

1           PRESENT:

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          MR. MICHEL LOFTUS, Chairman;

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          MR. JOHN HAKIM, Member;

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          MR. BARRY KETTER, Member;

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          MR. THOMAS LAZ, Member;

          MR. JACK L. MURPHY, Member;

          MR. JIM MCNAMARA, Member.

6

          ALSO PRESENT:

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          MR. KEYA WILLIS, Principal Planner

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          MR. PAUL HOSS, Principal Planner

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1           CHAIRMAN KARTHOLL: Now, the Church of the  
2 Resurrection is the next matter. That is Z08-037.  
3 This is a complicated matter, because since we have  
4 closed the public hearing, we have obtained additional  
5 information regarding the access, and particularly the  
6 Department of Transportation information which has  
7 been provided.

8                       So before we debate this matter, I  
9 would like to get Mr. Hoss up here to make a brief  
10 statement of our new information from the Department  
11 of Transportation.

12                      In a nutshell, there has been some  
13 questions requested or asked about the validity of the  
14 Petitioner's traffic study.

15                      Mr. Hoss, could you give us a  
16 summary.

17                      MR. HOSS: The Petitioner has submitted two  
18 traffic studies from Semcon, one was a study submitted  
19 at that first petition, or our first public hearing,  
20 and then there was also what was called a supplemental  
21 traffic study. The objectors to the petition  
22 submitted a traffic review of that study from Metro.

1                   We have asked our Department of  
2                   Transportation, Division of Transportation, DUDOT, for  
3                   review of both of those studies. DUDOT has submitted  
4                   a letter to the file which you all have, Petitioner  
5                   has, and the homeowner association has as well.

6                   The letter has some concerns from  
7                   DUDOT relative to Semcon's, for lack of a better term,  
8                   numbers and analysis of the numbers relative to the  
9                   church. And DUDOT is supporting some of the concerns  
10                  and contentions of the Metro traffic study.

11                  As such, DUDOT is recommending that  
12                  there be additional work done or discussions with  
13                  developer transportation people as to appropriate  
14                  traffic counts and what those traffic counts  
15                  ultimately mean relative to offsite improvements.

16                  CHAIRMAN KARTHOLL: Okay. So in my analysis  
17                  that gives us three opportunities. We can continue  
18                  this matter until the additional traffic study  
19                  information is completed.

20                  We can obviously move to either  
21                  approve or deny without regard to the traffic study.  
22                  If we were to deny, that would mean that there are

1 independent reasons for denial. If we were to move to  
2 approve, that would mean that we concluded that the  
3 information concerning the traffic is not material to  
4 our consideration and that we should let the matter  
5 proceed without regard to these comments.

6 The last opportunity is that we  
7 could, if we move to approve, that we would impose a  
8 condition that the traffic issue be resolved by the  
9 traffic experts.

10 The procedure for that, it seems to  
11 me, would be to impose a condition that the DuPage  
12 Department of Transportation resolve this issue at the  
13 next level, which is either prior to the Development  
14 Committee hearing and/or prior to the matter  
15 proceeding before what it is the Plat Committee.

16 MR. HOSS: Right.

17 CHAIRMAN KARTHOLL: Because of the parallel  
18 proceeding.

19 I personally think that the several  
20 hundred people that have expressed interest in this  
21 would like us to move the case forward, but I don't  
22 mean to pre-judge the matter.

1                   So my view is that we should give  
2 this case a thumbs up or thumbs down this evening with  
3 the understanding that if it's thumbs up, frankly, it  
4 cannot realistically proceed without consideration of  
5 this traffic matter so that there would be a condition  
6 addressing that traffic opinion from DUDOT.

7                   With that, I will take discussion  
8 before we have a motion if anyone wants to express an  
9 opinion or remark. Mr. Loftus.

10                  MEMBER LOFTUS: This is a very interesting  
11 case. It's actually generated more paperwork than  
12 anything I have been involved with since I have been  
13 on the Board since 2003.

14                  I have had two surgeries during the  
15 process of these hearings, and the paperwork literally  
16 exceeds my weight limit the doctors have given me to  
17 bring back and forth. The good thing is it has given  
18 me plenty of time to study and look it over.

