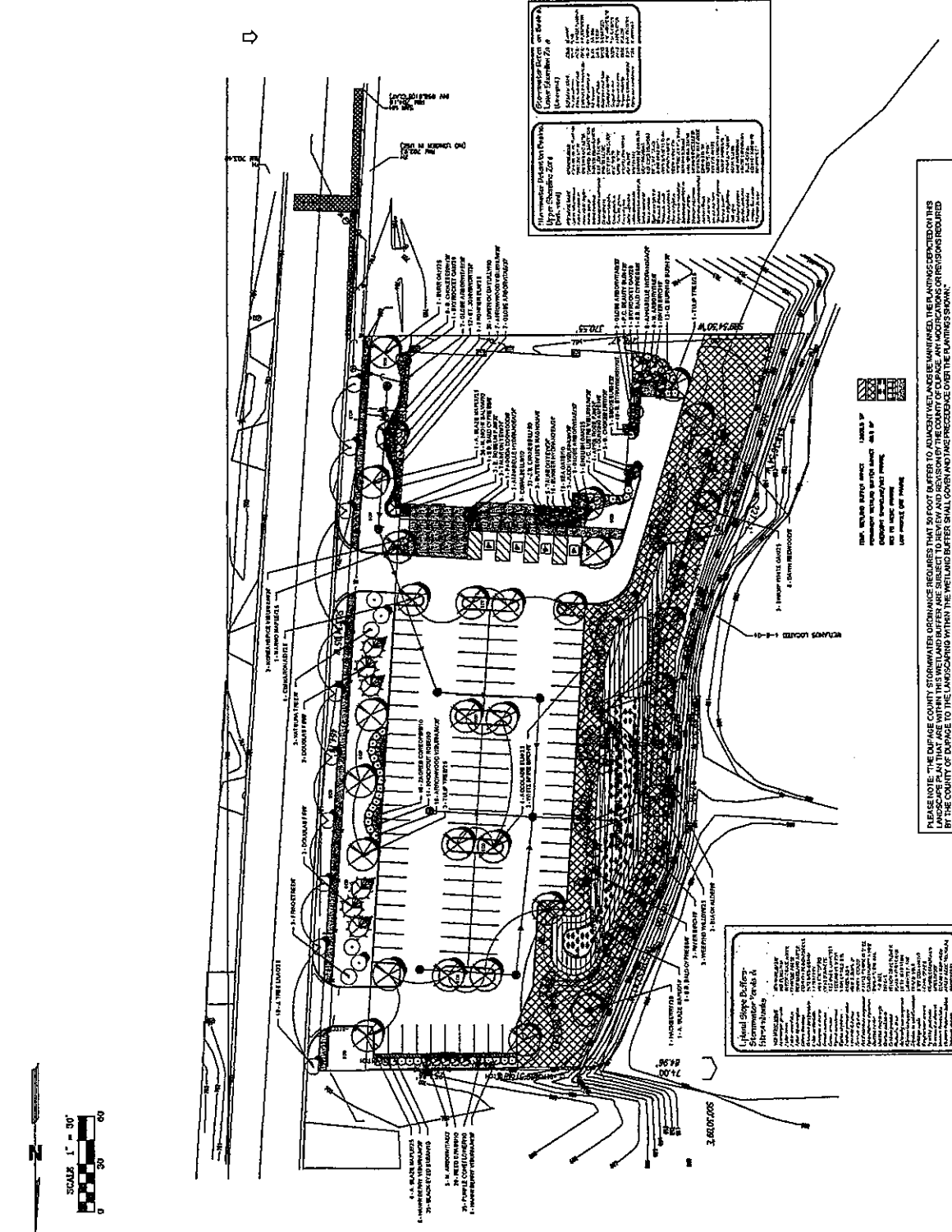
SOUTH ELEVATION
SCALE 1/8" = 1'-0"

PLANT LIST

Plant No.	Quantity	Plant Name	Plant Code
1	100	Red Maple	100
2	50	White Birch	200
3	25	Black Birch	300
4	10	Red Pine	400
5	5	White Pine	500
6	2	Black Pine	600
7	1	Red Cedar	700
8	1	White Cedar	800
9	1	Black Cedar	900
10	1	Red Spruce	1000
11	1	White Spruce	1100
12	1	Black Spruce	1200
13	1	Red Fir	1300
14	1	White Fir	1400
15	1	Black Fir	1500
16	1	Red Larch	1600
17	1	White Larch	1700
18	1	Black Larch	1800
19	1	Red Pine	1900
20	1	White Pine	2000
21	1	Black Pine	2100
22	1	Red Spruce	2200
23	1	White Spruce	2300
24	1	Black Spruce	2400
25	1	Red Fir	2500
26	1	White Fir	2600
27	1	Black Fir	2700
28	1	Red Larch	2800
29	1	White Larch	2900
30	1	Black Larch	3000
31	1	Red Pine	3100
32	1	White Pine	3200
33	1	Black Pine	3300
34	1	Red Spruce	3400
35	1	White Spruce	3500
36	1	Black Spruce	3600
37	1	Red Fir	3700
38	1	White Fir	3800
39	1	Black Fir	3900
40	1	Red Larch	4000
41	1	White Larch	4100
42	1	Black Larch	4200
43	1	Red Pine	4300
44	1	White Pine	4400
45	1	Black Pine	4500
46	1	Red Spruce	4600
47	1	White Spruce	4700
48	1	Black Spruce	4800
49	1	Red Fir	4900
50	1	White Fir	5000
51	1	Black Fir	5100
52	1	Red Larch	5200
53	1	White Larch	5300
54	1	Black Larch	5400
55	1	Red Pine	5500
56	1	White Pine	5600
57	1	Black Pine	5700
58	1	Red Spruce	5800
59	1	White Spruce	5900
60	1	Black Spruce	6000

