

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

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: December 21, 2004 (B of T) Date: January 6, 2005
TITLE: PC 04-37: 1000 N. Rohlwing Road (Northgate Shopping Center/The Church in Lombard)
SUBMITTED BY: Department of Community Development *DAH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting that the Village approve a conditional use for a religious institution located within the B3 Community Shopping District. The petitioner is requesting a waiver of first reading as well as a waiver of the Village portion of the Plan Commission public hearing fees.. (DISTRICT #1)

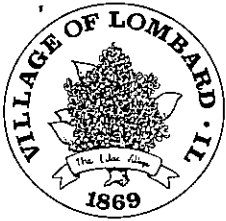
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.T. Lichter* _____ Date *12/21/04*

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 *Dah*

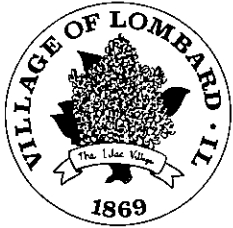
DATE: January 6, 2005

SUBJECT: PC 04-37: 1000 N. Rohlwing Road (Northgate Shopping Center/The Church in Lombard)

Attached please find the following items for Village Board consideration as part of the January 6, 2005 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-37;
3. An Ordinance granting approval of a conditional use for a religious institution, subject to three conditions.
4. Plans associated with the petition.

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
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January 6, 2005

Village President
William J. Mueller

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

Trustees

Tyler L. Williams, 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

Village Manager
William T. Lichter

Subject: PC 04-37: 1000 N. Rohlwing Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. This petition was heard at the December 20, 2004 Plan Commission meeting. The petitioner requests that the Village approve a conditional use for a religious institution located within the B3 Community Shopping District.

Joe Basile, 5538 Celebrity C. West, Hanover Park, stated that he is the Senior Pastor of the Church in Lombard. They have been holding their services at Madison Elementary School and they are proposing to relocate their worship services to the proposed theatre site at Northgate Shopping Center. In his presentation, he reviewed the standards for conditional uses and noted that the church would not have an adverse impact on surrounding properties.

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

Chairperson Ryan then requested the staff report. William Heniff, Senior Planner, stated that the petitioner, The Church in Lombard, is seeking a conditional use to have religious services within one of the former theatre spaces within the former Northgate Theatre property. This property in general, and the location of the proposed church specifically, is currently operating under a conditional use for an indoor amusement establishment that was approved as PC 02-31.

The congregation, which has approximately 250 members, is proposing to occupy one of the existing theatre spaces that was not converted as part of the Kool Zone teen club. The Church anticipates that it will primarily operate on Sunday mornings.

Mr. Heniff summarized the IDRC comments and stated that the proposed religious institution has been holding services at Madison Elementary School. They are proposing to relocate into the theatre space in the Northgate Shopping Center as it is already set-up to accommodate a larger assemblage of people.

"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."

The Comprehensive Plan recommends Corridor Commercial uses for the subject property. Religious institutions can have much in common with many uses commonly found in corridor commercial areas, as both attract visitors from wide area. Therefore, the proposed use is compatible with the Comprehensive Plan when such uses are located within the B3 Community Shopping District.

With the approval of PC 04-22 earlier this year, religious institutions are classified as conditional uses within the B3 zoning district. The subject property already has a conditional use for an indoor amusement establishment, which is another assembly-type land use.

The petitioner proposes to use the existing area within the building largely as it currently exists. They propose to modify the front of the seating area to accommodate a stage to facilitate their worship services. The theatre seating area will remain as it currently exists.

From staff's perspective, we find the proposed religious institution use, as proposed, to be quite similar to the past theatre use, which is a permitted use in the B3 District. Outside of worship services, they are not proposing any other ancillary activities (e.g., day-care, pre-school, Sunday school, etc.) that can frequently accompany religious institutional uses. Therefore, as the use will be operated similar to other permitted uses within the B3 District, staff is supportive of the request.

Mr. Heniff stated that the theatre space was originally included as part of the indoor amusement establishment conditional use. At the time of the original approval, the operator of the teen club proposed to show second-run movies in the theatre area. However, those plans never came to fruition.

Given that the teen club already accommodates large numbers of visitors, staff believes that the proposed use would not be detrimental to neighboring land uses and would have a minimal impact on the area. The Church in Lombard anticipates that it will offer services on Sunday mornings, which is a low-activity time for the rest of Northgate Plaza. The shopping center provides adequate parking and circulation, and any noise or traffic that could possibly be generated by the proposed use would not negatively impact the surrounding commercial properties.

