

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

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

RECEIVED
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DEVELOPMENT DEPT.
ZONING

IN RE THE MATTER OF:)

Petition for a Conditional Use) Petition
for a Religious Institution on)
the Property Located on the) #4128-93
East Side of Glen Lane.)

*YOKER / FOUNTAIN OF LIFE
CHURCH*

REPORT OF PROCEEDINGS had and testimony
taken at the public hearing of the above-entitled
cause, before the DU PAGE COUNTY ZONING BOARD OF
APPEALS, held on Monday, the 25th day of January, A.D.,
1993, at the hour of 7:30 o'clock P.M., at the
DuPage County Administrative Center, 421 North
County Farm Road, Wheaton, Illinois.

BOARD MEMBERS PRESENT:

MR. J. VINCENT CROWLEY, Acting Chairman.

MR. EUGENE JEKA, Member.

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BOARD MEMBERS PRESENT: (continued)

MR. FRANK D. BERNARD, Member.

MR. HAROLD PLETCHER, Member.

MR. DONALD CARROLL, Member.

MR. THOMAS MILLER, Member.

MR. DALIP BAMMI, Secretary.

ALSO PRESENT:

MAUCK, BELLANDE, BAKER & O'CONNELL, by
MR. RICHARD D. BAKER
19 South LaSalle Street, Suite 1203
Chicago, Illinois 60603,

appeared on behalf of the Petitioner.

MR. BEN ESSENBURG, Pastor, Fountain of Life
Church, Retired.

MR. RANDY BARR, Pastor, Fountain of Life
Church.

CHAIRMAN CROWLEY: Good evening. This is the DuPage County Zoning Board of Appeals. And we will conduct an open hearing tonight for Case #4128-93. Notice of this meeting was printed or published in the Daily Journal on January 8th.

Prior to starting this meeting there will be a protocol or a procedure. And it'll be as such: The petitioner will submit to Mr. Bammi any items of testimony or drawings, whatever he may have prior to the beginning of the meeting. After they have been recorded the petitioner will then commence with his statements, his points of interest, whatever it may be that he wants to make the announcement tonight. After the petitioner has made his presentation the board starting with Mr. Bammi will have some questions. After the board has finished with their questioning, we will then turn it over to the audience who will then have the opportunity to ask questions. You may be recognized by raising your hand and ask as many questions as you want, But you will only be recognized one time. After the audience has finished asking their questions, then

we will then take the opportunity to hear any comments pro or con for this petition from the members of the audience. If you have any comments you will stand -- you will be asked to stand, raise your hand and be sworn in stating your name and address. And that's about it. It's very informal -- a very informal type of a meeting.

Mr. Baker, are you going to represent the petitioner?

MR. BAKER: Yes. I have the current pastor and retired pastor here as well to help answer any questions we have got.

CHAIRMAN CROWLEY: All right. You will be petitioning for the fact that we're going to consider a conditional use for a religious institution all while located in an R-4 Single-Family Residential District on the property located on the east end of Glen Lane.

MR. BAKER: That's correct.

CHAIRMAN CROWLEY: Mr. Baker?

MR. BAKER: I have first by way of exhibits -- I believe the instructions also requested one further

site plan which I do have for you tonight.

MR. BAMMI: Can we go one at a time so she can record it?

MR. BAKER: We have one additional site plan which is the survey with one foot contours.

MR. BAMMI: We will mark that as Petitioner's Exhibit Number 1.

MR. BAKER: Can we for the sake -- Can we mark that Number 5 because I have 1 through 4 right here?

MR. BAMMI: Okay. That's Petitioner's Exhibit Number 5. You want to enter into the record what the other four are?

MR. BAKER: Yes. Now, I also have four additional exhibits which comprise basically the literature that we bought the property on. One is an aerial view. That would be Exhibit Number 1 showing you the property in relationship to the surrounding property. In addition I have a schematic showing the building itself within the property lines. Third I have a very specific aerial view of the property with the surrounding homes. And then finally Exhibit 4, I have a map marking where the parking area

is. I think that should be of concern to the board as well. So it shows what the existing parking is. And if that could be made Exhibits 1 through 4. I have the original plus several for the board if it would be to your help to look at it.

MR. BAMMI: This is the original?

MR. BAKER: Yes.

(Whereupon the documents referred to were marked as Petitioner's Exhibits 1 through 5.)

