



City of Aurora

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Legistar History Report

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In Control: Building, Zoning, and Economic Development Committee

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File Name: Christ Pentecostal International Church / 2020 Church Road / Conditional Use Planned Development

Final Action:

Title: An Ordinance Establishing a Conditional Use Planned Development and Approving the Christ Pentecostal International Church Plan Description for the Property Located at 2020 Church Road (Christ Pentecostal International Church - 24-0064 / AU02/3-24.041-CUPD - SB - Ward 1) (PUBLIC HEARING)

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2024-01-29 - 2024.041, Exhibit "A" Plan Description - 2024-02-13 - 2024.041, Land Use Petition and Supporting Documents - 2024-01-29 - 2024.041, Qualifying Statement - 2024-02-15 - 2024.041, Approved Preliminary Plan - 2024-02-12 - 2024.041, Property Parcel Maps - 2024-02-06 - 2024.041, Conditional Use Findings of Fact Sheet

Enactment Number:

Planning Case #: AU02/3-24.041-CUPD

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------------|--------------------------------|--|-----------|--|------------|--------------|---------|
| 1 | Planning and Zoning Commission | 02/21/2024 | Forwarded | Building, Zoning, and Economic Development Committee | 02/28/2024 | | Pass |
| Action Text: | | A motion was made by Mrs. Martinez, seconded by Mr. Kuehl, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 2/28/2024. The motion carried. | | | | | |
| Notes: | | <i>Mr. Broadwell said okay, thank you Mr. Chairman. Hi everyone, it's good to see you all again. My name is Stephen Broadwell, I'm a Planner with the City's Zoning Division. So, as we just heard, this is a proposal...uhh...we have representatives here from Christ International...Christ Pentecostal International Church. So, they're proposing a Conditional Use Planned Development which essentially</i> | | | | | |

is to establish a...umm...the property for a Religious Institution, 6400 use, otherwise we would call a church, with some specific accessory uses. So, a little bit of background: you can see the property up there on your parcel map. Right now, it's a 6-acre vacant lot that's zoned R-1, One Family Dwelling District. So, a little bit of history on the property here is that the property was annexed in 2004 and was subject to an Annexation Agreement for similar 6400 use, and then was subsequently planned...Preliminary Plat and Planned in 2004 and then Final Plat and Planned in 2005 for the same use. Development never came to occur, so we have here tonight a Conditional Use Planned Development to, I guess, umm...kind of reestablish, I guess establish the zoning for this current use, which again is the church and just bring up to code so that when the Petitioner is ready to develop the property, they can come through with appropriate planning process. So, I just want to be clear that right now, it's just the Zoning entitlements for the Plan Description. Whenever the property is ready to develop, that's when they will come through. I don't think...the Petitioner can speak more to this in a minute...umm, but I don't know if we have a timeline yet for when the property...the plans will come through to the Zoning Commission. So, I hope that makes sense. And then, once that time comes the Petitioner is aware that they'll need to otherwise comply with the applicable engineering, building code, and fire code requirements. As far as the Plan Description, which is in your packet, they're establishing the 6400 use in addition to the parsonage. You can see on the aerial right there in the northeast corner along Old Church Road, there is a single-family residence which they are, I believe, intending to keep for parsonage there. So, that's included in your Plan Description. In addition to some accessory uses, which are really...umm...I would say standard for...umm...for religious institutions. Like, you'll see worship services...worship services, conferences, bible study, seminars, weddings, baptisms, banquets, some other things which, you know... umm...might not be as common like athletic events, bible school, which I believe is like not...not like a private school, but like vacation bible school, I imagine. And then also one of the accessory uses which we listed out that I forgot to include, which I'll add as in the revised Plan Description, funerals which I think are similar to weddings and services that would occur at church pretty regularly. So, I think that's everything for Staff. I don't know if there are any questions.