Mr. Heniff stated that it is important to recognize the inter-relationship between the teen club and the religious institution. The Church will use the same main entrance and restroom facilities as the teen club. However, the actual operation of the respective conditional uses will be located within different areas, as shown on the submitted plan. Staff does not inherently see a conflict between these two district uses. However, staff recommends that a condition be added to the recommendation of approval that the area proposed to be used by the Church in Lombard is to be used exclusively for religious institution purposes and shall not be used by the teen club as part of their business operations.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Commissioner Sweetser noted that in the letter from School District 44, it made a reference to the child care associated with the church, while the staff report noted that there will be no child day care operations associated within the church. Mr. Basile stated that the child care is only offered during worship services and they will not be having any daycare or pre-school activities.

Commissioner Burke asked about the hours of operation for church and wondered if they did have a service at a time other than Sunday mornings, would that cause a problem. Mr. Heniff stated that while most of their services will occur on Sunday morning, there will be times that services may occur on other days (i.e., on Christmas). Additionally, as the site was originally designed and developed as a theatre, the site improvements already provide for large gatherings of people – even during periods when other business uses on the property would be open.

Commissioner Burke then asked about condition 3 within the staff report that would restrict the use of theatre area by the church and not for the teen club. Does the Village have the ability to enforce this regulation? Mr. Heniff noted that the Village has rights to inspect the operations at the teen club as part of their licensing requirements. Mr. Basile said that they would not want the teen club to use the theatre area and they would keep the theatre area locked.

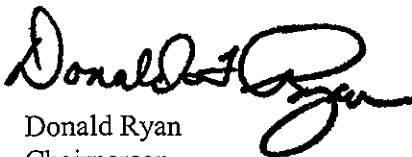
Commissioner Olbrysh made a motion to approve the petition, subject to the conditions in the staff report and those suggested at the meeting. The motion was seconded by Commissioner Sweetser.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed requests complied with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 6 to 0, recommended to the Corporate Authorities **approval** of PC 04-37, subject to the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The petitioner shall apply for and receive a building permit for any improvements associated with the conditional use.
3. That the theatre space proposed to be used by the petitioner as part of this request shall only be used for religious institution purposes and shall not be occupied or used as part of the adjacent indoor amusement (i.e., teen club) establishment.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan
Chairperson
Lombard Plan Commission

attachments

- c. Petitioner
Lombard Plan Commission

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on November 19, 2004 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Plat of Survey, prepared by Glen D. Krisch Land Surveyor, Inc., dated December 26, 1995.
4. Interior building plans.
5. Newspaper article, "Not your average preacher," *Daily Herald*, September 18, 2004.

DESCRIPTION

The petitioner, The Church in Lombard, is seeking a conditional use to have religious services within one of the former theatre spaces within the former Northgate Theatre property. This property in general, and the location of the proposed church specifically, is currently operating under a conditional use for an indoor amusement establishment (i.e., teen club) that was approved as PC 02-31.

The congregation, which has approximately 250 members, is proposing to occupy one of the existing theatre spaces that was not converted as part of the Kool Zone teen club. The Church anticipates that it will primarily operate on Sunday mornings.

INTER-DEPARTMENTAL REVIEW COMMENTS

Public Works

Public Works has no objections, comments or changes.

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Building and Fire

The Fire Department/Bureau of Inspectional Services has the following comments:

- All fire protection systems for the entire building must be operational.
- All existing components must be functional, including exit doors, lighting, etc.
- A permit to erect a stage must be approved by the Village. The stage may not be constructed of any flammable materials, and there may be no combustible storage beneath the stage.

- The occupant load cannot exceed its design. Any modifications to existing must be approved by the Village.

Planning

The proposed religious institution has been holding services at Madison Elementary School. They are proposing to relocate into the theatre space in the Northgate Shopping Center as it is already set-up to accommodate a larger assemblage of people.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Corridor Commercial uses for the subject property. Religious institutions can have much in common with many uses commonly found in corridor commercial areas, as both attract visitors from wide area. Since the nature of the proposed religious institution is to serve the religious worship needs of a geographically dispersed congregation, staff believes that a site such as the one selected by the petitioner would be consistent with the objectives of the Plan. Therefore, the proposed use is compatible with the Comprehensive Plan when such uses are located within the B3 Community Shopping District.

Compatibility with the Zoning Ordinance

With the approval of PC 04-22 earlier this year, religious institutions are classified as conditional uses within the B3 zoning district. The subject property already has a conditional use for an indoor amusement establishment, which is another assembly-type land use.