CHAIRMAN CROWLEY: Pass those around.

MR. BAKER: Now, in addition to that I have prepared a short synopsis of what the testimony will be for the board to view afterwards. And I would just like to submit those. One original and then copies to each of the board members.

MR. BAMMI: We will mark that as Petitioner's Exhibit Number 6.

(Whereupon the document referred to was marked as Petitioner's Exhibit 6.)

MR. BAKER: Thank you. That is fine.

(Whereupon the petitioner and witnesses were duly sworn by the Notary.)

R I C H A R D C. B A K E R,

having been first duly sworn, testified as follows:

If anyone else comes in, I have additional information for them.

Tonight as you have indicated on the record, we're here for the petition of Fountain of Life which is seeking a special use or a conditional use permit to use an existing school as a church or religious use.

With me tonight both are the existing pastor and the former senior pastor of the church who will be available for all kinds of questions and anything the board may wish of them.

Before I call them for specifics, I have set before you in what's been marked as Exhibit 6 a detailed description of the four questions that are marked on the -- or asked on the green petition, location of the property, type and reasons for zoning relief requested, and unique characteristics. It was my understanding before coming tonight that a particular individual had been concerned about water retention in the area. So we did address that as well

within this document.

What I would like to point out before calling any testimony is essentially this has been an institutional assembly use since approximately 1967. It began as an elementary use. Additions were made in 1969 to that property. It continued until, I believe, around 1980 under that elementary school. It then was leased by the current owner, which is National Lewis University. In 1989 there was a special site use permit for them to expand from the current 21,000-square-foot building to a 60,000-square-foot building, which was approved. It was a site plan so it was specific to their specific recommendations. And this board worked very carefully with them in drawing up those plans so that it would work with the neighborhood.

We believe and I think the testimony will show tonight that the use that we are intending for this property is actually less intensive than the current use. And as you will see, the uses both in terms of time and in terms of number of people or traffic patterns will be less.

The petitioner has agreed to purchase this property for one million one five thousand dollars on a cash basis. It is a petitioner that is able to keep up the property, maintain it, certainly a question that any home owner surrounding would want to know.

If I could call my first witness right now, that would be Ben Essenburg, former pastor, now retired pastor of the Fountain of Life Church.

I am aware that we have quite a few of the neighbors here tonight, and we're certainly here to answer any questions and let people know who we are.

B E N E S S E N B U R G,

having been first duly sworn, was examined and testified as follows:

E X A M I N A T I O N .

BY: Mr. Baker

Q Would you state your name and also tell us either your position or former position with the church, please?

A My name is Ben Essenburg. I am the pastor and the founder of Fountain of Life Church which began in 1976, May of 1976, as a not-for-profit Christian religious organization and was known as Fountain of Life then as it is now.

Q And Mr. Essenburg, could you tell us a little bit of the background of the church, somewhat of the size and a little bit of its history?

A Well, we began in, as I said, 1976. There were 52 adults, and our median age was 52. And I don't know if there is any significance to that. And I was 52 at that time. It began out of a group of bible studies that I was teaching having in my home in the area. And that was just the beginning of it. And it seemed to be inevitable that we became a church. At the urging of the constituency at that time we agreed that we would start. That's where we are.

Q Okay. Now, how many adult members do you currently have in the church?

A We have approximately 250 adult members in the church right now.

Q In addition to that where are you currently meeting?

A We meet at Timothy Christian School for our Sunday services. We rent classrooms there for our Sunday school and our children's church. And we built that auditorium facility with them some seven years ago. So we have top priority for Sunday use. And we use it during the week considerably. We also have three stores in the Villa Oaks Shopping Center that we use as our office facilities. And I refer to it as our church basement because just about everything happens there that you would normally find in the basement of the church or in the classroom facilities.

Q Such as? For those of us who aren't really familiar with what happens in church basements, what does?

A Adult education classes, we have showers in there, I have had weddings in there, funeral parties. We have our elders meetings there. The offices are located there, whatever machinery we need. The youth group uses it and all those kinds of activities.

Q If I am understanding you, currently your church is spread out between Lombard and Elmhurst?

A Yes.

Q And I also understand that one of the reasons for this purchase of this property is so you can consolidate the church functions and have a central base for everyone?

A Yes.

Q Can you tell me approximately where your constituency or congregation comes from?

A Well, probably a large geographic area. I did a survey about four years ago, and our approximate center geographically would be Meyers Road and Roosevelt Road.

Q That's in Lombard?

A Yes.

Q So this location is close to the center of your --

A Yes.

Q And how far out does it go? Does it go Wheaton or past Wheaton?

A We go past Wheaton. We go south as far as

127th Street. We go north as far as Deerfield, Arlington Heights. And we have some people from Chicago. So it's a congregation that's very well spread out.

Q Was the fact that it's easily accessible by a number of the main roads a help in determining this position?

A Oh, yes, yes.

Q And directly to the east of you you have what? What's the road there? Is that 355?

A 355, yes.

Q Can you also tell me what you intend to use the facilities for should this board grant you zoning?

A Well, we would use it as a learning institution. We would have bible study classes there, that sort of thing. And many of the meetings that we have in the homes right now when we're outgrowing those facilities such as women's prayer groups and that sort of thing would be able to find a place there. And I guess what I would describe pretty much as normal church activities.

Q Does that at this time include the sanctuary?

A No.

Q Where do you intend to continue to meet for the sanctuary?

A At Timothy Christian auditorium, high school on Butterfield and Prospect Avenues in Elmhurst. We have a 600-seat auditorium that again we built that with them and have a contract to use it for as long as we exist.

Q And I am going to hand you what has been previously marked as Exhibit 6. Now, on page 2 there are a number of activities that you have listed, sir. Could you review those for us in terms of what the specific uses you intend at this time are for that property?

A Well, as you know, afternoons -- This is apart from our Sunday morning service. In the afternoons there are house groups use it, the present facilities, for pot lucks, that sort of thing. And those are family groups that come together. There would be about 40 to 50 people. In the evening our

youth group uses our present facility. We would want to use that. That would be about 50 to 60 young people under supervision. On Monday night there is the elders meeting. And that involves ten adults. And the kids church travel team meets there every other week, about 15 people. Some of them are teenagers.

On Tuesday there's a monthly women's meeting with 50 to 60 women. And then there's various small group events on Tuesday night which is normally what we call our house group meeting nights. And whenever the facility is available, then one of them will avail themselves of that facility, use it for something special.

On Wednesday P.M. there is the Twelve Step Recovery Program. And that's about 15 to 20 people.

On Thursday night or Thursday mornings is a women's prayer group, about 15 to 20 women. In the evening there is an intercessor group, also about 15 to 20 people.

On Friday morning there's a home school Spanish class that meets there. And that involves

about 30; most of them are children naturally. And in the P.M., in the evening there is a group youth bible study prayer group that meets. That's about 20.

And on Saturday morning there is a men's prayer group.

Q So if I am understanding your testimony here, most of the groups that will be meeting there are maximum of 60 or so people, is that correct?

A Yes, for this type of meeting.

Q And the time that they would be meeting would be between when and when during the day?

A Well, other than a few morning meetings, the -- Oh, the church office would also be in there, by the way. Whatever counseling the pastor would do would be in there. I didn't have that on here. But it probably would be a few morning meetings starting about 9:00 o'clock in the morning; and the afternoons are generally open. And in the evening the groups meet anywhere from probably 7:00 in the evening until 9:30 at night.

Q Now, in choosing this property, were there

any other specific reasons that the church found this a desirable place?

A Well, it's an excellent facility. And we thought it certainly was in the range of pricing that we wanted to use. And it's always been well maintained. I have a grandson that played in the little league teams back there from time to time. So we were aware of the facility. I think there were three families from our church that live in that community including the pastor right now. So we were aware of it. And when we saw the sign up for sale, we went and investigated. And we just felt that it certainly would suit our use.

Q Now, with regards specifically to parking, have you at all investigated the parking situation there?

A Only to observing what was there, what was obviously marked out as a parking lot. And there is no doubt in my mind it would accommodate anything that we wanted to do there.

MR. BAKER: At this time I don't have any further questions for you, Mr. Essenburg.

I would also like to call very briefly Randy Barr. He is the new pastor of Fountain of Life Church. He was previously sworn in.

R A N D Y B A R R ,

having been first duly sworn, was examined and testified as follows:

E X A M I N A T I O N

BY: Mr. Baker

Q Mr. Barr, I understand that the pastor's home is in that community, is that correct?

A That's correct. The church owns a home there.

Q Where is it located?

A The corner of 22nd and Lloyd.