19                  With regard the traffic, this is one  
20 of the things I took into consideration of what my  
21 vote would be or will be if it is taken tonight.

22                  One of the things that has played

1 into my mind expressly is that this church meets in a  
2 gymnasium and the size that it is right now is  
3 different from what it is projected.

4 Because this project was required to  
5 show us the whole big picture, it does look like a  
6 mega church, but right now the group meets in a  
7 gymnasium. The traffic that they are going to  
8 generate is going to be minimal initially.

9 Now, if they grow to the size that  
10 they want to be and they projected it to be for their  
11 planning, yes, these number could come to fruition.  
12 By that time, there could be any number of other  
13 issues along the way either on Karnal Road that has  
14 caused that traffic to grow in a similar manner that  
15 this would have if it were to come in today as a  
16 church, a mega church, to use the term that has been  
17 tossed around.

18 So with that in mind, I don't see  
19 that the traffic thing right now is going to sway my  
20 vote one way or the other, because I am basing it on  
21 the fact that we have here tonight in front of us for  
22 the church that is going to be built, if this is

1 approved, at the size that it is right now.

2                   So while we have to look to the  
3 future for things that we make considerations on, I do  
4 not see a church growing to be 500 people at a service  
5 of 1 and 800 and another that quickly. I would like  
6 to think that the minister is a very dynamic person  
7 and can raise the congregation level, but that would  
8 be a phenomenal feat and frankly the traffic issue  
9 that has come up tonight is not going to sway my  
10 decision one way or the other.

11                   That's just my point and we will take  
12 it from there.

13                   CHAIRMAN KARTHOLL: Okay. Thank you. Does  
14 anybody else want to make a comment before we take a  
15 motion.

16                   MEMBER LAZ: Mr. Chairman, I note for the  
17 record that the standards for conditional uses under  
18 37-1413.5 indicate that one of the standards we need  
19 to consider under No. 4 is unduly increased traffic  
20 congestion on the public streets and highways.

21                   And while I understand the desire of  
22 all of the people and I echo Mr. Loftus that we have

1 had probably more people on this case than I recall in  
2 the two years I have been on the board, I am hesitant  
3 to want to make a judgment without all of the evidence  
4 being in.

5 I don't want to be in a position of  
6 voting one way or another having something start to  
7 occur and then we will found out additional  
8 information or the condition or that other information  
9 might, in effect, negate the issue.

10 So I would be in favor of deferring  
11 until we get the traffic study.

12 CHAIRMAN KARTHOLL: Anybody else?

13 MEMBER MURPHY: Yes.

14 CHAIRMAN KARTHOLL: Mr. Murphy, go ahead.

15 MEMBER MURPHY: Basically most of you people  
16 out there, I live around this area longer than all of  
17 you have. My family farmed that land before most of  
18 you people lived out there.

19 We come through this hearing and  
20 everything like the Westwind Association said, well,  
21 we don't want this, we don't want that, but they  
22 haven't come forward and said, well, we will buy the

1 land and assess everybody \$10,000 or \$15,000 to buy  
2 the land and so forth.

3 You know, open space, you know, is  
4 great, but, you know what, in the next four years,  
5 it's going to flip around in DuPage County, the space  
6 is going to be so valuable that the wants for space is  
7 going to be two times greater than the space  
8 available.

9 What's going to happen out there,  
10 somebody is going to buy up this property. They are  
11 going to buy up the green house right next store.  
12 They are going to annex into the City of West Chicago,  
13 and you are going to have 50 to 60 foot lots in there  
14 with very small houses, because that's what going to  
15 be built in the next four or five years because they  
16 can't afford these multi-story -- these great big  
17 houses.

18 I think that you people should think  
19 about what would occur to this property if it was  
20 turned down.

21 CHAIRMAN KARTHOLL: Anybody else. Mr.  
22 McNamara.

1           MEMBER MCNAMARA: I like Mr. Loftus' comment  
2 about the weight of the paper, because it confirmed  
3 the plan took into account not just what was going to  
4 happen in the next small period of time, but really  
5 took a look at the whole property, all the  
6 development, and at one point I think they even went  
7 back and added things that may not have been there  
8 originally.