The petitioner proposes to use the existing area within the building largely as it currently exists. They propose to modify the front of the seating area to accommodate a stage to facilitate their worship services. The theatre seating area will remain as it currently exists.

From staff's perspective, we find the proposed religious institution use, as proposed, to be quite similar to the past theatre use, which is a permitted use in the B3 District. Outside of worship services, they are not proposing any other ancillary activities (e.g., day-care, pre-school, Sunday school, etc.) that can frequently accompany religious institutional uses. Therefore, as the use will be operated similar to other permitted uses within the B3 District, staff is supportive of the request.

Compatibility with the Adjacent Land Uses

The space that is proposed for the religious institution was originally included as part of the indoor amusement establishment conditional use. At the time of the original approval, the operator of the teen club proposed to show second-run movies in the theatre area. However, those plans never came to fruition and the theatre space remained in the same condition as it did when it was operated as a movie theatre.

Given that the teen club on the property already accommodates large numbers of visitors, staff believes that the proposed use would not be detrimental to neighboring land uses and would have a minimal impact on the area. The Church in Lombard anticipates that it will offer services on Sunday mornings, which is a low-activity time for the rest of Northgate Plaza. The shopping center

provides adequate parking and circulation, and any noise or traffic that could possibly be generated by the proposed use would not negatively impact the surrounding commercial properties.

It is important to recognize the inter-relationship between the teen club and the religious institution. The Church will use the same main entrance and restroom facilities as the teen club. However, the actual operation of the respective conditional uses will be located within different areas, as shown on the submitted plan. Staff does not inherently see a conflict between these two district uses. However, staff recommends that a condition be added to the recommendation of approval that the area proposed to be used by the Church in Lombard is to be used exclusively for religious institution purposes and shall not be used by the teen club as part of their business operations.

FINDINGS AND RECOMMENDATIONS

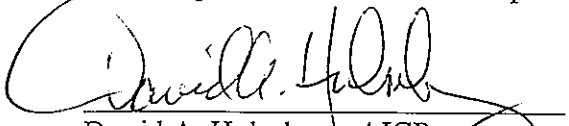
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested relief complies with the standards required by the Lombard Zoning Ordinance; and,

Therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 04-37, subject to the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The petitioner shall apply for and receive a building permit for any improvements associated with the conditional use.
3. That the theatre space proposed to be used by the petitioner as part of this request shall only be used for religious institution purposes and shall not be occupied or used as part of the adjacent indoor amusement (i.e., teen club) establishment.

Inter-Departmental Review Group Report Approved By:

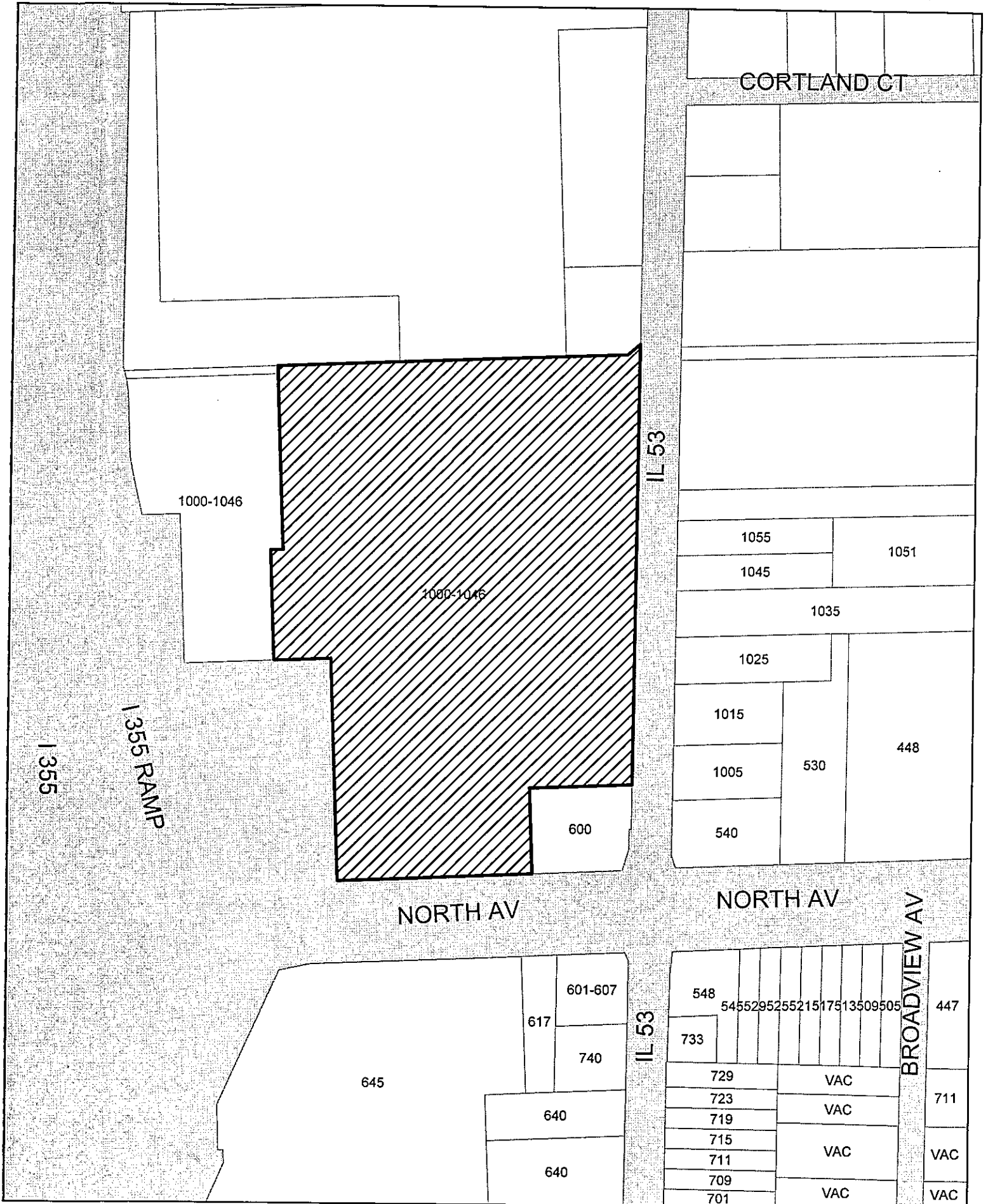

David A. Hulseberg, AICP
Director of Community Development

DAH:JB:jd

- 1) The establishment of the conditional use of 1000 N Rohlwing rd for religious services will not in any way be detrimental to or endanger public health, safety, morals, comfort, or general welfare. The Church in Lombard is in every way dedicated to the moral promotion of society and in any way possible the building up of the general welfare of the community.
- 2) The establishment of the conditional use will enrich the enjoyment of the properties in the immediate vicinity and increase property value by taking a previously dormant space and using it to create awareness of the area by attracting local community to a functional space.
- 3) The establishment of the conditional use will not impede the normal & orderly development and improvement of the surrounding property primarily because the operational times of the church occur on Sunday morning which does not coincide with any of the high activity times of the surrounding properties.
- 4) The adequate public utilities, access roads and all necessary facilities are existing and provided.
- 5) The adequate measures have already been instituted because the existing property was previously a movie theater which was holding similar events.
- 6) The proposed conditional use is in complete support of the comprehensive plan of the village of Lombard. The conditional use will allow the existing dormant space to become an uplifting, clean, and community building space that operates during the low volume times of the surrounding properties so as to be in no conflict with their respective operations or abilities to succeed.
- 7) The conditional use will in all other respects be in conformance with all applicable regulations of the district in which it is located.
- 8) The Church in Lombard requests that the village of Lombard waives the \$600 conditional use fee due to the fact that it is a religious organization.

Location Map

PC 04-37: 1000 N. Rohlwing Road



ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR A RELIGIOUS
INSTITUTION WITHIN THE B3 COMMUNITY SHOPPING DISTRICT**

(PC 04-37: 1000 N. Rohlwing Road)

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, the subject property is zoned B3 Community Shopping District; and,

WHEREAS, an application has been filed requesting a conditional use to allow a religious institution to operate on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on December 20, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional use described herein, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below;

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

SECTION 1: That a conditional use is hereby granted to allow for a religious institution on the property at 1000 N. Rohlwing Road.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 1000 N. Rohlwing Road, Lombard, Illinois and legally described as follows:

LOT 1 IN NORTHGATE PLAZA ASSESSMENT PLAT 1, IN THE SOUTHEAST
QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE

THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED AS DOCUMENT NO. R96-046670, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 02-36-412-034

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner's building and site improvements shall be designed and constructed consistent with Village Code and all also address the comments included within the IDRC report.
2. The petitioner shall apply for and receive a building permit for any improvements associated with the conditional use.
3. That the theatre space proposed to be used by the petitioner as part of this request shall only be used for religious institution purposes and shall not be occupied or used as part of the adjacent indoor amusement (i.e., teen club) establishment.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

Ordinance No. _____
Re: PC 04-37
Page 3

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk