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# VILLAGE OF DOWNERS GROVE Report for the Village Council Meeting 12/1/2015

SUBJECT:	SUBMITTED BY:
Rezoning from R-1, Residential Detached House 1 to INP-1, Neighborhood-scale Institutional and Public District and a Special Use for a cemetery at 2501 Hobson Road	Stan Popovich, AICP Director of Community Development

#### SYNOPSIS

The petitioner is requesting a rezoning of the property at 2501 Hobson Road from R-1, Residential Detached House 1 to INP-1, Neighborhood-Scale Institutional and Public District. The petitioner is also requesting Special Use approval for a cemetery.

# STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 include Exceptional Municipal Services.

#### **FISCAL IMPACT**

n/a

#### **UPDATE & RECOMMENDATION**

This item was discussed at the November 17, 2015 Village Council meeting. Staff recommends approval on the December 1, 2015 Active Agenda.

#### **BACKGROUND**

# Property Information & Zoning Request

The subject property is located on the southeast side of Hobson Road approximately 50 feet south of Wolfe Drive. This 3.02 acre property consists of two parcels and contains a single family detached house and a cemetery. The applicant is proposing to rezone the entire property from R-1, Residential Detached House 1 to INP-1, Neighborhood-Scale Institutional and Public District and seeks a Special Use for a cemetery to demolish the existing house and construct a new crypt building with a ring road.

The INP-1 zoning district allows for institutional uses under four acres in size. A cemetery is an allowable special use in the INP-1. The INP-1 district requires any new building or structure to be built with the setbacks and bulk regulations of the most restrictive abutting zoning district in order to respect the residential neighborhood. The most restrictive abutting district is R-1, Residential Detached House 1.

# Compliance with the Comprehensive Plan

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The Comprehensive Plan's Community Facilities Plan identifies this property as Institutional because of the existing cemetery. The Comprehensive Plan states that the Village should consistently communicate with institutional uses to identify needs and assist with potential expansions. The proposed improvements will provide additional burial places and will provide a service to the community. The proposed rezoning and use is consistent with the Comprehensive Plan.

# Compliance with the Zoning Ordinance

The proposed crypt building meets all the bulk and setback regulations. The petitioner will be improving the east property line with landscaping to screen many of the abutting residential properties. The proposed improvements are consistent with the Zoning Ordinance.

As part of the rezoning request, the applicant was required to hold a neighborhood meeting in order to address any neighbor concerns and questions per section 12.010.F.3 of the Zoning Ordinance. The applicant held the meeting at Hobson Road Church on October 21, 2015.

# **Public Improvements**

There are no public improvements required with this proposal. The only access to this property is from the two proposed curb cuts off of Hobson Road which is a local road. The petitioner will install two bio-swales along the west property line to catch the run-off from the new ring road and crypt building.

# **Public Comment**

During the Plan Commission meeting, the public expressed concerns. The petitioner addressed the concerns in their presentation at the Plan Commission meeting. The concerns and responses are presented below:

Concern	Response
The crypt building is too close to the residential properties to the east.	<ul> <li>The east elevation of the crypt building will be setback 90 feet from the east property line where 20 feet is required.</li> <li>Landscaping will be installed along the east property line that separates the crypt building from the residential properties to the east.</li> </ul>
The proposed building is too big for the neighborhood.	<ul> <li>The maximum allowable building height is 35 feet and the proposed building will measure 28.4 feet tall.</li> <li>The proposed development meets all Zoning Ordinance bulk and setback regulations.</li> </ul>
The proposed landscaping along the east property line is not tall enough to effectively screen the cemetery from the properties to the east.	<ul> <li>The petitioner has provided an updated Landscape Plan that increases the height of the plants along the east property line from six feet to nine feet. These plants will be nine feet in height at time of planting.</li> <li>The landscaping along the east property line has been strategically placed to minimize impacts onto the residential properties to the east.</li> </ul>

#### **ATTACHMENTS**

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Ordinance Aerial Map Staff Report with attachments dated November 2, 2015 Draft Minutes of the Plan Commission Hearing dated November 2, 2015 Addendum to the Landscape Plan

# VILLAGE OF DOWNERS GROVE COUNCIL ACTION SUMMARY

INITIATED:	Petitioner	DATE: _	December 1, 2015	
3	(Name)			
RECOMMENDA			FILE REF: 15-PLC-	-0041
	(Bo	ard or Department)		
NATURE OF AC	CTION:	STEPS NEEDED	TO IMPLEMENT AC	TION:
X Ordinance			AN ORDINANCE REZO	
Resolution		HOBSON ROAD"		01
Motion			Es	
Other				
SUMMARY OF	ITEM:			
	tached ordinance shall to INP-1, Neighborhoo		Road from R-1, Residen and Public District.	tial
RECORD OF AC	CTION TAKEN:			
	**			
<del></del>			-	

1\wp\cas,15\2501-Hobson-Rezone-15-PLC-0041

2501 Hobson Rezoning 15-PLC-0041

# ORDINANCE NO. \_\_\_\_

# AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 2501 HOBSON ROAD

WHEREAS, the real estate located at 2501 Hobson Road, on the southeast side of Hobson Road approximately 50 feet south of Wolfe Drive, hereinafter described has been classified as "R-1, Residential Detached House 1" under the Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on November 2, 2015 and has made its findings and recommendations all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. The Zoning Map of the Village, pursuant to Section 28.12.030 of the Downers Grove Municipal Code, is hereby further amended by rezoning to "INP-1, Neighborhood-scale Institutional and Public District" the zoning classification of the following described real estate, to wit:

#### PARCEL 1

THE NORTH 77.41 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, WHICH IS ALSO ON THE CENTER LINE OF 63RD STREET THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 213.84 FEET THENCE NORTH 1 DEGREES 0 MINUTES EAST ALONG THE WEST LINE OF A SUBDIVISION KNOWN AS DOWNERS GROVE PARK SUBDIVISION, 1526 FEET TO THE CENTER LINE OF HOBSON MILL ROAD; THENCE SOUTH 47 DEGREES 43 MINUTES WEST ALONG THE CENTER LINE OF HOBSON MILL ROAD 723.7 FEET FROM A POINT OF BEGINNING: THENCE SOUTH 89 DEGREES 0 MINUTES EAST, A DISTANCE OF 526.5 FEET TO THE WEST LINE OF SAID DOWNERS GROVE PARK SUBDIVISION: THENCE SOUTH 1 DEGREE 0 MINUTES WEST OF A DISTANCE OF 315 FEET ALONG THE WEST LINE OF DOWNERS GROVE PARK SUBDIVISION; THENCE NORTH 89 DEGREES 0 MINUTES WEST A DISTANCE OF 821.5 FEET TO THE CENTER LINE OF HOBSON MILL ROAD, A DISTANCE OF 434.7 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

#### PARCEL 2

THAT PART OF THE EAST HALF (E½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION THIRTEEN (13), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE TEN (10) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING ON THE SECTION LINE TWO HUNDRED THIRTEEN AND 84/100 (213.84) FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW¼), THENCE NORTH 1°0′ EAST ONE THOUSAND FIVE HUNDRED TWENTY-SIX (1526) FEET TO THE CENTER OF THE ROAD FOR A PLACE OF BEGINNING; THENCE SOUTH 47°43′ WEST ALONG THE CENTER OF SAID ROAD SEVEN HUNDRED TWENTY-THREE AND 7/100 (723.07) FEET; THENCE SOUTH 89°0′ EAST FIVE HUNDRED TWENTY-SIX AND 5/10 (526.5) FEET; THENCE NORTH 1°0′ EAST FOUR HUNDRED NINETY-SIX AND 5/10 (496.5) FEET TO THE PLACE OF BEGINNING, CONTAINING THREE (3) ACRES, SITUATED IN THE COUNTY OF DUPAGE, IN THE STATE OF ILLINOIS.

Commonly known as: 2501 Hobson Road, Downers Grove, IL 60516 PINs 08-13-314-001 & -002

<u>SECTION 2</u>. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

- 1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
- 2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. That the rezoning meets the requirements of the Zoning Ordinance as follows:

- 1. The existing use and zoning of nearby property;
- 2. The extent to which the particular zoning restrictions affect property values;
- 3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
- **4.** The suitability of the subject property for the zoned purposes;
- 5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
- **6.** The value to the community of the proposed use; and
- **7.** The comprehensive plan.

<u>SECTION 4</u>. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and

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publication in pamphlet form as provided by law.		
Passed: Published: Attest: Village Clerk	Mayor	

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# VILLAGE OF DOWNERS GROVE REPORT FOR THE PLAN COMMISSION NOVEMBER 2, 2015 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0041 2501 Hobson Road	Zoning Map Amendment and Special Use for a Cemetery	Patrick Ainsworth, AICP Planner

#### REQUEST

The petitioner is requesting approval of a Zoning Map Amendment to rezoning the property from R-1, Residential Detached House 1 to INP-1, Neighborhood-scale Institutional and Public District and a Special Use for a cemetery at 2501 Hobson Road.

#### **NOTICE**

The application has been filed in conformance with applicable procedural and public notice requirements.

#### **GENERAL INFORMATION**

OWNER/ Mr. Michael Hackiewicz

**APPLICANT:** Roman Catholic Diocese of Joliet

16555 Weber Road Crest Hill, IL 60403

#### PROPERTY INFORMATION

EXISTING ZONING: R-1, Residential Detached House 1
EXISTING LAND USE: Cemetery & Single Family House
131,348.6 square feet (3.02 acres)

PINS: 08-13-314-001 & -002

#### **SURROUNDING ZONING AND LAND USES**

ZONING FUTURE LAND USE

**NORTH:** R-3, Residential Single Family Residential

(Woodridge) (Woodridge)

SOUTH: R-1, Residential Detached House 1 Institutional

**EAST:** R-3, Residential Detached House 3 Single Family Residential WEST: R-3, Residential Single Family Residential

(Woodridge) (Woodridge)

#### ANALYSIS

#### **SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

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- 1. Application/Petition for Public Hearing
- 2. Plat of Survey
- 3. Project Summary
- 4. Existing Site Plan
- 5. Engineering Drawings
- 6. Proposed Site Plan
- 7. Proposed Floor Plan
- 8. Proposed Elevations

#### **PROJECT DESCRIPTION**

The subject property, 2501 Hobson Road, is located on the southeast side of Hobson Road approximately 50 feet south of Wolfe Drive. The petitioner is requesting a rezoning from R-1, Residential Detached House 1 to INP-1, Neighborhood-scale Institutional and Public District and a special use for a cemetery at 2501 Hobson Road. The INP-1 designation is for small, institutional scale developments that abut residentially zoned properties. A cemetery is an allowable special use in the INP-1 district.

The property currently contains an existing cemetery and a single family detached house on the 3.02 acre property. The petitioner is proposing to demolish the vacant house, install a horseshoe-shaped road and a crypt building in order to retrofit the existing cemetery to allow for more users. The crypt building will be located near the southeast corner of the subject property. This structure will house human remains and also serve as a congregation area for small burial ceremonies.

#### COMPLIANCE WITH COMPREHENSIVE PLAN

The Comprehensive Plan's Future Land Use Map designates this property as Public/Institutional. A cemetery is considered an institutional use. Institutional uses are generally defined as public and semi-private facilities that service the community. The proposed improvements will maintain the use as a cemetery and will enhance the property for new users. Staff finds that the rezoning and continued use of this property as a cemetery is consistent with the Comprehensive Plan.