Chairman Pilmer said questions of Staff? If no questions, then at this time would the Petitioner like to come forward and do they want to add anything? This is a Public Hearing, so anyone that wants to speak on behalf of the Petitioner, I'll have to swear you in. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. McNees and Mr. Agbo said I do.

Chairman Pilmer said thank you. And then if you'll just state your name and address for the record, please.

Mr. McNees said for the record, Robert A. McNees of McNees and Associates Attorneys. My office is at 195 Hiawatha Drive in Carol Stream, and I am the attorney for the applicant. With me I have Petitioner...I have the Pastor for the church, Pastor Gideon Agbo, who's present.

Chairman Pilmer said okay, thank you.

Mr. McNees said I would like to start with thanking the City Staff who have been wonderful in trying to assist us in moving forward. To be clear, the Christ Pentecostal International Church does not yet own this property. There's a contract pending to purchase the property from Living Stone Christian Church, which is the current owner and the ones that came in in 2004 to build a church, elected not to do that. My client wants to go ahead and proceed. First before we spend money on architectural planning and engineering and everything, uhh...you know...we need to get to know that we've got the zoning that we need in order to proceed. And we also understand from the prior approved plans that the deal...the codes, the ordinances, the stormwater ordinance, all that stuff has changed so we will have to submit plans that comply with all the applicable Village (City of Aurora) ordinances...uhh...and stormwater requirements. So...uhh...Mr. Broadwell's correct. Uhh...we're just trying to get the underlying zoning taken care of today for the special use permit. Now...umm...the church doesn't think that they'd get started with the one year...within one year from the...uhh...City Council's approval of the...plan for approval...of the project...uhh...and so, I think they're...they're thinking they can raise the money and get things started within 5 years. The prior agreement provided for 15 years. As an attorney, I always like to go for the longer period of time if we can get it. But there's just...I don't foresee any way that we can get this done in one year. You know...I...I think that...uhh...uhh...Mr. Broadwell summarized the...uhh...the situation pretty well. They want to keep the existing home as a parsonage and build the facility on the vacant land just to the south of the home. You know, just down the road is...uhh...is...umm...it's Annunciation, I believe, Church is just down the road, so it's kind of consistent with what's there. The Comprehensive Plan calls for Office, Research, Industrial; well, that...that's

changed, okay? This is single-family home territory and...umm...and Mr. Sieben brought that up and the church is fine with that. Uhh...so, we're not looking for what was originally conceived...uhh...for underlying zoning. Just leaving it R-1 is fine.

Umm...the facility itself probably would be built in phases. You know, the first thing that's gotta be done is the sanctuary. Umm...and then if we can...and this is kinda what Living Stone was contemplating too...adding onto it as...uhh...as time went on. But we're looking at...at maybe 200 congregants at a max. It's not gonna be a big church, actually, the initial footprint should be much smaller than what was previously approved. I think it was 39,000 square feet. We're looking for maybe 19,000 square feet, so...uhh...it won't be a mega church...uhh...generating gobs and gobs of traffic and everything.

So, in...in terms of the criteria that the Staff or, I'm sorry, that the Commission has to consider, I think it meets the legal criteria for granting the use. It's not gonna be detrimental to the community. It's not gonna generate tons of traffic. It's not gonna be a burden on the road system or the utility system...uhh...or any of that stuff, it'll be...it should be a boon to the community and...uhh...and they're...right now the church is...although the primary church is in Chicago, they have a satellite that they have out in Naperville and they want to move it to Aurora, which I...I think would be a good thing. So, having their own facility in Aurora is the goal. And so, if there's questions, I'm happy to have them and if we...if the pastor would have more details than I, but...uhh...that's the...that's the plan.

Chairman Pilmer said thank you. Any questions of the Petitioner? Okay, thank you.

Mr. McNees said thank you.

Chairman Pilmer said this is a Public Hearing, so at this time if anyone in the audience would like to address the Commission or have questions, I would ask you to come forward. I'll swear everyone in and then we'll take questions, and then once all the testimony is done, we'll either have Staff or the Petitioner answer.

