

O R D I N A N C E
Z08-037 A Church of the Resurrection

WHEREAS, a public hearing was held on July 9, 2008, August 21, 2008 and September 25, 2008 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 7:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Conditional Use for a Religious Institution; and
2. Conditional Use for Planned Development; on the property hereinafter described:

PARCEL 1:

LOT 4 IN H.M CORNELL & CO.S FIRST ADDITION TO WINFIELD ACRES, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST ¼ OF THE NORTHWEST 1.4 OF SECTION 23 AND PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

ALL OF LAWRENCE MOORE'S PLAT OF LOT 1, BEING A SUBDIVISION IN PART OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 22, 1960, AS DOCUMENT 962423 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOT 2 IN FAIRVIEW ACRES UNIT 1, A SUBDIVISION OF PART OF LOT 4 IN WILLIAM A. MOYER'S ASSESSMENT PLAT OF PART OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 22, 1952 AS DOCUMENT 665609, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on November 6, 2008 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he seeks the subject zoning relief to develop a new religious institution on the subject property consisting of religious worship facility on the south side of the property and three interconnected buildings know as the "Sending Center" located on the north side of the property.
2. That petitioner testified that the development including the worship facility and the "Sending Center" will generally operate at its inception with anticipation for growth as follows:

Church of the Resurrection – Seven Day Projected Usage of Facilities

Main Church Building

Sunday	9:00 Worship – 500 people 10:45 Worship – 800 people 1:30-3:30 – Training Event – 50 people 2:00 – 4:00 – Leadership Meetings – 20 people 3:30 – 5:00 – Youth Leaders – 30 people 5:00 – 7:00 – Youth Discipleship 45 youth 7:00 – 9:00 – College – 50 people
Monday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 7:00 – 9:00 – Redeemed Lives – 40 people 6:30 – 11:30 – Vestry Meeting – 12 people 7:00 – 9:00 – Planning Meeting - 10 people
Tuesday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 9:00 – 11:00 Women’s Bible Study – 35 people 7:00 – 9:00 Youth Games and Bible Study – 45 people 7:00 – 9:00 CORE Membership Classes – 40 people 7:00 – 9:00 Choir – 50 people

Wednesday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 7:30 – 9:00 Evening Service - 200 people
Thursday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 6:00 – 7:00 – Choir - 45 people 7:00 – 9:00 – Worship Rehearsal – 10 people
Friday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 7:00 Ministry Event – 75 people
Saturday	7:00 Morning Prayer – 20 people 8:00 – 10:00 Men’s Bible Study – 25 people 10:00 – 12:00 Ministry Event – 25 people
Wednesday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 7:30 – 9:00 Evening Service - 200 people
Thursday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 6:00 – 7:00 – Choir - 45 people 7:00 – 9:00 – Worship Rehearsal – 10 people
Friday	7:00 Morning Prayer – 20 people 9:00 – 5:00 Staff – 12 people 7:00 Ministry Event – 75 people
Saturday	7:00 Morning Prayer – 20 people 8:00 – 10:00 Men’s Bible Study – 25 people 10:00 – 12:00 Ministry Event – 25 people

3. That petitioner testified about and submitted as Exhibit 17 operating information about the "Sending Center" (Center); to wit:

- a. The Center consists of three (3) buildings connected by linkages including:
- Chapel
 - Great Hall meeting space

- Retreat Facility accommodating not more than twenty-four (24) overnight guests.
- b. The Center will be used primarily for ministry of the church including education programs and retreats.
- c. The Center will serve as housing units for guests who visit the facility for retreats or training activities.
- d. The Great Hall will have a full kitchen facility to accommodate preparation of food relative to various church activities including funerals and weddings and the retreat and training activities.
- e. The Chapel will have seating capacity for 300.
- f. The Great Hall, while not having fixed seating, will accommodate seating for up to 300 people.
- g. Petitioner testified that neither the facility, nor any of the property will be used for overnight accommodations for the homeless or for any P.A.D.S programs or other similar organization irrespective of the Church's support for these types of ministries.
- h. That petitioner testified that there will be no school located or association with any school nor will there be any conventional school curriculum taught at the facility. All educational programs will be relative to various retreats conducted at the facility and typical Sunday and Wednesday type religious educations for short periods of time.

STANDARDS FOR CONDITIONAL USES:

That the Zoning Board of Appeals finds in part that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development to wit;

1. That petitioner has demonstrated that the facility is a religious institution and that the use as such is compatible with other land uses in the R-1 and R-2 Zoning District and is a reasonable use of the property.