Q Now, one of the questions a zoning board should always be concerned with is what impact will a church have on a particular community. This is a special use. Can you give us some idea of the intentions of the church in this area and what impact you believe it will have?

A Well, I certainly understand the community

wanting to maintain the atmosphere and sort of --
It's a very peaceful, quiet community. And I respect that having come from different communities myself. But at this point I would say that hopefully as we begin to use the facility, we would like to get to know the neighbors and be able to allow some of their children to have use of the facilities, use perhaps of the softball field, the baseball field in the back. Eventually we're going to upgrade the gym and make the gym usable for certain activities. And, you know, one of the important issues that we feel is not only facilitating ourselves but hopefully maintaining a positive relationship with the community. And that would have to evolve. But at this point our plan is to certainly try to be cooperative and try to maintain a positive relationship with the community itself. And we would see the facility as needed perhaps opening up at various times to be used by the community.

Q Now, another question that always comes up is is this church financially able to maintain a seven point plus acre facility such as this one?

A That's certainly not a problem at this point. As we already said, we're paying cash for the facility itself. So we will go into the facility debt free. Our yearly budget is such -- with what we are already paying for rent for the facilities -- In fact, we had an evaluation done of what the utilities and the upkeep of the building would cost in terms of what we're paying at present. And they're very comparable. So we don't see that putting any kind of serious pressure on our current budget which is more than adequate to meet those needs.

Q Do you believe you will at this point for the uses you're asking for will need to make any adaptations or improvements to the property?

A Not at present; not at present. Now, eventually there might be some additions made to it. But at this point for what we're wanting to do and the activities that are listed in the sheet that Pastor Essenburg just mentioned, they're very adequate. And the condition of the building was something that also then attracted us because the building is in very good condition. It's been well maintained.

And that's very important to us.

Q Now, one last question that if I were a neighbor I would be concerned with. What about the traffic pattern? Do you feel that it'll either change or negatively impact this particular community?

A Well, not at present. Certainly not because again I think if we have understood correctly how it's being used, some of that is secondhand reports to me, but the size of the meetings that we will be using it for initially will not impact the community. Now, you know, as we expand the use, as we add potential facilities, that will have to be considered and evaluated at the time. And I think that's a very honest and good key that I am sure the neighbors would want to know. At this point, at this juncture for how we have defined the use -- and we see that being for a period of time -- I don't believe that would impact it at all.

MR. BAKER: Okay, Mr. Barr. I have no further questions. Do you have anything else you want to add at this point?

MR. BARR: No, nothing specific. Again inherent

with being a church, it's a desire, of course, to help people. And we want to be able to work together with attaining what our objectives are, mainly being an educational facility for our church and for our people as well as being cooperative with the neighborhood because, as I say, living in the neighborhood and just moved in, I realize that it is, I think, a very quality area.

MR. BAKER: Thank you, Mr. Barr.

Gentlemen of the board, I would like to make a few points. I also was sworn in. I have spoken at length with the current owners, which is National Lewis University, in particular with Mr. Samms and also with, I believe, a Miss Burkhardt who is the head administrator over there. Several points to be made. Mr. Samms is the custodian, and he is in charge of maintenance of the property. He indicated to me there are currently 60 spaces that are asphalt, an additional 60 parking spaces that are gravel. So we have currently a four hundred and approximately eighty person use for that property under the church restrictions for, I believe, four

persons per parking space. In the previous approval of the site plan I believe you had required the property be asphalted. My clients are not opposed to any zoning restriction such as that that this board would have in terms of improvements such as that.

I also did want to point out in the last site plan approval it was for 60,000 square feet. I believe you have those plans. I do have a copy of what I think is the last plan that the board finally approved. And if you would look at that, almost the entire property had been utilized. Quite a bit of the back which is now baseball field had been turned into a parking lot. The only reason I raise that is we do not intend to have a 60,000-square-foot facility, to my knowledge. Should alterations come in the future, there is ample opportunity for water retention and the other types of questions that would come up before the zoning board.

I also spoke with National Lewis University with regard to the current capacities. And it

was indicated to me that the employees and staff -- This is primarily an administrative building; this is not their main education facility. There are about 55 staff and employees, and there are between 35 and 60 students per week, different classes at different times. So you have a use on a daily basis of up to approximately 120 people as I understand it. In addition to that I asked their hours, and it's Monday through Friday from 8:00 A.M. until 10:00 o'clock. Mr. Samms indicated he opens the building at 8:00 and closes it at 10:00. There are also Saturday classes in the morning, and then staff is welcome to stay and work in the afternoon. So you have an approximation of the current use of the property.