9                         So the plan as a whole is pretty long  
10 reaching, whether they get there or not. They don't  
11 know, but it would seem reasonable given that we now  
12 have this information to have this piece of it  
13 consistent with the planning and the scope of this  
14 project to fit with all the other information that we  
15 have.

16           CHAIRMAN KARTHOLL: Mr. Hakim.

17           MEMBER HAKIM: Well, I would like to say that I  
18 agree with Member Laz regarding having all the  
19 information before we actually make a decision so that  
20 the decision is actually accurate.

21                         I would also like to raise an issue  
22 which was probably raised in one of the first meetings

1 and that pertains to the chimes from the bell tower.

2 Did we ever get a decision on this  
3 where a decision was made whether they were going to  
4 ring the chimes every hour and every half hour from  
5 the church.

6 MEMBER MURPHY: There was.

7 MEMBER HAKIM: There was? Okay. All right. I  
8 hope that that is not something that is going to be  
9 done, because I am sure people would be disturbed by  
10 that. But anyway, that was my contention.

11 CHAIRMAN KARTHOLL: Okay. Let me just say that  
12 to the extent that there is a limitation on the  
13 operation of the carillon it would have to be imposed  
14 as a condition if the matter proceeds favorably.

15 MEMBER KETTER: I did not have a problem  
16 deferring this -- not deferring it on the traffic  
17 study, because that's not my major concern. I oppose  
18 it on some other reasons. I think, though, by my  
19 colleagues actually wishing to defer it it has the  
20 same effect as a denial due to the time constraints.  
21 They will not be able to meet their funding  
22 requirements. So with that in mind, I would ask my

1 board members to reconsider.

2 My concerns are that it is such a  
3 large plan and not funded that it may not be  
4 completed, and if it's not completed, if it stops at  
5 different stages, it becomes a safety hazard and it  
6 affects the general welfare and safety and the other  
7 terms under the code of the surrounding neighbors. It  
8 was on that basis that I was ready to proceed.

9 CHAIRMAN KARTHOLL: Let me go beyond what I  
10 usually do and maybe urge for consideration my fellow  
11 board members the following:

12 I believe we should proceed with this  
13 case this evening because it's been here forever and  
14 because we cannot continue to ask the neighbors  
15 support and in opposition to sort of follow our doings  
16 and respect this matter, I think we should put our  
17 cards on the table tonight and resolve the matter up  
18 or down.

19 Having said that, my cards are as  
20 follows: I don't favor this project. I don't think I  
21 would want it in my neighborhood, but I don't see any  
22 basis to deny this project given the terms of Living

1 Word until I saw, because my only concern that I  
2 thought, well, what is that unique circumstance that  
3 is suggested that we need to find in order to deny by  
4 the Illinois Supreme Court decision, that unique  
5 circumstance or special condition is the traffic  
6 condition. But until yesterday morning, that traffic  
7 issue was pretty well resolved by the reports that we  
8 had in our file and the public hearing record.

9 Now, as of yesterday morning, I was  
10 told or as of this morning I was told that in the last  
11 day or so the traffic study has been called into  
12 question, but not in a way to say it's faulty, you may  
13 not rely on it, it's wrong, it just needs some  
14 clarification.

15 There then seems to be a perfect  
16 vehicle that we either deny this for reasons that I  
17 haven't concluded and you may have and I am not  
18 suggesting, you know, maybe I missed one or many more  
19 than one point for denial.

20 But we either deny based on the  
21 collective opinion of the board or we affirm subject  
22 to resolution of the traffic condition, and that we

1 let the traffic experts at the Plat Committee level  
2 resolve this.

3 That way the matter proceeds  
4 according to a schedule that is realistic for the  
5 Petitioner. We don't continue to inhibit the progress  
6 of the case. We don't continue to ask the people to  
7 come back, and we don't open continued public hearings  
8 on a matter has been heard for hours and hours.

9 So my own view is let's take a motion  
10 to deny or to support, and if the motion to support is  
11 made, it obviously must be contingent upon this  
12 traffic issue which has been raised. So to each is  
13 own, but that's my view. Anybody else?