2. Furthermore, the ZBA finds that petitioner has demonstrated that the proposed development will comply with all of the bulk regulations of the R-1 and R-2 Zoning District requirements and those premium standards for Conditional Use developments, (i.e.: setback, FAR, parking, on site circulation, etc.)
3. In addition, the ZBA finds that petitioner has demonstrated that the proposed development will comply with the Planned Development Standards of the Zoning Ordinance relative to open space, creative design relative to special management areas on the property and connectivity of the clustered buildings and parking areas and open spaces via interconnecting pathways, linkages and best management practices where available
4. In addition, the ZBA finds in part that the petitioner has demonstrated that the development will not have a detrimental impact on the following standards relative to Conditional Use of the Zoning Ordinance:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the subject property complies with all bulk requirements of the DuPage County Zoning Ordinance relative to setbacks, floor area ratio, parking requirements and on-site circulation
 - .Furthermore, the ZBA finds that petitioner has demonstrated that the proposed development insures that buildings and parking will be developed at greater distance from adjacent properties than required by ordinance and with a greater degree of screening and design of screening between internal land uses and adjacent land uses (i.e.; clustering of parking areas and buildings in certain areas to ensure continued use and viability of existing topographical, water and environmental features on the property which serve as amenities on site as well as provide mitigation to properties adjacent)
 - b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development as a religious institution is a reasonably and compatible use within R-1 and R-1 Zoning Districts and practically compatible relative to adjacent large

lot single family residential uses and adjacent roadways that generally function as collector roadways versus local residential roadways.

- Furthermore, petitioner has demonstrated that the uses on the property coupled with the preservation of existing environmental and topographical features on the site juxtaposed with the fact that the property is approximately 21 acres in size mitigates any impact to adjacent properties, (irrespective of the typical impacts associated with religious institutions).
- c. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with all County regulations relative to stormwater, drainage and protection and mitigation of special management areas on the property.
- d. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that that the proposed development will comply with all County regulations relative to stormwater, drainage and protection and mitigation of special management areas on the property
- e. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that as petitioner has demonstrated that the proposed development as a religious institution is a reasonably and compatible use within R-1 and R-1 Zoning Districts and practically compatible relative to adjacent large lot single family residential uses and adjacent roadways that generally function as collector roadways versus local residential roadways.
- Furthermore, petitioner has demonstrated that the uses on the property coupled with the preservation of existing environmental and topographical features on the site juxtaposed with the fact that the property is approximately 21 acres in size mitigates any impact to adjacent properties, (irrespective of the typical impacts associated with religious institutions).

5. That the ZBA finds in part that petitioner has not fully demonstrated that the proposed development will not have an impact relative to the following:

a. Increase the hazard from fire or other dangers to said property; to wit:

(1) While petitioner has demonstrated that the proposed development will provide adequate fire suppression to the buildings and structures on the property and adequate circulation for emergency vehicles on site, petitioner has not adequately addressed off-site concerns relative to fire safety and other dangers to said property relative to emergency access to the site from adjacent roadways as evidenced in part in testimony from objectors' to the petition and Objectors' Exhibit #2 entitled "Traffic Review Church of The Resurrection Development Winfield Township, DuPage County Illinois" and via further iterations of said concerns from the DuPage County Department of Transportation; to wit:

(a) Secondary emergency access to the site is proposed on Indian Knoll Road to the northeast of the subject property which consists of a pavement width of approximately 17 feet. The County standard for a typical improved local residential street (pursuant to the DuPage County Subdivision Regulations) is a minimum road pavement width of 31 feet back to back of curb or 27 feet of pavement cross section with accommodation for gravel "shoulders".

(b) The ZBA finds that the road-right-of way cross section is approximately 60 feet wide which meets the minimum road ROW requirement of the County. As such, the ZBA finds that accommodations can be made to improve the road pavement width to the required County standard in a reasonable and typical manner for such roadway type necessary to accommodate petitioner's need for emergency access to Indian Knoll Road.

b. Unduly increase traffic congestion in the public streets and highways.