By way of summary here, I believe that the religious use that we're asking is quite compatible with the existing assembly use for a school. Actually our use will be less intense than the current school. We're looking at generally around 60 or -- 60 or so persons using it at the time probably for less of the day than is currently being

used. I hope that the evidence has been satisfactory in terms of the ability of this church to maintain these facilities. And we believe that it only -- it not only will not affect property values in the surrounding community, but will really be a benefit. The ball fields will be open for use by the community, certain improvements -- possibly the gymnasium will be allowed to be used as a community facility. We really think and hope it will be a benefit to the residential, but also to the commercial community that's surrounding.

If you look at your aerial view very quickly, you will see that to what would be the south is a large spot that is open. My understanding is that is R-1 Lombard currently. But the plans are to develop that commercially. It would not be incompatible certainly with that commercial use although churches are generally considered compatible in residential. You also see that there is a number of major roads. We have 355, we have Butterfield, we have 22nd Street. And there just does not seem to be a traffic problem at this particular location.

Also church goers are consumers. And since they will be there, we would hope that they would be a benefit to the shopping centers, the restaurants, and the other kinds of things that are there as well.

Based on that I would close our current testimony and open it for whatever your next procedure is.

CHAIRMAN CROWLEY: All right. Before we begin I would like to indicate this board is not a decision-making board. We recommend whatever our feelings are at the time when we hold our recommendation meeting, which in this case will be February the 11th. It'll be, I suppose, in this room here. Any data that will be requested and for you to supply prior to that meeting should be in to Mr. Bammi's office no later than 4:30 on January 29th. Should you fail to have this information available, you may request a deferment or have your meeting deferred from the February 11th recommendation meeting and do that in writing, please. Any questions on that?

MR. BAKER: What time would that be on February

the 11th?

CHAIRMAN CROWLEY: 7:30.

CHAIRMAN CROWLEY: The next segment of this meeting will be questions from the board beginning with Mr. Bammi.

MR. BAMMI: Thank you, Mr. Chairman. Mr. Baker, I need a few clarifications from you.

MR. BAKER: Yes, I would be happy to supply them.

MR. BAMMI: First of all you made the point that the site plan that was approved for Lewis University on this site is not the site plan you have proposed to develop.

MR. BAKER: No, absolutely not.

MR. BAMMI: And, therefore, the exhibit that you would want the board to tie any ordinance that is approved to would be the Petitioner's Exhibit Number 5?

MR. BAKER: That is correct. We are only seeking its present use with no alterations except those which this board requires.

MR. BAMMI: However, in your Exhibit Number 6

you had at the end talked about the desire that what the board had approved earlier for the university, the 60,000-square-foot site plan, that at some point in time you may want to go to that site plan.

MR. BAKER: That's a misstatement on my part then. That is not what I intended. We are not looking for the 60,000-square-foot site plan. I mentioned that with regard to special considerations simply to say that I was told by Marcia McAdam that someone was concerned about water retention. And I simply cited the plan to indicate that there are a number of alternatives available so that should we expand at some time -- and I think that the pastor has been very up front that at some point they may want to expand -- that there are alternatives. We are not seeking expansion at this point. Any expansion we ask for in the future, again it would be subject to a subsequent zoning decision.

MR. BAMMI: That's what I wanted to be very clearly understood.

MR. BAKER: That's what I mean. We are only seeking the property in its current state with no improvements unless required by this board.

MR. BAMMI: Any expansion whether it's dealing with additions to the parking lot or anything, you will have to come back again to the board.

MR. BAKER: Absolutely. That is understood by all parties.

MR. BAMMI: I would like to explore a little bit more on the relationship of parking to the number of people you have in your congregation. Can you tell us what is the cap on the number of people that at any time --

MR. BAKER: Adults and children? I have given you the adult population. There are, obviously, a number of children. Four eighty?

MR. ESSENBURG: Five hundred.

MR. BAKER: Five hundred would be maximum.

MR. BAMMI: And the gymnasium that you plan to use for the activities, will that accommodate that many people?

MR. BAKER: Well, I think that the church has

been very specific. This gymnasium in my understanding generally would not accommodate worship purposes. They do not seek at this time to have their Sunday worship at the site. That is the only thing that will not be carried on there because, frankly, we don't feel that that would accommodate worship services.