14 Well, in that case, I invite a motion  
15 either to deny the petition or to approve the  
16 petition.

17 MEMBER KETTER: I would move to deny. I think  
18 the case law backs this up. If it can be seen to be  
19 injurious to the neighborhood and affecting the public  
20 health, safety, and general welfare, that it can be  
21 voted down. I think that in and of itself based on  
22 the funding, we have gotten quite an array of

1 different amounts where it's at, but the bottom line  
2 it is they are nowhere near enough funding.

3           There is also the underlying issue of  
4 emergency access too. So on those conditions, I would  
5 move to deny the conditional use.

6           MEMBER MURPHY: I will second it.

7           CHAIRMAN KARTHOLL: Motion to deny by  
8 Mr. Ketter, seconded by Mr. Murphy. Is there any  
9 discussion on the motion? Mr. Laz.

10           MEMBER LAZ: Mr. Chairman, I recall at the  
11 public hearing that we had in this case during one of  
12 the witness' presentations, there was somebody in the  
13 audience who said, try living with a church in your  
14 backyard. Well, my quick response to that was, well,  
15 try living without one.

16           We are a nation that our Founding  
17 Fathers started out by always referring to God. You  
18 look at your money, it says, In God We Trust.

19           The original Pledge of Allegiance did  
20 not include the words, Under God, until the 1950's  
21 when it was added in as a response to the Godless  
22 communist menace. Then a year or so ago there was

1 talk about redoing the pledge dropping the words Under  
2 God. There is big hue and cry, oh, we don't want to  
3 let that, that is the way it is, but historically it  
4 was not.

5                   When we had Columbine, I distinctly  
6 remember a cartoon where there was some distraught  
7 parent who was looking up saying, God, how could you  
8 let this happen? And there was a balloon from God  
9 saying, well, they don't let me in the schools any  
10 more.

11                   All of that being said, I have also  
12 considered the traffic aspects. I remember the  
13 question of egress to the north. I think that the  
14 overall plan calls for covering a lot of ground, and I  
15 recall people talking about flooding as the land is  
16 now and covering more of the land with additional  
17 buildings.

18                   I understand Mr. Murphy's position  
19 that at least the church would have some open ground  
20 and if you don't allow this, it would be that you wind  
21 up with a development that might have a lot more  
22 pavement, a lot more streets. I don't want to

1 speculate on that happening, but I would support the  
2 motion to deny.

3 CHAIRMAN KARTHOLL: Thank you.

4 MEMBER LOFTUS: As I said before, this case has  
5 generated a lot of paperwork and more evidence than  
6 any since I have joined the Board in 2003. There is  
7 also much emotion among the supporters as well as the  
8 objectors in this case. The board has heard testimony  
9 and concerns on both sides of the case.

10 When the case is reviewed on the  
11 merits or the minuses in regards to the zoning code  
12 and its legal precedent with the emotions removed, it  
13 became very clear for me.

14 As I said before, traffic concerns.  
15 Roads are made to move traffic and roads cannot  
16 support increased traffic, they are widened, repaired,  
17 or otherwise altered to allow for safe movement of  
18 safe traffic. That's why we elect highway  
19 commissioners and/or county board members or have  
20 street and sanitation departments.

21 The roads are public right-of-ways  
22 and are designed to move traffic. This church has met

1 in a high school auditorium and cannot generate, in my  
2 opinion, enough traffic to warrant the traffic  
3 concerns that were voiced at our hearings.

4 The Living Word is a legal precedent  
5 regardless of one of our objectors' view and is still  
6 a relevant consideration. Since no testimony was  
7 given or evidence shown that another location in the  
8 county is better suited for location of the church, I  
9 have to go with the Petitioner on this one. I am  
10 going to vote nay on the motion to deny this  
11 conditional use as a religious institution on this  
12 case.

13 I still oppose the idea of the bell  
14 tower, because, as I said previously, sounds that are  
15 generated at the very best are neighborly, but they  
16 are more likely to be intrusive and bothersome.