- (1) The ZBA finds that petitioner has submitted two (2) traffic impact studies reflecting traffic to the facility at peak periods for typical traffic along adjacent roadways and traffic at the facility during peak usage of the facility. That the ZBA finds that while the studies indicate that petitioner has reasonably addressed on site vehicular and pedestrian movement and circulation, (i.e.: parking, walking paths, circulation routes etc.), petitioner **has not** adequately addressed off-site traffic needs and concerns relative to the facility and the various uses, buildings and structures on the property including the main worship area and accessory uses.
- (2) That the ZBA finds that petitioner has not adequately addressed the traffic concerns raised in Objector's Exhibit #2 traffic review and those of DUDOT relative to traffic to and from the proposed development and the unique road configurations and traffic signalization methods or lack thereof on adjacent roadways.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z08-037 A Church of the Resurrection/Church of the Resurrection	
OWNER	Wagner Enterprise, Inc Winners Bridge Real Estate Services, 1550 Spring Road, Suite 100, Oak Brook, IL 60523	
ADDRESS/LOCATION	1S164 and 1S122 Indian Knoll Road, Winfield Illinois 60190	
PUBLICATION DATE	Daily Herald:	June 19, 2008
ZONING REQUEST	Conditional Use for a Religious Institution Conditional Use for Planned Development	
PIN/TWSP./ COUNTY BOARD DIST.	0423101010;014;016	Winfield/District 6
ZONING/LUP	R-1 and R-2 Single Family Res.	0-5 DU/AC
AREA/ UTILITIES	21.2 AC (923,472 SQ. FT.)	Sewer and Well
PUBLIC HEARING	July 9, 2008, August 21, 2008, September 25, 2008	
ADDITIONAL INFORMATION:		
Building:	Have reviewed and no concerns	
Health:	Have reviewed and no concerns. Understand sewer is coming from West Chicago and developer will be required to install one well per building (4 wells)	

Stormwater:	Have reviewed and no concerns
DUDOT	11-05-08 Concerns relative to traffic on adjacent roads. Concur with findings of Objector's Traffic analysis of petitioner Traffic Reports and requires additional information. (See attached letter page 12), Requires additional information
DUDOT	1-30-09 Continues to have concerns
EXTERNAL:	
Winfield Township:	I share in the Winfield Twp Road District's concerns for the use of this property and the potential problems that include traffic flow, lights and noise, overuse of the roads, drainage problems, and the impact on the surrounding quiet, large-lot residential area. There also seems to be no clear picture of the churches intent for all buildings and operational issues, which can lead to problems in the future if not addressed prior to the conclusion of the hearings
Winfield Township Highway	Objects/has concerns with this petition.
Neighbors	25 letters from neighbors in opposition of petition.
Neighbors	Petition in objection from 578 neighbors
West Win HOA	Several letters and emails in objection from the West Win-Home Owners Association
Members of Church	Several letters in support of the petition
Winfield Fire	No objections Please be advised that the revised plans dated October 20, 2008 for the auto-turn and preliminary dry hydrant location exhibit have been reviewed by this office and are approved as presented. In addition, the dry hydrant placement, parking, fire lanes, and access to the buildings all meet the requirements of the Winfield Fire Protection Dist

Dissenting Opinion:

1. The dissenting members find that there continues to be traffic issues as iterated by, Winfield Township, DUDOT and objector's traffic consultant which must be addressed before the matter moves forward to the development committee.

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on November 6, 2008 recommends to approve the following zoning relief:

1. Conditional Use for a Religious Institution; and
2. Conditional Use for Planned Development

Subject to the following conditions:

1. That prior to the submittal of the Planned Development Plat to the County Plat Committee petitioner demonstrate to the DuPage County Department of Economic Development and Planning that all off-site road improvements relative to the subject development have been complied with per the DuPage County Division of Transportation requirements.
2. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # Z08-037A Church of the Resurrection dated April 30, 2008 as petitioner's Exhibit #1.
3. That there be no outside amplification other than carillon bells (as requested by petitioner) on Sunday Morning for a short period of time before each of the regularly scheduled mass times.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development including preservation for existing vegetation.
6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, on January 6, 2009 the County Board Development Committee made no recommendation on Z08-037 A Church of the Resurrection, as the motion to consider the matter did not prevail on a vote of 2 ayes, 3 nays, 1 absent.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Conditional Use for a Religious Institution; and
2. Conditional Use for Planned Development; on the property hereinafter described:

PARCEL 1:

LOT 4 IN H.M CORNELL & CO.S FIRST ADDITION TO WINFIELD ACRES, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST ¼ OF THE NORTHWEST 1.4 OF SECTION 23 AND PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

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The Zoning Relief is subject top the following conditions:

1. That prior to the submittal of the Planned Development Plat to the County Plat Committee petitioner demonstrate to the DuPage County Department of Economic Development and Planning that all off-site road improvements relative to the subject development have been complied with per the DuPage County Division of Transportation requirements.
2. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # Z08-037A Church of the Resurrection dated April 30, 2008 as petitioner's Exhibit #1.
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4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Scott Pointer, 300 East Roosevelt Road, Wheaton, Illinois 60189; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this _____ day of _____
2009, A.D.

Robert J. Schillerstrom, Chairman
DuPage County Board

ATTEST: _____
Gary A. King
County Clerk