So, I think if you want to come forward...

Ms. Dolan said I'm Joann Dolan and I live at 2040 Church Road.

Chairman Pilmer said alright, I'm going to have to swear you in...

Ms. Dolan said okay...

Chairman Pilmer said so, do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Dolan said yes, I do.

Chairman Pilmer said thank you.

Ms. Dolan said okay. My main concern is the road is not wide enough. When you come off of Church Road, if you look, that little...if you're sittin' there, anybody coming from the north, you're either...you have to pull out or they're gonna have...cause we run into this all the time. And coming from the south, if they're coming from...they're flying down that road, my son was hit out there 2 years ago and they totaled his van out and it was...it's just a mess out there. From the factories that are down there on Bilter Road at 20 to 3 (o'clock) until almost 6 o'clock every night, there's traffic, bumper to bumper coming over the bridge. And when the other people had the church there, and they'd have their bible studies or whatever, they were parking in our front yard. I came home one afternoon; they wouldn't let me get down the road. They were having a wedding there. They said I couldn't come down. And, I mean, it's just...the road is not wide enough. If you've ever been down that road, you know what I'm talkin' about, and the road is falling apart. So, I just wonder: are they gonna widen that road or are they gonna widen Church Road there?

Chairman Pilmer said we'll get an answer to that, alright?

Ms. Dolan said okay.

Chairman Pilmer said sure. Anything else?

Ms. Dolan said no, that's about it. It's just that I've lived there for almost 36 years and it's just...I thought this all was squashed back then. I didn't know that they were still gonna try and put a church in there and everything else. It just...we moved out there 'cause it was nice and quiet, and not it's...it's not gonna be nice and quiet anymore. Thank you.

Chairman Pilmer said thank you. Is there anyone else on the...this side of the room? Anyone on the other side of the room that wants to address the Commission?

(Inaudible speaking from audience)

Chairman Pilmer said I'm gonna...I'll swear you in as well. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Gruenke said I do.

Chairman Pilmer said thank you.

Ms. Gruenke said hi, I'm Tamara Gruenke. I own the 2 properties across the road, 1985 and 2015. I know what Joann's going through 'cause I've lived there 30 years now and the traffic on Church Road got extremely bad. And during the course of the day when school gets out and, on the weekend, they fly by. It's gonna be a mess unless they fix that road. 'Cause the garbage truck actually has to back down that road, the Old Church Road, because it can't go down, it has no place to turn 'cause it's that narrow. Thank you.

Chairman Pilmer said thank you. Anyone else? So, at this time, I'm going to close the Public Hearing. I think the questions primarily are around Old Church Road...umm...are there going to be improvements to that as well as ingress and egress from Church Road to Old Church Road.

Mr. Sieben said so, Old Church Road is within the Church Road right-of-way you see there. So, Old Church Road is a City maintenance responsibility. What this is doing with...what we're doing here is establishing the zoning. They will have to come back for a Final Plan once they do the church. At that time, they will also need final Engineering, as Steve said. So, the Engineering Department is aware of it, so any potential road improvements at that time, when they are ready to come in to build, that would be something that the Engineering Department would take a look at. That would be both the...umm...the...uhh...the intersection where Old Church connects with Church Road, and then any potential widening of actual Old Church Road which is a frontage road.

Chairman Pilmer said so, a little clarification: we...umm...we're actually seeking to approve the zoning but not the plan of...

Mr. Sieben said correct, they've submitted in the packet the original Preliminary Plan from Living Stone, so they'll use that as a...as a guide, but they have to come back to the City for approval of the Final, so...and that will include Final Engineering.

Chairman Pilmer said yeah, and I think there's...if I recall, recent...because of the traffic on Church Road increasing, I think the City recently did, or I know they're looking at I think Church Road as a whole, as well as the intersection at...uhhh...Bil...at Molitor.