17 I am going to be voting nay on this  
18 case to deny.

19 CHAIRMAN KARTHOLL: No further comments. Let's  
20 call the roll on the motion to deny.

21 MS. WILLIS: Mr. Ketter.

22 MEMBER KETTER: Aye.

1 MS. WILLIS: Mr. Murphy.

2 MEMBER MURPHY: Aye.

3 MS. WILLIS: Mr. Hakim.

4 MEMBER HAKIM: No.

5 MS. WILLIS: Mr. Laz.

6 MEMBER LAZ: Aye.

7 MS. WILLIS: Mr. McNamara.

8 MEMBER MCNAMARA: No.

9 MS. WILLIS: Mr. Loftus.

10 MEMBER LOFTUS: No.

11 MS. WILLIS: Mr. Kartholl.

12 CHAIRMAN KARTHOLL: No. The motion fails by a  
13 vote of 3 in favor and 4 opposed. I will take an  
14 alternate motion to approve, but again I urge that if  
15 there is a motion to approve, we must have a condition  
16 that the traffic matter be resolved.

17 MEMBER LOFTUS: I will make that motion and I  
18 will include the traffic review as a part of it. I  
19 would also like to make sure that we have either -- I  
20 would prefer to see no bell tower myself, but I  
21 understand that might be difficult with the church, so  
22 at least a strongly limited period of time. I don't

1 want to see it chimed on the hour. If they want to  
2 have a bell on Sunday or something, that is fine, but  
3 for the reasons I said before, I find it at least  
4 neighborly at worst intrusive and bothersome.

5 CHAIRMAN KARTHOLL: So is your motion a  
6 condition of carillon on Sundays only and then not on  
7 the hour.

8 MEMBER LOFTUS: And not on the hour, that is  
9 correct.

10 CHAIRMAN KARTHOLL: During church services?

11 MEMBER LOFTUS: Or just prior to or just after  
12 as a postscript or something.

13 CHAIRMAN KARTHOLL: Okay.

14 MEMBER HAKIM: I second the motion.

15 CHAIRMAN KARTHOLL: Motion by Mr. Loftus and  
16 seconded by Mr. Hakim and all the other conditions  
17 that are set forth.

18 MEMBER LOFTUS: That is correct, absolutely.

19 CHAIRMAN KARTHOLL: Any discussion on this  
20 motion.

21 MEMBER MCNAMARA: Just to clarify. There was  
22 discussion about a carillon and discussion about music

1 and bells, and if by Carillon we mean both, that's one  
2 thing. If we mean ringing of bells and external  
3 amplification of any kind that is something else, just  
4 to be clear about what we are voting for or against.

5 So I am not sure where this motion  
6 takes us in terms of bells versus external  
7 amplification of music, singing groups, whatever the  
8 issue that came up.

9 CHAIRMAN KARTHOLL: Okay. Let me see if I  
10 understand this. No bells, no carillon, no nothing  
11 except as you described and now no external  
12 amplification of anything.

13 MEMBER LOFTUS: Correct.

14 CHAIRMAN KARTHOLL: Is that consistent with the  
15 second?

16 MEMBER HAKIM: Yes.

17 CHAIRMAN KARTHOLL: Anything else? Okay.  
18 Let's call the roll on this motion to approve subject  
19 to the several conditions.

20 MS. WILLIS: Mr. Loftus.

21 MEMBER LOFTUS: Aye.

22 MS. WILLIS: Mr. Hakim.

1 MEMBER HAKIM: Aye.

2 MS. WILLIS: Mr. Murphy.

3 MEMBER MURPHY: No.

4 MS. WILLIS: Mr. McNamara.

5 MEMBER MCNAMARA: Aye.

6 MS. WILLIS: Mr. Ketter.

7 MEMBER KETTER: No.

8 MS. WILLIS: Mr. Laz.

9 MEMBER LAZ: No.

10 MS. WILLIS: Mr. Kartholl.

11 CHAIRMAN KARTHOLL: Aye. And I do so with some  
12 reluctance in hopes that this traffic issue can be  
13 resolved. So the motion passes by a vote of 4 in  
14 favor and 3 opposed and will proceed to the  
15 Development Committee with that recommendation.

16 Paul, can you just tell us the Plat  
17 Committee now needs to resolve the Department of  
18 Transportation's evaluation of whether or not this  
19 site is suited and whether or not the traffic issues  
20 can be resolved, is that generally the understanding?