1. All plants listed are to be planted in the field unless otherwise noted.
 2. All plants listed are to be planted in the field unless otherwise noted.
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PROJECT NUMBER	DATE
BY	DATE
CHECKED	DATE
APPROVED	DATE
SCALE	DATE
DESCRIPTION OF WORK	DATE



SHEET		L-1	
PROJECT NUMBER		DATE	
BY		DATE	
CHECKED		DATE	
APPROVED		DATE	
SCALE		DATE	
DESCRIPTION OF WORK		DATE	

D.T. DONOHUE & ASSOCIATES, LTD.
 LANDSCAPE ARCHITECTURE & PLANNING
 112 E STATE STREET, NORTH AURORA, IL 60151-0118
 630/691-9034 FAX 630/691-0077

MARONITE CATHOLIC BISHOP OF THE UNITED STATES OF AMERICA
 COORDINATOR: ANTHONY R. SHAWER
 1815 W. STATE STREET, SUITE 307
 CHICAGO, ILLINOIS 60612

LUMINAIRE SCHEDULE

Project	Unit	City	Contractor	Division	Lighting	Notes	LP	LF	WF
D	A	3	40-0001A	RECAST/TYPE 1 LUMINAIRE	FOR MONUMENT/LEARN MONUMENT POSITION				

STATISTICS

Quantity	Unit	Area	Vol	Weight
1	EA	1.00	0.00	0.00
2	EA	1.00	0.00	0.00
3	EA	1.00	0.00	0.00
4	EA	1.00	0.00	0.00
5	EA	1.00	0.00	0.00
6	EA	1.00	0.00	0.00
7	EA	1.00	0.00	0.00
8	EA	1.00	0.00	0.00
9	EA	1.00	0.00	0.00
10	EA	1.00	0.00	0.00

LUMINAIRE LOCATIONS

No.	Light	X	Y	Location	Z	Height	Orientation	TS	E	V	Z
1	A	510	560	218	52.5	53.5	0.0				
2	A	547	1074	218	52.5	53.5	0.0				
3	A	288	1068	218	52.5	53.5	0.0				
4	E	518	1073	218	52.5	53.5	0.0				
5	E	283	1063	218	52.5	53.5	0.0				

LUMINAIRE SCHEDULE

Project	Unit	City	Contractor	Division	Lighting	Notes	LP	LF	WF
D	A	3	40-0001A	RECAST/TYPE 1 LUMINAIRE	FOR MONUMENT/LEARN MONUMENT POSITION				

STATISTICS

Quantity	Unit	Area	Vol	Weight
1	EA	1.00	0.00	0.00
2	EA	1.00	0.00	0.00
3	EA	1.00	0.00	0.00
4	EA	1.00	0.00	0.00
5	EA	1.00	0.00	0.00
6	EA	1.00	0.00	0.00
7	EA	1.00	0.00	0.00
8	EA	1.00	0.00	0.00
9	EA	1.00	0.00	0.00
10	EA	1.00	0.00	0.00

LUMINAIRE LOCATIONS

No.	Light	X	Y	Location	Z	Height	Orientation	TS	E	V	Z
1	A	510	560	218	52.5	53.5	0.0				
2	A	547	1074	218	52.5	53.5	0.0				
3	A	288	1068	218	52.5	53.5	0.0				
4	E	518	1073	218	52.5	53.5	0.0				
5	E	283	1063	218	52.5	53.5	0.0				

