

August 19, 2004

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

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

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;

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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.

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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

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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.

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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