21 MR. HOSS: Yes.

22 CHAIRMAN KARTHOLL: And to what extent can the

1 public have input on that?

2 MR. HOSS: The Plat Committee is an open  
3 meeting, it's not a public hearing. So you are  
4 welcome to get ahold of me and I will tell when you  
5 that Plat Committee will be. You can come to the Plat  
6 Committee and you can have input, but it's not  
7 conducted with transcripts or being sworn in. You can  
8 send letters and you can also --

9 AUDIENCE MEMBERS: We can't hear you.

10 MR. HOSS: The Plat Committee is not a public  
11 hearing, so it doesn't take on the same formal  
12 proceedings that you have been through in previous  
13 hearings. It is a public meeting, so people are  
14 welcome to attend.

15 There is some input that you are  
16 allowed to have, you can submit letters. You can do  
17 the same thing that you have done relative to this  
18 case, but it's not technically a public hearing.

19 You can get ahold of me and I think  
20 some of you folks have my e-mail and name and number.  
21 So you can get ahold of me and I will tell you when  
22 the Plat Committee meeting is going to be.

1           CHAIRMAN KARTHOLL: Can they have input on the  
2 traffic issue specifically or technically through the  
3 Department of Transportation?

4           MR. HOSS: Yes. The question was can you have  
5 input directly relative to traffic, to traffic  
6 studies, and you can do that. You can submit your own  
7 information studies. You can come to the meeting and  
8 have input relative to traffic as well.

9           MR. HILDENBRAND: Al Hildenbrand. I have a  
10 point of clarification. What happens if the traffic  
11 comes back with a negative response. I am not sure  
12 how this --

13           CHAIRMAN KARTHOLL: It's my understanding that  
14 the -- a couple of things happen in my view of the way  
15 things should proceed.

16                           The matter would not be approved,  
17 they would not get building permits, et cetera, and  
18 the Development Committee and later the County Board  
19 would understand that the unique distinction which  
20 permits this matter to proceed is that the Living Word  
21 standard has been resolved by virtue of the Petitioner  
22 resolving that impediment, namely traffic. And if

1 they cannot resolve it, then they have not complied  
2 with the zoning standards and our approval was  
3 conditioned upon that.

4 So it seems to me that it's bet the  
5 ranch of the traffic issue.

6 The only reason that I was able to  
7 approve this is based on that condition. Okay.

8 (Whereupon, Z08-037 Church of the  
9 Resurrection was adjourned.)

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1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DU PAGE )

3 I, Kerry Flanagan Chitkowski, C.S.R. duly  
4 qualified and commissioned for the State of Illinois,  
5 County of DuPage, do hereby certify that I reported in  
6 shorthand the proceedings had and testimony taken at  
7 the hearing of the above-entitled cause, and that the  
8 foregoing transcript is a true, correct, and complete  
9 report of the entire testimony so taken at the time  
10 and place herein above set forth.

11 \_\_\_\_\_  
12 Kerry Flanagan Chitkowski, CSR  
13 CSR No. No. 084-003340  
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<b>\$</b>	<b>above-entitled</b> [1] - 27:7	<b>auditorium</b> [1] - 19:1	<b>cartoon</b> [1] - 17:6	23:15, 23:17, 24:2,
<b>\$10,000</b> [1] - 10:1	<b>absolutely</b> [1] - 21:18	<b>available</b> [1] - 10:8	<b>case</b> [16] - 5:21, 6:2,	24:5, 24:6, 24:10,
<b>\$15,000</b> [1] - 10:1	<b>access</b> [2] - 3:5, 16:4	<b>Aye</b> [7] - 19:22, 20:2,	6:11, 9:1, 13:13, 15:6,	24:22, 25:18
<b>0</b>	<b>accounting</b> [1] - 15:4	20:6, 22:21, 23:1,	15:14, 15:18, 16:11,	<b>communist</b> [1] -
<b>084-003340</b> [1] - 27:13	<b>account</b> [1] - 11:3	23:5, 23:11	18:4, 18:8, 18:9,	16:22
<b>1</b>	<b>accurate</b> [1] - 11:20	<b>B</b>	18:10, 19:12, 19:18,	<b>complete</b> [1] - 27:8
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