Mr. Sieben said they're looking...yes...

Chairman Pilmer said further south.

Mr. Sieben said Church Road where the casino is going to be up to Bilter, so from Corporate up to Bilter so that whole quadrant's gonna be looked at. I mean, I know the 3-way stop at...umm Molitor and Church by the school in the afternoon is...you gotta wait a long time through there and if you're coming out on Schomer, good luck on that. But...uhh...but, yeah, they'll...they'll...we'll take a look at that at the time they come in.

Chairman Pilmer said thank you. Umm...we'll move to Staff. I believe that was the only question we had. I hope...does that clarify...umm...as far as there's no construction permitted until...that would be kind of a phase 2 at that point and it will be addressed with City Engineering, as well as stormwater as well.

Mr. Sieben said umm...I believe we need to do Findings of Fact, so Steve could read those in.

Chairman Pilmer said yeah, if Staff could read Findings of Fact into the record.

Mr. Broadwell said:

1) Will the establishment, maintenance or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare?

Staff does not believe the establishment, maintenance or operation of the conditional use will be unreasonably detrimental to these factors. First of all, Staff believes that given the, you know, Petitioner's agreement to work with the City to, you know, bring the future development up to code in addition to the zoning requirements, that the, you know, residents' concerns for traffic will be...will be duly addressed, I believe. And then Staff also believes that this will allow the proposal...the proposal will allow for a growing congregation to locate in Aurora to serve current and future congregants.

2) Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood; factors including but not limited to lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation?

Staff believes the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impact property values within the neighborhood.

3) Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Staff feels the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted but given that the property has already been planned and similarly zoned for Religious Institution, this proposal will not impede the development and improvement of surrounding properties. And again, the property when it develops will be to code and to address some of concerns.

4) Will the proposal provide for adequate facilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

Staff has clarified with the Petitioner and with the Commission that, once a proposal is ready for the Subject Property's physical development, it must comply with the current and applicable requirements to ensure the proposal provides for adequate facilities, access roads, drainage, and/or other necessary facilities.

5) Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets?

As we just heard from Ed that this is...will be...these measures will be taken in accordance with the Zoning, Engineering, and Fire code requirements.

6) Does the conditional use 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 by the city council pursuant to the recommendations of the commission?

It is Staff's opinion that the Conditional Use, in all other respects, conforms to the applicable regulations of the district in which it is located.

Chairman Pilmer said thank you. Does Staff have a recommendation?

Mr. Broadwell said Staff would recommend approval of the ordinance establishing a Conditional Use Planned Development and approving the Christ Pentecostal International Church Plan Description for the property located at 2020 Church Road.

Chairman Pilmer said you've heard Staff's recommendation. Is there a motion?

MOTION OF APPROVAL OF CONDITIONAL USE WAS MADE BY: Mrs. Martinez
MOTION SECONDED BY: Mr. Kuehl

AYES: Chairman Pilmer, Mr. Kuehl, Mr. Lee, Mrs. Martinez, and Mr. Roberts
NAYS: 0
Motion carried.

Chairman Pilmer said motion carries. Staff did read 6 Findings of Fact into the record. Are there any additions to the Findings of Fact as read? Hearing none, is there a motion to accept them as read into the record?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Lee
MOTION SECONDED BY: Mr. Kuehl
AYES: Chairman Pilmer, Mr. Kuehl, Mr. Lee, Mrs. Martinez, and Mr. Roberts
NAYS: 0
ABSTAIN: 0
Motion carried.

Chairman Pilmer said motion carries. And if Staff will just state where this case will next be heard.

Mr. Broadwell said this will next be heard at the Building, Zoning, and Economic Development Committee, Wednesday, February 28th at 4 pm, 5th Floor, City Hall.

Chairman Pilmer said good luck.

Aye: 5 Chairperson Pilmer, At Large Lee, At Large Roberts, At Large Martinez
and At Large Kuehl

Text of Legislative File 24-0064