### **COMPLIANCE WITH ZONING ORDINANCE**

The property is currently zoned R-1, Residential Detached House 1. The petitioner is proposing to rezone the property to INP-1 in order to apply for a special use to expand cemetery services. Per Section 4.020.B.3 of the Zoning Ordinance, all future buildings and structures in an INP-1 district shall follow the setbacks of the most restrictive abutting zoning district. The R-1, Residential Detached House 1 zoning designation is the most restrictive abutting zoning district. As such the crypt building is proposed near the southeast corner of the property to comply with the R-1 bulk regulations. The bulk regulations for the proposed crypt building compared to the R-1, Residential Detached House 1 regulations are found below:

2501 Hobson Road	R-1 Setbacks	Proposed
West (Street Yard)	40 ft	239 ft
East Setback (Rear Yard)	20 ft	90 ft
South Setback (Side Yard)	10 ft	14 ft
Building Height	35 ft (max)	28.5 ft
Building Coverage	32%	4.4%

The proposed use and improvements are consistent with the Zoning Ordinance.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

The proposed new impervious surfaces will be under 25,000 square feet. As such, there will be no storm

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water detention required. However, the new impervious will exceed 700 square feet which will require Post Construction Best Management Practices per Chapter 26 of the Downers Grove Municipal Code. No other utilities are required for the proposed improvements. All improvements will comply with applicable Village codes and ordinances.

#### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the proposed plans. Based upon the submittal, Fire Prevention has sufficient access to the site and building.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice. Staff has not received any written neighborhood comment regarding the proposal at this time. The applicant hosted a neighborhood meeting on October 21, 2015 per Section 12.010.F.3 of the Zoning Ordinance. The discussion included the following topics: number of burial plots and crypt spaces, height of the building, proposed landscaping and number of burial ceremonies per month. The summary of the applicant's meeting is attached to this report.

#### FINDINGS OF FACT

The applicant is requesting a Zoning Map Amendment and Special Use approval for a cemetery. The proposed use meets the standards for granting a Zoning Map Amendment and a Special Use as outlined below:

# Section 28.12.030.I. Review and Approval Criteria for Zoning Map Amendments

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:

#### (1) The existing uses and zoning of nearby property.

The subject property is currently improved with a single family detached house and an existing cemetery. The property is surrounded by single family residential lots. The petitioner is proposing to rezone the property from R-1, Residential Detached House 1 to INP-1, Neighborhood-scale Institutional and Public District. The INP-1 zoning designation respects the surrounding single family lots by requiring all buildings and structures to comply with the bulk regulations from the most restrictive abutting zoning district. As such, the crypt building will follow the bulk regulations of the R-1 zoning designation to ensure that the proposed development remains in context with the nearby land uses. The proposed use and zoning is consistent with the zoning of the nearby properties. This standard has been met.

#### (2) The extent to which the particular zoning restrictions affect property values.

The proposed rezoning will not negatively affect property values. By rezoning from R-1 to INP-1, the petitioner will be able to continue using the property as a cemetery and will enhance the land with a new crypt building which will serve the community and new users for years. This standard has been met.

# (3) The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.

The proposed rezoning will not impact property values or the public health, safety and welfare of the community. The existing use is a cemetery and the proposed use will remain as a cemetery. This standard has been met.

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# (4) The suitability of the subject property for the zoned purposes.

The subject property is currently zoned single family residential and the property owner is proposing to rezone the property to INP-1, Neighborhood-scale Institutional and Public District. This zoning district allows for a cemetery through Special Use approval. The INP-1 zoning district is a neighborhood-scale zoning district where all future buildings and structures have to follow the most restrictive abutting zoning district. The new building will meet and exceed the bulk regulations of the R-1, Residential Detached House 1 zoning district. This standard has been met.

# (5) The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.

The property is not currently vacant, but the petitioner is proposing to tear down the subject house and enhance the property with a new crypt building to better serve the community and future users. The rezoning to INP-1 considers the context of the neighborhood by requiring all future buildings and structures to comply with the R-1 bulk regulations. As such, all improvements will fit contextually with the context of the land development in the vicinity. This standard has been met.

# (6) The value to the community of the proposed use.

The Comprehensive Plan identifies this specific parcel as an institutional use as the existing use is a cemetery. The petitioner is proposing to maintain the use as a cemetery while improving the land to offer more burial spaces. The proposed improvements contribute value to the community by providing a service that is not readily available. This standard has been met.

# (7) The Comprehensive Plan.

The Village has carefully planned its land use development as evidenced by the adoption of the Comprehensive Plan in 2011. The subject property is designated for institutional use in the Comprehensive Plan. The petitioner is proposing to maintain the existing cemetery and add improvements to the property to offer additional burial spaces to the community. This standard has been met.

#### Section 28.12.050.H Approval Criteria

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

# (1) That the proposed use is expressly authorized as a Special Use in the district in which it is to be located.

The petitioner is proposing to rezone the subject property to INP-1, Neighborhood-scale Institutional and Public District. Under Section 5.010 of the Zoning Ordinance, a cemetery is listed as an allowable Special Use in the INP-1 zoning district. This standard has been met.

# (2) That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

The current use of the property is a cemetery with a single family detached house. The petitioner is proposing to demolish the existing house, install a new circle drive, construct a new crypt building and provide new plots. The proposed use is in the interest of the public convenience and will contribute to the general welfare of the area as the petitioner will be enhancing the existing cemetery to provide an additional service to the community. The petitioner's proposed use will meet various Comprehensive Plan goals. This standard has been met.