MR. BAMMI: The board -- If the board was to put a condition that there be no Sunday worship be held on this site, that will be acceptable to the church?

MR. BAKER: Let me answer it this way. I would not want that condition cited that way. What I would want is that no worship beyond the parking capacity be allowed. And the reason I say that is there may be a children's service, there may be a baptism, there may be some type of service that would take place. But we would be willing to abide by all restrictions in terms of parking and everything else.

MR. BAMMI: Well, then, Mr. Baker, you will have to provide me with a clearer understanding because we need to have some framework under which

we will put conditions. And the framework I am referring to has to be either the size of the congregation or if you want to put it to the parking, then we have to work backwards from there. There needs to be some clear definition of what we are talking about.

MR. BAKER: What I would like to see -- And, frankly, we haven't discussed this. You two gentlemen may interrupt me at any point. I am only the attorney. It's their church. What I would like to see is a conditional use subject to parking that no assembly use there may exceed the number of parking spaces allowed by this board or found by this board would be adequate. At this point my understanding is that's 480 people, which is right about where our congregation is right now.

MR. BAMMI: So there is a potential you may have 480 cars coming in at some time? If you put that --

MR. BAKER: Well, we have 225 to 250 adults, so 480 cars would be -- I don't know about your congregation, but that sounds like it's probably more cars than are likely. With the adults they're

the ones that are over 18 and drive. Well, you have 16-year-olds. You may have over 250, but not many.

MR. BAMMI: Because the way I hear the presentation, it seems that the activity on this site was rather minimal. You talked about 50 people, 60 people. The maximum you went to was really 60 at any given day.

MR. BAKER: That's correct.

MR. BAMMI: But now we are talking about a maximum potential of 400 or 450. So that does create a very different impact scenario. That's why I am trying to pin down what are we working from.

MR. BAKER: Well, what we're looking for is that or the specific uses. What I am trying to avoid is a law which would say in no situation 365 days of the year could the church never assemble there. These are the uses that'll exist on the property, but it would be similar to other uses where there is a special occasion where there would be more but not often. That's why we have specifically cited the number of people in the church but then given you the uses that

they intend to use it.

MR. BAMMI: Mr. Baker, maybe a way to get around this -- and you don't have to answer this right now; you can send us a letter later -- is after discussion with your clients you may want to define how often that scenario will take place when you could have --

MR. BAKER: We may be able to answer that right now. Are you gentlemen prepared to answer that, how often you would think that it would go beyond the general uses that we have described so far?

MR. BAMMI: Is it three times a year or once a year or what?

MR. ESSENBURG: I would guess probably four times a year would be maximum for special events where we would have a large percentage of the congregation there. Normally if we have somewhere then where the whole congregation comes together, we have the Timothy facility that we have under contract right now. And that's what we use. In the event we hold a mid-week meeting, I think we held two in the past year. And we clear that with the school and use that

there. The gymnasium we just kind of did an on-site guesstimate which, I believe, is reasonably accurate. We could probably put about 250 people in there in folding chairs. And which we just did that to satisfy ourselves. And I doubt that we would ever do that.

MR. BAMMI: So to further clarify the cap issue, what you are saying then is at any given time you will not exceed more than 250 people on the site?

MR. ESSENBURG: We wouldn't have them there for a meeting, no, sir.

MR. BAMMI: Two hundred fifty would be the maximum?

MR. ESSENBURG: Right.

MR. BAMMI: And that will probably happen four times in a year?

MR. ESSENBURG: Maximum.

MR. BAMMI: No more than four times?

MR. ESSENBURG: Right.

MR. BAMMI: If we put a condition of that nature, that would be satisfactory to the church.

The plat of survey that you have submitted,

your Exhibit Number 5, does not show any layout of the parking spaces. It just marks out here blacktop parking lot and gravel. It sure would be desirable if you can show us what the circulation pattern is and how the parking spaces are laid out, how many parking can really fit.

MR. BAKER: I can try and get that for you by the 29th. I realized that, and I wanted that as well for you. The best I could get from Mr. Samms up to this point was -- And I said, well, how did you estimate your 120 cars? He said well, I park them every day. And that was his statement to me. We will see what we can do in terms of getting you a more specific outline there.

MR. BAMMI: Is the facility on sewer and water?