LUMINAIRE SCHEDULE

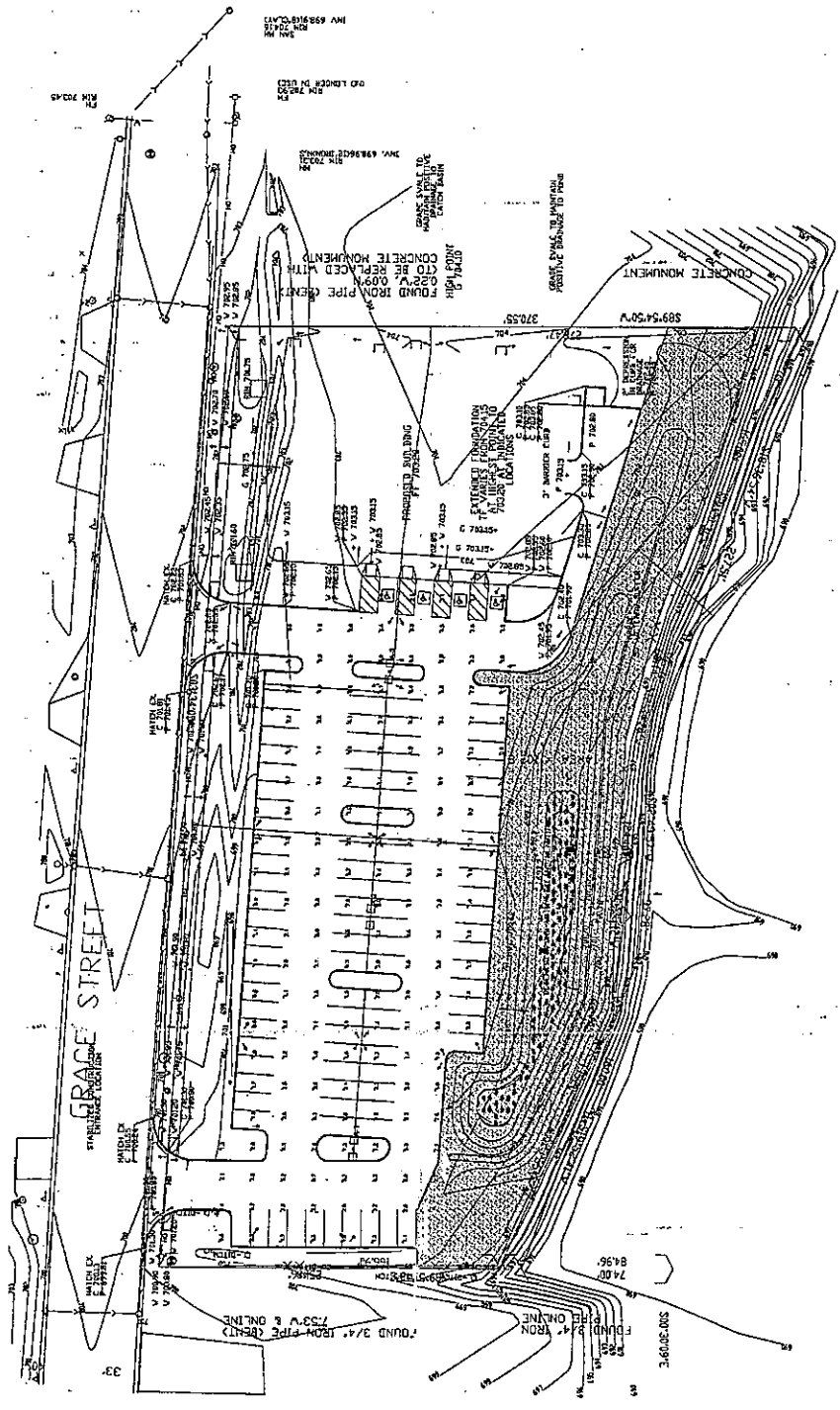
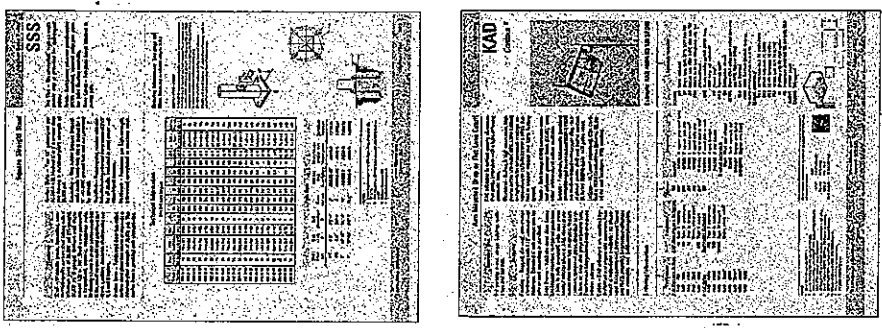
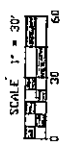
Project	Unit	City	Contractor	Division	Lighting	Notes	LP	LF	WF
D	A	3	40-0001A	RECAST/TYPE 1 LUMINAIRE	FOR MONUMENT/LEARN MONUMENT POSITION				

STATISTICS

Quantity	Unit	Area	Vol	Weight
1	EA	1.00	0.00	0.00
2	EA	1.00	0.00	0.00
3	EA	1.00	0.00	0.00
4	EA	1.00	0.00	0.00
5	EA	1.00	0.00	0.00
6	EA	1.00	0.00	0.00
7	EA	1.00	0.00	0.00
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10	EA	1.00	0.00	0.00

LUMINAIRE LOCATIONS

No.	Light	X	Y	Location	Z	Height	Orientation	TS	E	V	Z
1	A	510	560	218	52.5	53.5	0.0				
2	A	547	1074	218	52.5	53.5	0.0				
3	A	288	1068	218	52.5	53.5	0.0				
4	E	518	1073	218	52.5	53.5	0.0				
5	E	283	1063	218	52.5	53.5	0.0				



BENSON ELECTRICAL CONTRACTING, INC
 371 PRAIRIE STREET, SUITE A
 CRYSTAL LAKE, IL 60014
 (815) 455-2560-FAX: (815) 455-2356

MARONITE CATHOLIC BISHOP OF THE UNITED STATES OF AMERICA
 C/O AGENT ANTHONY R. SHAKER
 100 WEST LAKE STREET, SUITE 307
 OAK PARK, ILLINOIS 60460

OUR LADY OF LEBANON CHURCH
 LOMBARD, ILLINOIS

DESIGNED: J.B.
 DRAWN: E.L.
 APPROVED: E.L.
 DATE: 6/22/06
 SCALE: 1" = 30'

1 SHEET of 1 PROJECT NUMBER: 06011

EXHIBIT 3

WATERMAIN EXTENSION EXHIBIT

**Plans and Specifications
Prepared for Developer by Mackie Consultants LLC, bearing original date of April 27,
2004, and bearing last revision date of July 28, 2004 and containing 8 sheets.**