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(3) That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

The proposed use will not be detrimental to the health, safety or general welfare of persons residing in or working in the vicinity and will not be injurious to property values or improvements in the vicinity. The petitioner will be maintaining the same cemetery use, but with one additional structure and a new private road. Landscaping will be added to the site to assist with screening and buffering This standard has been met.

#### RECOMMENDATIONS

The proposal is consistent and compatible with the Comprehensive Plan and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding 15-PLC-0041 subject to the following conditions:

- 1. The Special Use shall substantially conform to the staff report dated November 2, 2015, the engineering drawings prepared by V3 dated October 2, 2015 and last revised October 20, 2015, the architectural and landscape drawings prepared by Kenneth E. Giere Architect dated July 27, 2015 and last revised October 20, 2015 except as such plans may be modified to conform to Village Codes and Ordinances.
- 2. The applicant shall administratively consolidate the multiple lots prior to constructing the crypt building.

Staff Report Approved By:

Stanley J. Popovich, AICP Director of Community Development

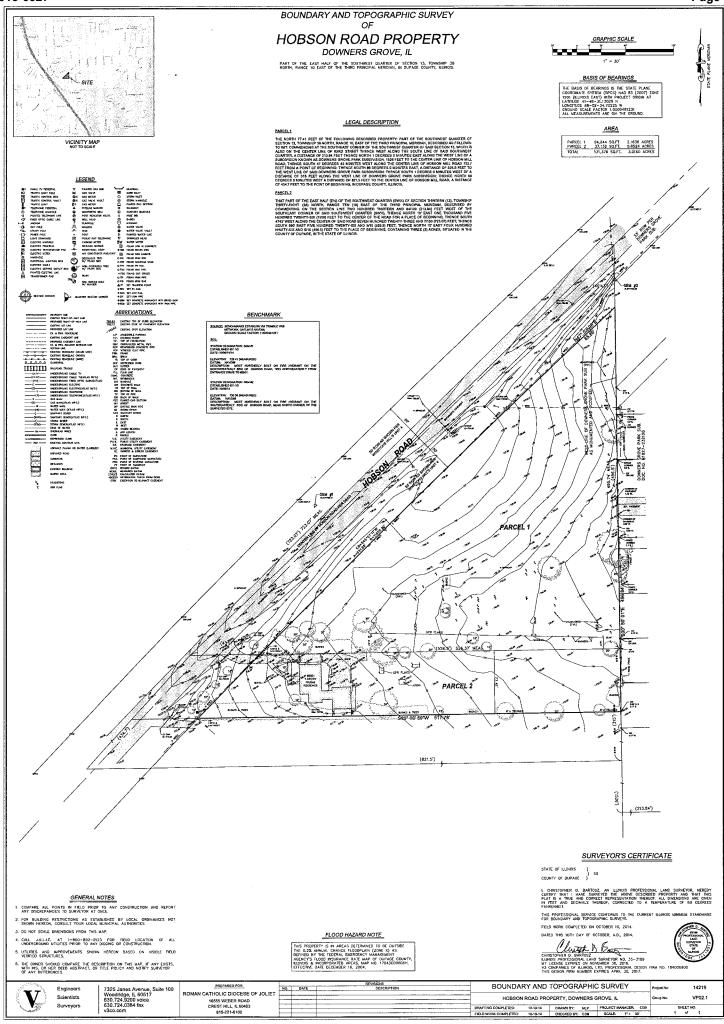
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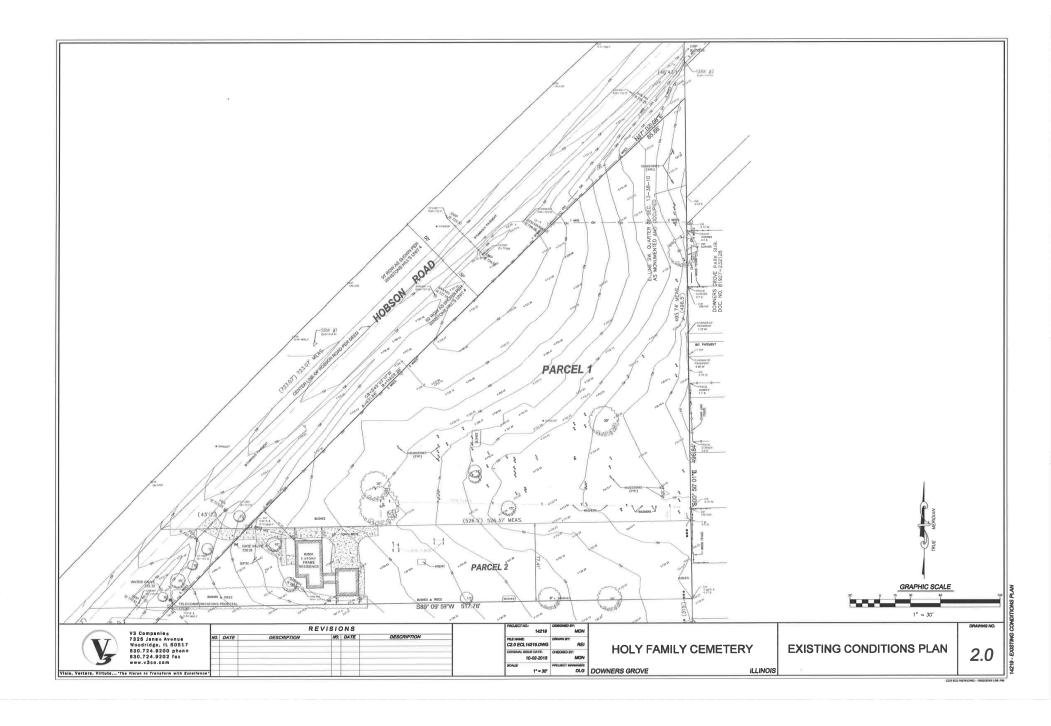