MR. BAKER: Yes.

MR. BAMMI: It is on sewer and water?

MR. BAKER: There was extensive studies done.

I did not include that, but yes, it is on sewer and water. It is also not part of a flood plain, which was also helpful.

MR. BAMMI: Well, there are wetlands on certain

parts of your property which were dealt with as part of the previous hearing. And correct me if I am wrong, but is it my correct understanding that they have provided the necessary drainage facilities that they were proposing as part of the previous petition? Or don't you know?

MR. BAKER: I am not aware of that. The sales information that we received indicated that it was in code, it was in line. But I don't know of any specific improvement with regard to water retention have been made.

MR. BAMMI: Maybe you can share that with us at a later point. My question would be since the board approved Lewis University's site plan under a previous hearing for this site, have they done any modification to the site in an attempt to move towards that site plan? And if so, what specifically was it?

MR. BAKER: Okay, I will be happy to do that.

MR. BAMMI: Now, you do realize that when you talk about congregation and so on and so forth you will need to bring it to our building codes, safety

codes, and so on and so forth.

MR. BAKER: Yes. And we certainly make this application subject to all building and zoning code regulations.

MR. BAMMI: I assume when you talked about the parking spaces you were using this gravel area. Do you plan to blacktop the gravel area?

MR. BAKER: I think my answer to that is depending on what this board requires of us. We are prepared to blacktop it if it's necessary.

MR. BAMMI: We typically do require the parking areas be blacktopped.

MR. BAKER: I did ask the pastor and former pastor, and they indicated if the board required that they would do that. I also understand there is quite good lighting already on the property. I have not personally seen the property, but --

MR. ESSENBURG: May I respond to that parking thing? In all probability we would blacktop that because the gravel area this time of year -- and we were there early when we first looked at it -- it's not nice. It pockets water. So I think we would

blacktop it as one of the first things we did assuming we were allowed to do that.

MR. BAMMI: Your revised site plan should show exactly where the parking will be, where the paved area will be, and how the parking aisles will be set up, and the circulation pattern including indication of the handicapped parking and their location which is required by the state law.

MR. BAKER: If I may ask the board on this, the way we had come in was with no alterations whatsoever. We're happy -- I would love some direction from the board as to what they would want. And then we would work with our planner on that. What will be helpful to the board.

MR. BAMMI: From staff's position, and the board can speak for themselves, my position would be that you would still maintain the same area which is currently either blacktopped or gravel. And all I am seeking is that area which is currently gravel where there is parking taking place and has been taking place for a long period of time. And that is the area which I think we would like to see paved.

MR. BAKER: Fine.

MR. BAMMI: No additional area to be paved or gravel.

MR. BAKER: Okay, very good.

MR. BAMMI: Are there going to be any outside activities on the site? And if so, when and for how long?

MR. BAKER: Ben or Randy, do you want to answer that?

MR. BARR: Well, I am sure during the summer we will use the softball. There's a softball field in the back. There's some open area. And I am sure our youth group will. And maybe a church picnic or home group type of picnics would occur at that time. We assume that would be permissible.

MR. BAMMI: I guess what I was getting at, you know, you are surrounded by residential to the north and to the west. And it is a concern of the board as to how do we protect the residential neighborhood from any negative impact. And part of that impact that we want to be concerned about is, number one, the traffic impact. And that's why I was

so interested in the number of people coming here, what the maximum capacity will be and so on and so forth. But in addition to that, we also look at the performance issue, specifically the noise impact. Are there going to be some activities there where there will be a disturbance more than a residential neighborhood would have? Also we talked about the lights. We want to make sure that any lights that are put on this site are such that there is no glare or lights are exceeding the illumination level at the property line should remain between .5 foot candles, which is really very, very little, almost negligible.

MR. BARR: It seems relatively bright at the moment. I have driven by there in the evening. And it certainly doesn't need any more than it already has. So we wouldn't be looking to illuminate the area more than what we see the building illuminated at present. And needless to say, in terms of loud music or speaker system and some sort of outdoor meetings and such as that, that would in no way be part of our plan. It would be just -- Again behind

the building -- I am sure we would use some of those facilities occasionally for, like I say, youth activities.