OUR LADY OF LEBANON CHURCH VILLAGE OF LOMBARD, ILLINOIS

LEGEND

SANITARY SEWER	1" DIA	12" DIA
FORCE MAIN	1" DIA	12" DIA
WATER MAIN	1" DIA	12" DIA
MANHOLE	1" DIA	12" DIA
CATCH BASIN	1" DIA	12" DIA
RIELET	1" DIA	12" DIA
CLEANSING	1" DIA	12" DIA
VALVE	1" DIA	12" DIA
VALVE BOX	1" DIA	12" DIA
FIRE HYDRANT	1" DIA	12" DIA
UTILITY CROSSING	1" DIA	12" DIA
PLAID END SECTION	1" DIA	12" DIA
18" RAP DOWELL	1" DIA	12" DIA
STREET LIGHT/MARKING LOT LIGHT	1" DIA	12" DIA
POWER POLE	1" DIA	12" DIA
STREET SIGN	1" DIA	12" DIA
FORCE MAIN	1" DIA	12" DIA
OVERHEAD LINE	1" DIA	12" DIA
TELEPHONE LINE	1" DIA	12" DIA
ELECTRIC LINE	1" DIA	12" DIA
CABLE TV LINE	1" DIA	12" DIA
HIGH WATER LEVEL	1" DIA	12" DIA
LOW WATER LEVEL	1" DIA	12" DIA
COMMON LINE	1" DIA	12" DIA
TOP OF CURB ELEVATION	1" DIA	12" DIA
OUTLET ELEVATION	1" DIA	12" DIA
SPOT ELEVATION	1" DIA	12" DIA
TOP OF FOUNDATION	1" DIA	12" DIA
FOUNDATION	1" DIA	12" DIA
HIGH OR LOW	1" DIA	12" DIA
OVERLAND FLOOD ROUTE	1" DIA	12" DIA
PAVEMENT FLOW DIRECTION	1" DIA	12" DIA
SWALE FLOW DIRECTION	1" DIA	12" DIA
DEPRESSED CURB AND OUTLET	1" DIA	12" DIA
REVERSE CURB AND OUTLET	1" DIA	12" DIA

INDEX

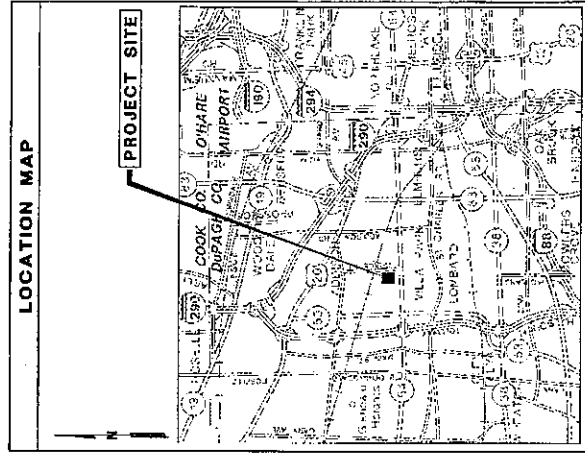
- COVER SHEET
- GRADING & EROSION CONTROL PLAN
- UTILITY & PAVING PLAN
- SPECIFICATIONS
- CONSTRUCTION DETAILS
- CONSTRUCTION DETAILS
- CONSTRUCTION DETAILS
- PROFILE

ELECTRIC:
 ICA CO
 1 N. 423 SWIFT ROAD
 LOMBARD, IL 60148
 ATTN: JOE JUSS
 16201 691-4614

TELEPHONE:
 AMERITECH
 40 S. MITCHELL COURT
 ADDISON, IL 60101
 ATTN: MARY BRADY
 16201 620-3439

SEWER & WATER:
 LOMBARD PUBLIC WORKS
 1051 S. HANCOCK/SHILOH AVE
 LOMBARD, IL 60148
 16201 620-7140

GAS:
 NICOR
 90 N. FINLEY RD.
 GLEN ELLYN, IL 60137
 ATTN: JAMES PREWER
 16201 629-2500 8332



BENCHMARK INFORMATION

BENCHMARKS:
 BM#1
 NORTHEAST CORNER FLANGE BOLT ON FIRE HYDRANT AT THE
 NORTHEAST CORNER OF GRACE STREET AND NORTH AVENUE.
 ELEV. = 713.89 (VD.E); TH.S HYDRANT WAS RECENTLY RESET BY
 CONSTRUCTION FROM IT'S PREVIOUS RECORD ELEVATION OF 715.16)

BURFACE: BM #1080001 (NEAR GRACE & MAPLE), WMB 29 VERTICAL DATUM
 ELEV. = 712.91

601 N. W. AVE. 1620-92-0103
 CITY: LOMBARD
 COUNTY: DUPAGE
 STATE: ILLINOIS

48 HOURS BEFORE YOU USE
 48 HOURS BEFORE YOU USE

NOTICE:
 NOTIFY ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION FOR THE EXACT
 LOCATIONS OF THE UTILITIES AND FOR THEIR PROTECTION DURING CONSTRUCTION.
 LOCATIONS OF UTILITIES AND FOR THEIR PROTECTION DURING CONSTRUCTION
 CONSTRUCTION, NOTIFY THE ENGINEER AND UTILITY UNDERWRITER.

DRAINAGE CERTIFICATION

HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE DRAINAGE
 GRADING AND PAVING PLAN WILL NOT BE CHANGED BY THE CONSTRUCTION OF SAID
 PROJECT AND THAT THE DRAINAGE GRADING AND PAVING PLAN WILL BE CHANGED
 REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND REMOVAL OF
 SURFACE WATER AND THAT SUCH SURFACE WATER WILL BE DRAINAGE
 SUBSEQUENTLY TO THE PUBLIC STREETS AND THAT THE DRAINAGE GRADING AND
 PAVING PLAN IS IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES AND AS
 SUCH, THE DRAINAGE GRADING AND PAVING PLAN IS A NECESSARY PART OF THE
 CONSTRUCTION OF THE IMPROVEMENTS.

[Signature]
 ENGINEER'S SIGNATURE
 DATE: 7/12/04
 ENGINEER'S SEAL

MACKIE CONSULTANTS LLC 9375 W. HIGGINS RD., SUITE 200, ROSEMONT, IL 60019 630-998-1400 FAX 630-998-1410 ENGINEERS PLANNERS SURVEYORS		MARONITE CATHOLIC BISHOP OF AMERICA C/O AGENT ANTHONY R. SHAWER 101 N. W. W. AVE. SUITE 307 LOMBARD, ILLINOIS 60148		COVER SHEET OUR LADY OF LEBANON CHURCH LOMBARD, ILLINOIS		SHEET 1 OF 8	
DESIGNED	BY	DATE	APPROVED	DATE	SCALE	PROJECT NUMBER: 072 DRAWING NUMBER: 072 SHEET NUMBER: 1 OF 8	
DRAWN	BY	DATE	DATE	DATE	SCALE		
DATE	DATE	DATE	DATE	DATE	SCALE		

GENERAL NOTES

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

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MACKIE CONSULTANTS LLC
2975 W. JACKSON RD., SUITE 500, ROSEMONT, IL 60068
847-688-4400 PLANNERS SURVEYORS
ENGINEERS

CLERGY
THE UNITED STATES OF AMERICA
C/O AGENT ANTHONY R. SHAKER
101 WEST LAKE STREET, SUITE 307
CHICAGO, ILLINOIS 60601

SPECIFICATIONS
OUR LADY OF LEBANON CHURCH
LOMBARD, ILLINOIS
SHEET 4 OF 8
PROJECT NUMBER: 151117/000001
DATE: 07/27/2004

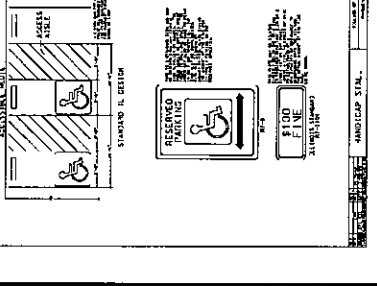
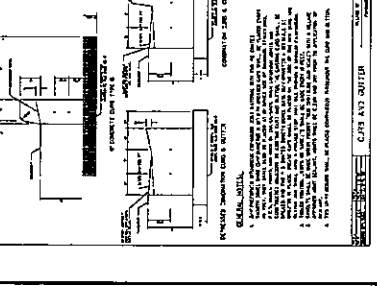
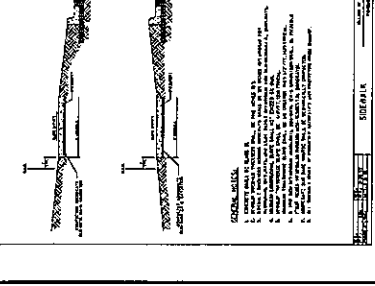
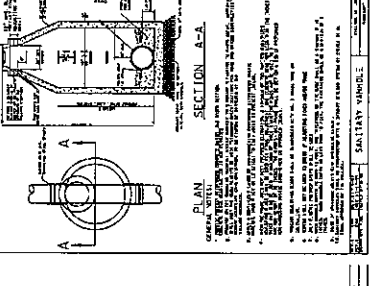
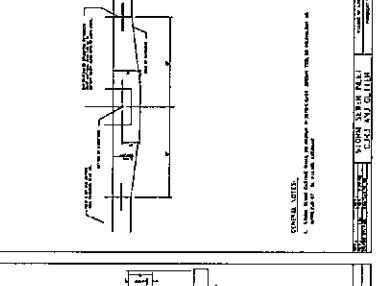
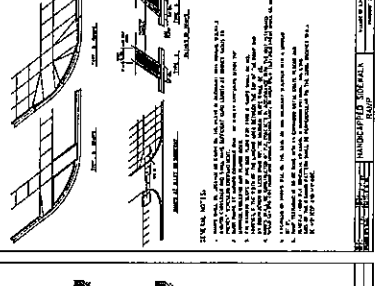
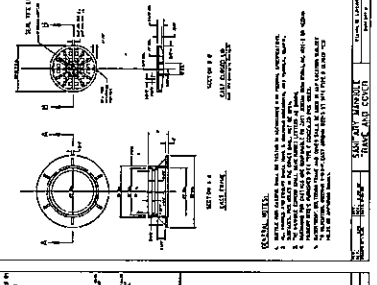
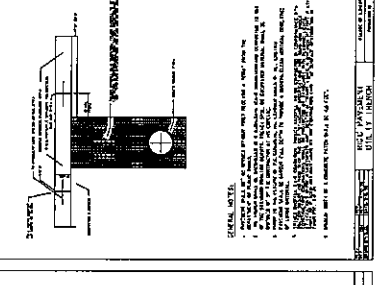
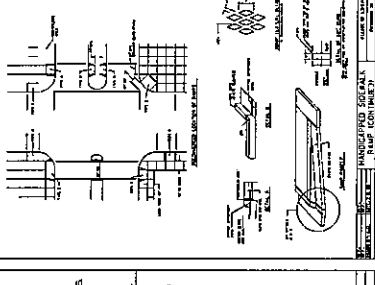
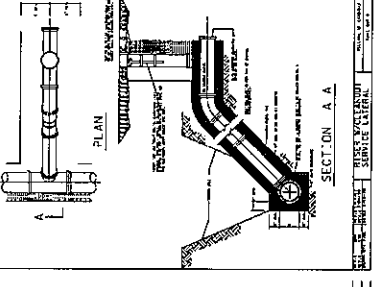
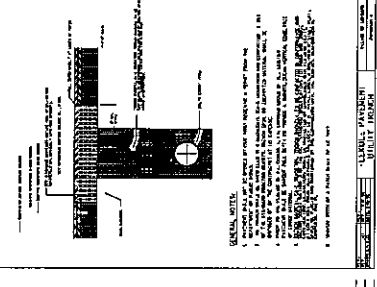
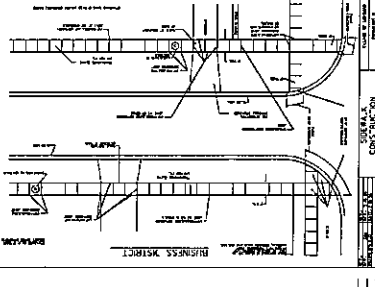
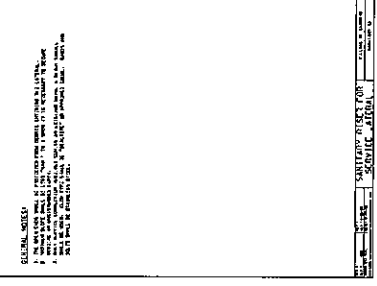
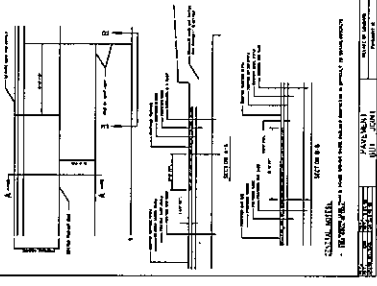
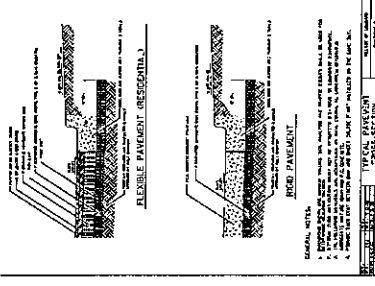
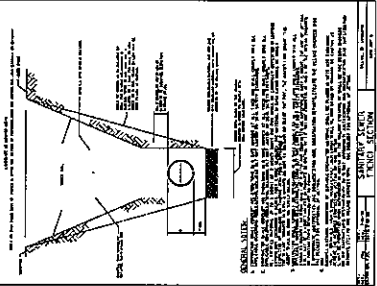
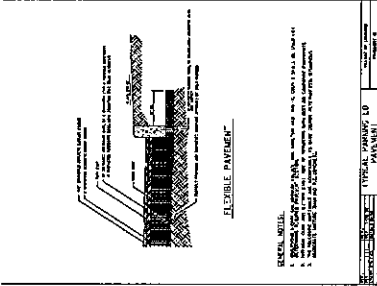
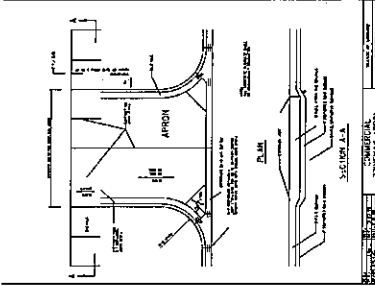
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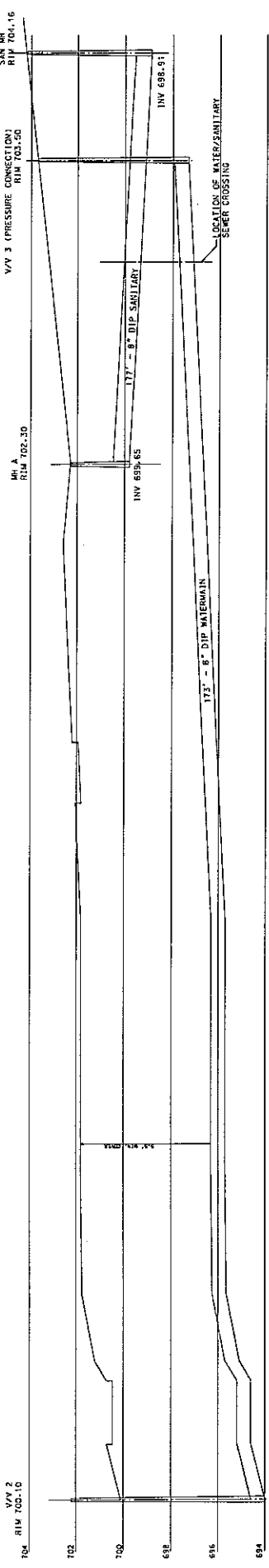
CONSTRUCTION DETAILS
OUR LADY OF LEBANON CHURCH
LOMBARD, ILLINOIS

DESIGNED BY	DATE	SCALE
DRW	4/14/04	AS SHOWN
CHK		
APP		
REV		

CLIENT: **THE UNITED STATES OF AMERICA**
 C/O AGENT ANTHONY R. SHAKER
 101 WEST LAKE STREET, SUITE 307
 OAK PARK, ILLINOIS 60301

MACKIE CONSULTANTS LLC
 8670 W. HICKING RD., SUITE 500, ROSEMONT, IL 60018
 817-885-1400 FAX 817-885-1410
 ENGINEERS PLANNERS SURVEYORS
 LICENSE PROFESSIONAL DESIGN FOR LICENSE NUMBER M-002884





SEWER PROFILE
SCALE: 1/4" = 1'-0"

Station	Notes	Material	Notes	Station	Notes	Material	Notes
1+00	173' - 8" DIP WATERMAIN	173	8"	1+00	173' - 8" DIP WATERMAIN	173	8"
1+02	173' - 8" DIP WATERMAIN	173	8"	1+02	173' - 8" DIP WATERMAIN	173	8"
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MACKIE CONSULTANTS LLC
 9915 W. HIGGINS RD., SUITE 400, ROSEMONT, IL 60018
 847-856-1400 FAX 847-585-1410
 ENGINEERS PLANNERS SURVEYORS
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NUMBER 042-009441

CLIENT:
MARONITE CATHOLIC BISHOP OF THE UNITED STATES OF AMERICA
 C/O AGENT ANTHONY R. SHAKER
 1810 W. HIGGINS RD., SUITE 310
 OAK PARK, ILLINOIS 60451

PROFILE
OUR LADY OF LEBANON CHURCH
LOMBARD, ILLINOIS

DESIGNED BY: JLB
DRAWN BY: JLB
APPROVED BY: JLB
DATE: 11/14/09
SCALE: AS SHOWN

SHEET
8 OF 8
PROJECT NUMBER: 042-009441
DATE: 11/14/09
CLIENT: MACKIE CONSULTANTS LLC 042-009441

EXHIBIT 4

LEGAL DESCRIPTION OF THE MAXWELL PARCEL

THE NORTH 120 FEET, IN WIDTH, OF THE EAST 300 FEET, IN WIDTH, OF THE
SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 40 NORTH,
RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY,
ILLINOIS

Permanent Index Number (PIN): 03-32-301-025

Address of Real Estate: 2N194 Grace Street, Lombard, IL 60148

EXHIBIT 5

**EASEMENT AREA FOR THE
PROPOSED EASEMENT FOR PUBLIC SIDEWALK AND PUBLIC WATERMAIN**

THE PROPOSED EASEMENT AREA IS GENERALLY DEPICTED ON SHEET 3 OF 8 OF THE MACKIE PLANS (EXHIBIT 3 TO THIS AGREEMENT) EXCEPT THAT THE WIDTH OF THE EASEMENT SHALL BE 5 FEET IN WIDTH NORTH OF THE TERMINATION POINT.

EXHIBIT 6

INTER-DEPARTMENTAL GROUP REPORT (CONDITIONAL USE)

Existing Zoning: B4 Corridor Commercial District

Surrounding Zoning and Land Use:

North: Unincorporated land zoned I-1 Light Industrial; utilized as a motor vehicle storage yard

South: North Avenue and property zoned B4 Corridor Commercial and developed as a free-standing restaurant/banquet hall (this site is proposed to be redeveloped with a CVS Pharmacy and another commercial use)

East: Grace Street and property zoned R4 Single Family Residential in DuPage County; developed as single family residential

West: Lot 2 in Terrace Lakes Subdivision zoned CR Conservation and Recreation; the property is undeveloped wetlands

ANALYSIS

SUBMITTALS

This report is based on the following documentation on file with the Department of Community Development:

1. Petition for Public Hearing: Signature dated June 28, 2004.
2. Site Plan Submittal (includes concept elevational drawings, floor plans, and site plan): prepared by N. Batistich, Architects, hand-dated June 28, 2004.
3. Landscape Plan, prepared by Donohue & Associates, Ltd., dated June 24, 2004.
4. Lighting Plan, prepared by Bensen Electrical Contracting, Inc., dated June 22, 2004.
5. Plat of Survey: Prepared by Mackie Consultants, LLC., dated January 10, 2002.
6. Responses to Standards for Conditional Use and Variations.

BACKGROUND AND DESCRIPTION

The subject property is currently a vacant lot on Grace Street located approximately 655 feet north of North Avenue. The petitioner, Maronite Catholic Bishop of the United States of America, is requesting conditional use approval for the religious institution in the B4 District

with variations for alternate plant materials within a required transitional yard and for modifying the public water distribution system requirements for adjacent properties. The petitioner plans to construct a 19,900 square foot church building on the property. The building will be a two-story structure that will also include a sub-level that will be used for Sunday school, meeting and/or administrative space. Additionally, the site plan includes living quarters on the second floor.

Special Note: This report assumes that the Village adopts the text amendments requested by the petitioner and associated with PC 04-22. If they are not adopted, this petition cannot be considered as proposed.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

From an engineering or construction perspective, the Private Engineering Services Division notes that per the Subdivision and Development Ordinance, this development constitutes a major development and full public improvements are required. This shall include provisions for street lights, parkway landscaping and public utilities. A public sidewalk shall also be required. If sufficient width does not exist within the public right-of-way for the sidewalk, it can be placed on private property with a public easement for pedestrian access.

Additional comments regarding the proposed site development will be coordinated as part of the final engineering review and approval process.

PUBLIC WORKS

The Public Works Department does not have any additional comments at this time.

FIRE AND BUILDING

The Bureau of Inspectional Services offers the following comments:

1. The building will have to meet the new 2000 International Codes for construction, along with any changes to the Village's Title XV Ordinances.
2. A separate fire sprinkler valve room with outside access only is required.
3. A hood and duct suppression system monitored by the fire alarm system will be required for the main kitchen.
4. The garage will need to be sprinklered as it is below a residential space.
5. The second floor residence will require sprinkler protection and be valved as a separate floor.

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Corridor Commercial uses for the subject property. As noted as part of PC 04-22, religious institutions can have much in common with many uses commonly found in corridor commercial areas. Since the nature of the proposed religious institution is to serve the religious worship needs of their dispersed congregation, staff believes that a site such as the one selected by the petitioner would be consistent with the objectives of the Plan.

Compatibility with the Surrounding Land Uses

The properties to the immediate north and west of the subject property are designated for open space and recreation in the Comprehensive Plan because they are located within a floodplain and wetland area. The proposed religious institution land use is a much less intense land use than other uses that could be constructed on the property by right. Additionally, the petitioner's site plan includes a requisite wetland buffer area and buffer improvements per DuPage County requirements.

The use would also be compatible with the existing residential uses east of the subject property, particularly in consideration of the proposed landscape and buffering improvements proposed on the subject property.

South of the site is the proposed Terrace Commercial development. However, the plans proposed a detention facility to be located immediately south of the church building. North of the site is an unincorporated parcel zoned industrial. Staff anticipates that this use would be removed in the future as the petitioner has expressed a desire to acquire this property as well.

To ensure that the proposed use is compatible with the surrounding land uses and meets the standards for conditional uses, staff offers the following analysis and discussion of the subject property:

Traffic Impacts

The subject property is located along a minor arterial roadway (Grace Street). The petitioner's plans include two full access/egress points from Grace Street, a four-lane undivided highway. The church activity is proposed to consist of Sunday church services plus ancillary services, religious study activities, special religious events and occasional evening meetings. These activities are similarly found with other existing religious institutions in the community and staff anticipates the traffic generation for this use to be similar to others. It is not anticipated that the proposed use would create negative impacts as the peak usage period (Sunday mornings) is opposite the time periods in which Grace Street is most busy (weekday mornings and evenings).

Parking

The proposed parking lot on the premises was intended to serve the maximum amount of generation for the site. Unlike many religious institutions in the Village, the location of the petitioner’s site does not provide for convenient on-street parking in close proximity to the church. As such, the petitioner has designed the site to meet the needs of the congregation based upon the highest demand periods for the site. The petitioner has designed the building to accommodate around 300 worshipers. The proposed lot meets all design requirements for parking lots (i.e., stall width, handicapped spaces, aisle width). Staff has informed the petitioner that overflow parking could be negotiated with the property owner to the south.

Elevational Drawings

The petitioner has submitted concept elevational drawings for the proposed building. The design of the building is a classical eastern European/Mediterranean church design. The east elevation, the most prominent elevation along Grace Street) will include arched glass windows. A bell tower and cupola accentuate the roof. Staff feels that the design of the church is compatible with the adjacent residential properties as well as the other non-residential uses.

Compatibility with the Zoning Ordinance

Staff notes that the conditional use approval is being granted only for the proposed use and facilities. Should any other uses on the property be added, staff notes that an amended conditional use approval will be required.

The subject property will remain B4 Corridor Commercial District. Conditional use approval is required in order to allow for a religious institution in the B4 District. The proposed site plan has the following characteristics:

Table 1: Proposed Conditions and Development Regulations

	Proposed	Required by Lombard (B4 Zoning)
Principal Building		
Front Yard (Grace Street)	30 feet	30 feet
Interior Side Yard (north)	358 feet	10 feet
Interior Side Yard (south side)	10 feet	10 feet
Rear Yard (west side)	Approx. 70 feet	40 feet
Open Space	> 10%	10 percent
Building Height	Approx. 30 feet	35 feet
Required Number of Parking Spaces	105 spaces	1 per 3 seats (302 seats max. proposed) = 101 spaces

Landscaping

The petitioner intends to meet the provisions of the Zoning Ordinance. To ensure compatibility with adjacent properties, the petitioner has provided substantial vegetation in the form of evergreen screenings along the parking lot area. This is intended to minimize any excessive light

from vehicles. Other plantings are proposed around the building foundation and the parking lot per code.

Included within the petition is a variation request from the landscape requirements for the transitional yard located on the west side of the subject property. The petitioner has been working with DuPage County staff to develop an appropriate buffer plan for their property. As depicted on the landscape plan, the petitioner does propose to add plantings per Village Code to the area. However, DuPage County may require the petitioner to perform scheduled burns of this area to aid in the re-establishment of the native plant species. Should this requirement be made, the petitioner would not be able install the proposed plant materials. Therefore, staff supports the requests and recommends deference to the planting requirements required by DuPage County.

Compatibility with the Subdivision and Development Ordinance

The Subdivision and Development Ordinance requires public improvements (i.e., sidewalk, parkway trees, etc.) within the public rights of way. The Ordinance allows for the installation of these improvements or payment of fees in lieu of installation.

The petitioner is requesting relief from the requirement to provide water distribution system to adjacent properties. The petitioner is seeking consideration given the unique location of the subject property. While the petitioner would construct the fully required water main extending it to the north property line, they note that this line would be unused. From a Village standpoint, Village crews would have to flush the dead-end main on a regular basis for water quality purposes. Moreover, as the Village's ultimate boundaries are north of the petitioner's property, it is not anticipated that any of their connections would be made to the property.

Staff noted that the petitioner has represented an interest in acquiring the unincorporated industrial lot immediately north of the subject property. If they do so, there will be no long-term need for the line, unless the petitioner seeks to put a structure on the site (this is not contemplated at this time). Only if the unincorporated property were to annex into the Village would this line be needed and then the connections could be controlled by the annexation agreement for that property. The unincorporated property does not meet the Village's zoning code provisions for lot width and area and the existing use is not compatible with the Comprehensive Plan. Staff supports a variation that retains the church's obligation to install the water line at the Village's direction. A companion development agreement will be considered with the final reading of Ordinances including this provision.

Compatibility with the Sign Ordinance

The petitioner will be installing a free-standing institutional sign to denote the church name and activities. The petitioner intends on meeting the provisions enumerated within the Sign Ordinance.

FINDINGS AND RECOMMENDATIONS

The proposed conditional use for a religious institution is compatible with the surrounding land uses and is in compliance with the recommendation of the Comprehensive Plan. Staff supports the proposed variations regarding the installation of public improvements and from the transitional landscape requirements.

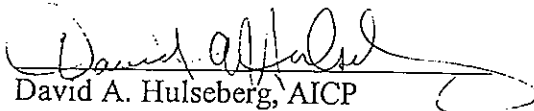
Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposed conditional use and variations do comply with the standards required by the Lombard Zoning Ordinance and Subdivision and Development Ordinance; and, therefore, I move that the Plan Commission adopt the finding included within the Inter-department Group Report as the findings of the Lombard Plan Commission, and recommend to the Corporate Authorities **approval** of the conditional use and variations associated with PC 04-23, subject to the following conditions:

1. The petitioner shall develop the site essentially in accordance with site plan prepared by Nicholas Batistich Architects, hand-dated June 28, 2004 and made a part of this request.
2. That the conditional use shall be for the construction and operation of a religious institution on the subject property. Should the petitioner or any subsequent property owners seek to operate uses such as, but not limited to, day care facility, pre-school activities, elementary school activities, a conditional use amendment will be required.
3. That the petitioner shall apply for and receive a building permit for the proposed improvements. Said plans associated with the permit application shall also address the comments noted in the Inter-departmental Group Report.
4. That the site shall be constructed and operated in conformance with the Lombard Village Codes.
5. That the relief granted as part of this petition shall be subject to the petitioner executing a development agreement with the Village.

Lombard Plan Commission
Re: PC 04-23
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Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

c: petitioner

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