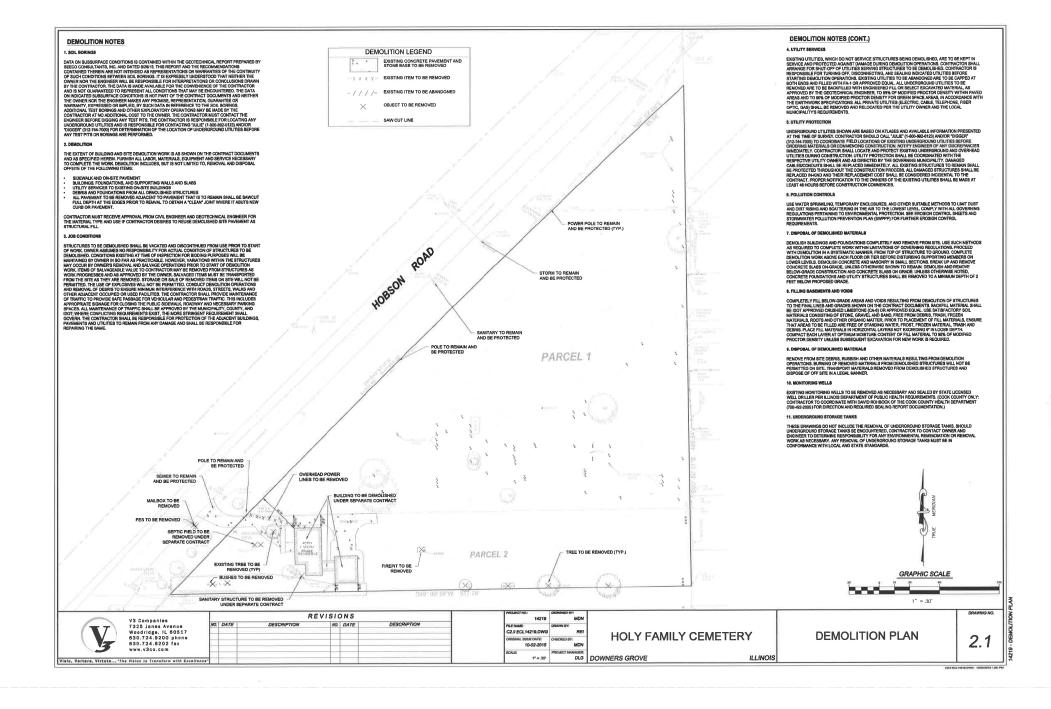
1- Single family house that will be demolished as part of the cemetery retrofit.

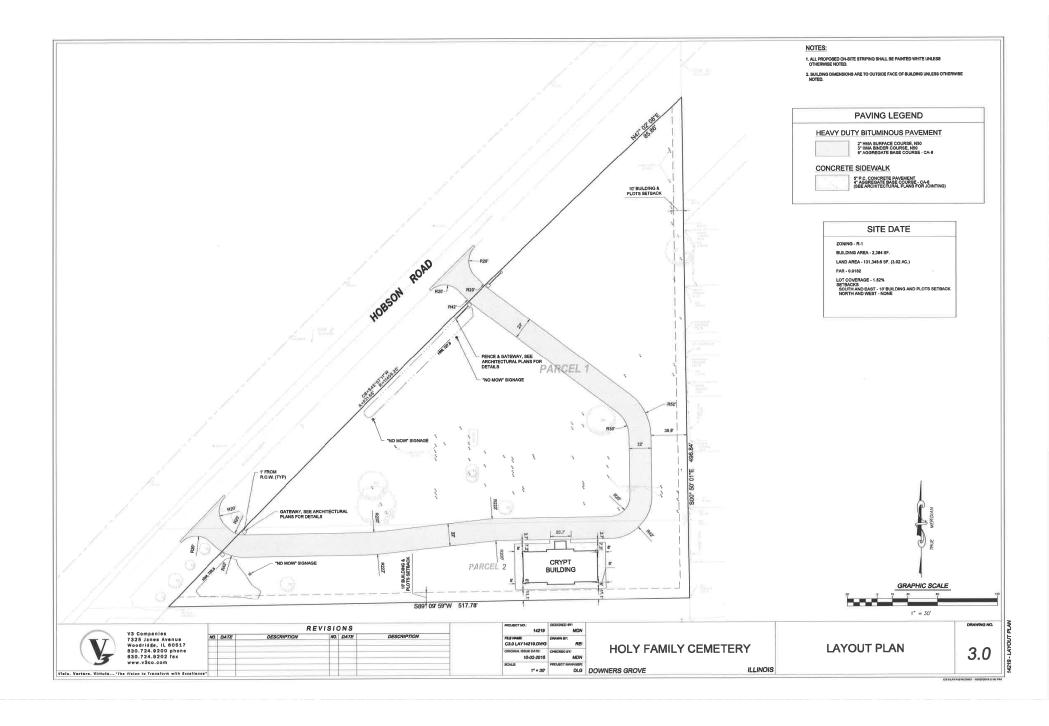


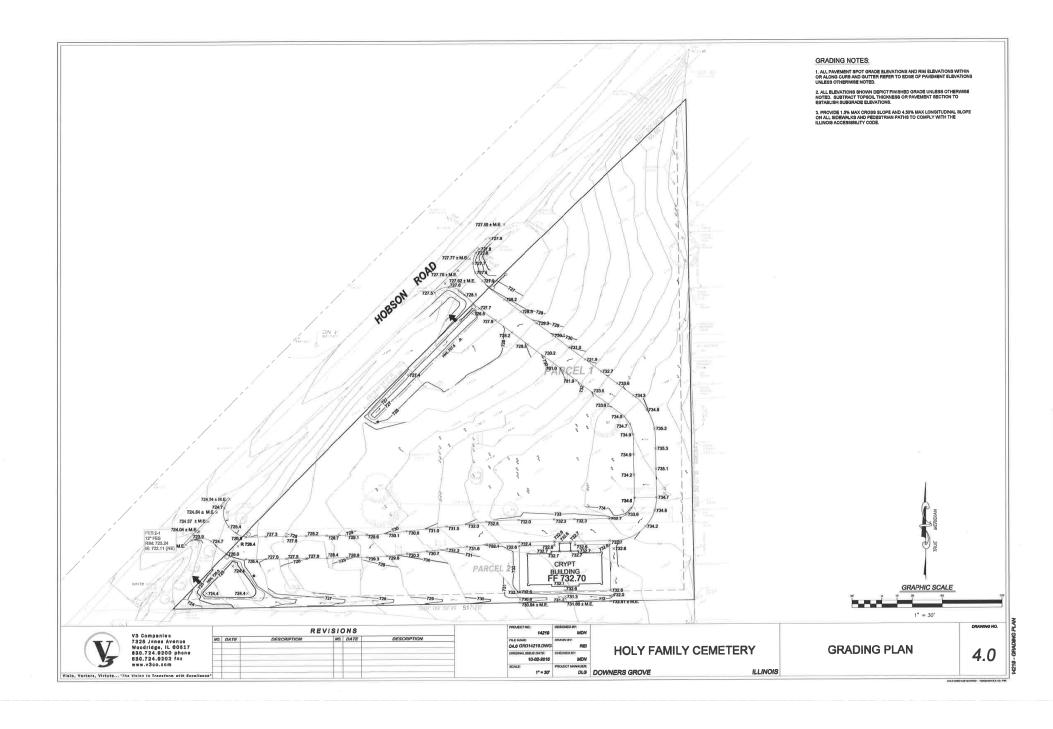
2 Background of this photo shows the general location of the proposed crypt building.