MR. BAMMI: I think, Mr. Baker, what I would like to stress again is that if you are not familiar with our performance code, you should get familiar with it. If there are going to be some outdoor activities as stated, I think you need to clearly indicate where they will be on the site plan, and then you also need to provide us with how you're going to buffer the area so that you don't have a visual impact or the noise impact. And again regarding the lights, I think you have to make sure that they fit within our performance standards. In other words, lights not spilling over from your property to the other property or glare being caused to the other households.

MR. BAKER: Mr. Bammi, with regard to that, as I am understanding my clients, they're saying they will not change the current use. Now, this was a school all the way from 1967. Those fields, as I understand it, have been there since '67. And I don't think you intend to use that in a way that it

has not currently be used.

MR. BARR: No.

MR. BAKER: We will be happy to supply any additional information. The only reason I say that is to stress we are not seeking a change, we are not seeking to put in lights or make those kinds of changes that are different than the neighbors' experienced over the past. To my understanding there has never been complaints with regard to its current use. And I don't know, we may find the community itself using those ball fields for their own teams. So that would be my only comment with regard to that. I would be happy to have it marked out where the fields are and that kind of thing if that would be helpful to the board as well. We certainly do not intend to add lights, if I understand.

MR. BARR: No.

MR. BAKER: Or that kind of thing.

MR. BAMMI: Is there going to be renting of the facilities for marriages or --

MR. BARR: No.

MR. BAMMI: -- receptions, things of that

nature?

MR. ESSENBURG: Not rental.

MR. BAMMI: But, however, if one of your own individuals, a member of the church was involved, then they could have the facility available for these purposes?

MR. ESSENBURG: Pretty difficult to get a bride to want to be married in a gymnasium.

MR. BAKER: Receptions and things like that?

MR. BARR: Receptions, yes.

MR. ESSENBURG: Receptions possibly.

MR. BAMMI: Do you have a kitchen facility in the building?

MR. BAKER: I don't know the answer to that.

MR. ESSENBURG: There are some sinks in there, and the one room has a 4-burner electric stove. And there is a sink in it. And it doesn't look like it gets much use. But other than that there are no visible kitchen facilities there. That would be the extent of what's there.

MR. BAMMI: When you have these kinds of facilities or activities taking place, again how often

do you anticipate and what kinds of capacities we are talking about.

MR. BAKER: I defer that once again to the two pastors here.

MR. ESSENBURG: Normally that would be house groups coming together. And I would say that on Tuesday night where there might be two house groups that come together with their children, be about 60 people to come together, to break bread together. If we brought the whole congregation together, we couldn't have it there because we couldn't accommodate it.

MR. BAMMI: I was more referring to a reception, a wedding reception or birthday.

MR. ESSENBURG: Well, that's a possibility that that would happen there. I don't know. At the present time we've used our small facilities for very small groups. And that's been about maximum 60 people. Normally people go to a restaurant or something that's a little more conducive to that sort of thing for a wedding. And I suppose it could be done in that gymnasium, but I don't really know who would.

MR. BAMMI: So I assume your client's answer is it probably is going to be very rare, and if it is, it would be around 60 or so people.

MR. BAKER: I would imagine. You might have a wedding party of 100 or something. But that's --

MR. ESSENBURG: Well, that's a possibility. It would be nice, I suppose.

MR. BAKER: It would be rare. I don't think that school facilities are what most brides want.

MR. BAMMI: Mr. Baker, can you share with the board a little bit about the signage? I do not see any information regarding that. Where are you going to have a sign? What kind of a sign and so on and so forth.

MR. BAKER: Are you intending to have a sign on this property?

MR. ESSENBURG: Yes, we would like to identify it probably where the for sale sign is right now. And we would put up something that would lend itself to the facilities eventually identifying it as being the Fountain of Life.

MR. BAKER: Does National Lewis University

have signage currently?

MR. ESSENBURG: They have little signs on the building itself. And then they have some on the access. I have one picture here somewhere if anybody is interested in seeing it.

MR. BAMMI: Let me just point out I think in the revised site plan that we are talking about you ought to show the location of the signage because there are some very specific standards regarding setback, height, and size of the sign that is permitted on this site. And since you are not requesting any variation, you will have to make sure you abide within those criteria.

MR. BAKER: That was a given that we would abide by all code criteria.

MR. BAMMI: We do need to again have a site plan that becomes part of the ordinance if it's to be approved. Therefore, I want every element to be shown in the site plan.

MR. ESSENBURG: What's there at the present time is this. Here are some pictures of the existing parking lot. I took those last week in December.