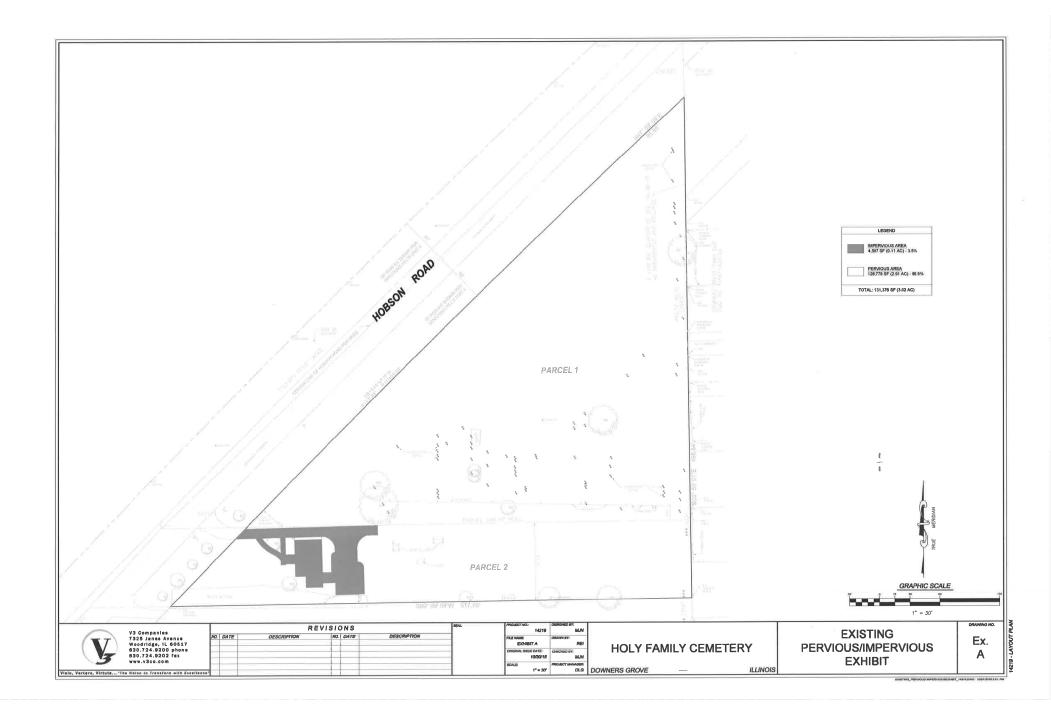


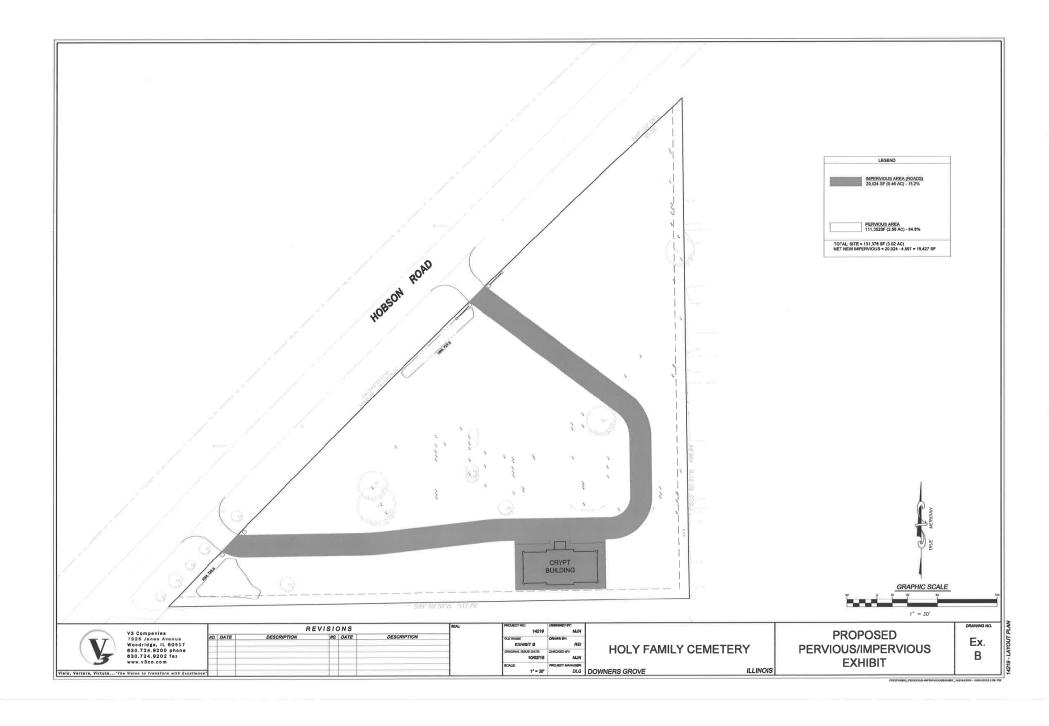






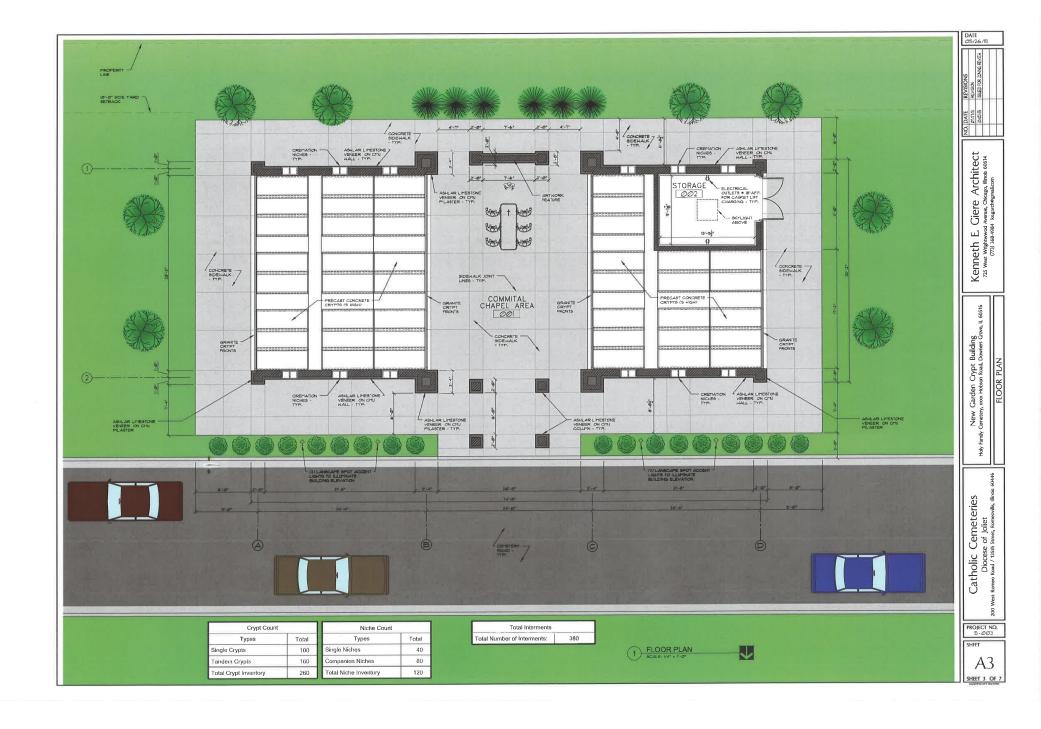


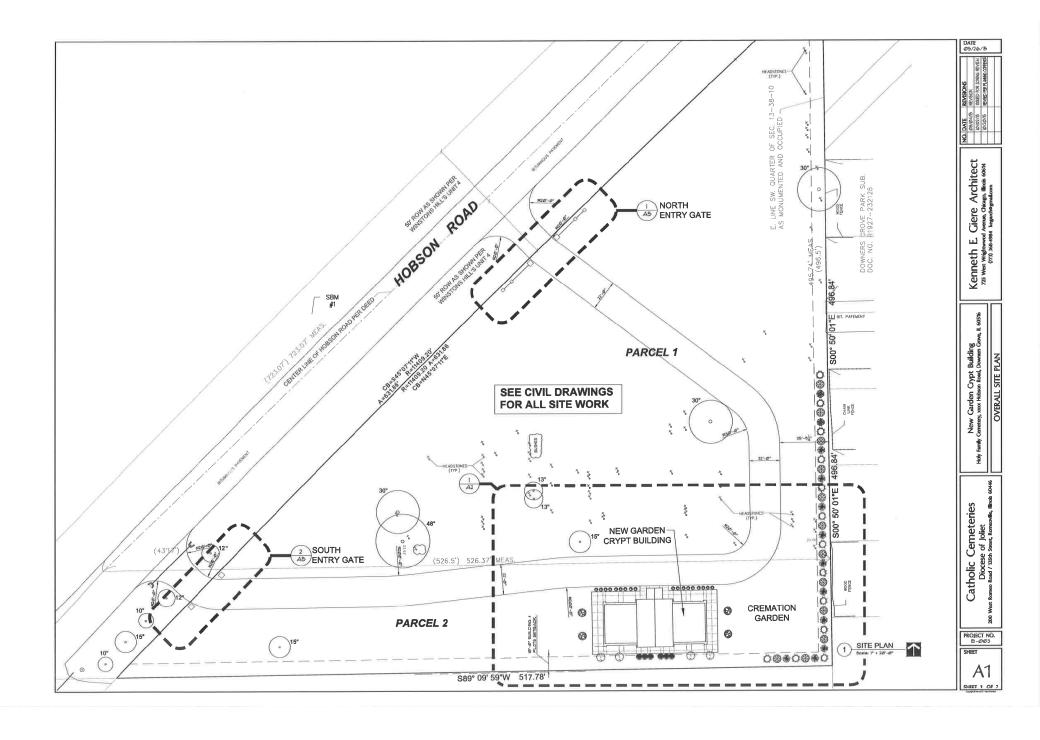


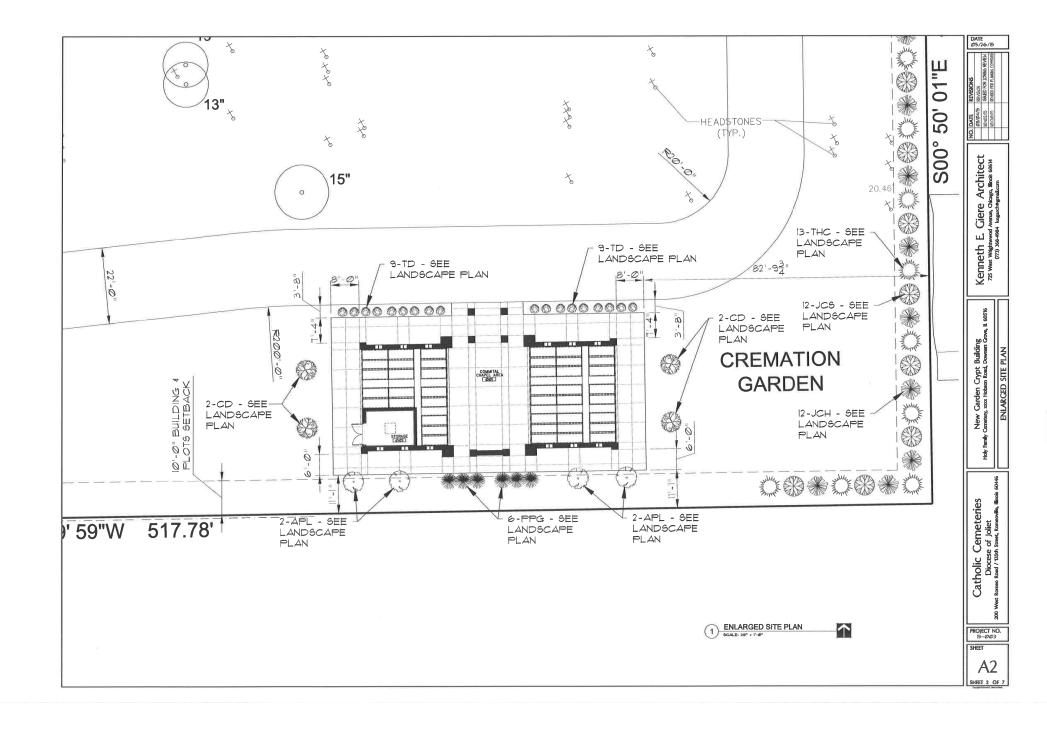


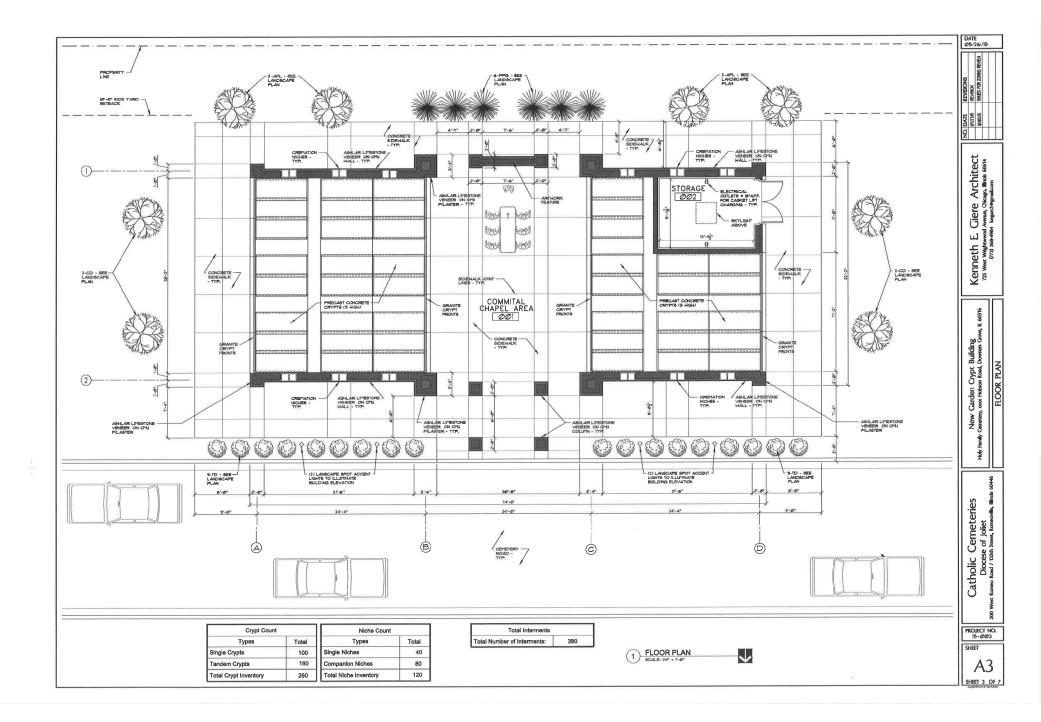
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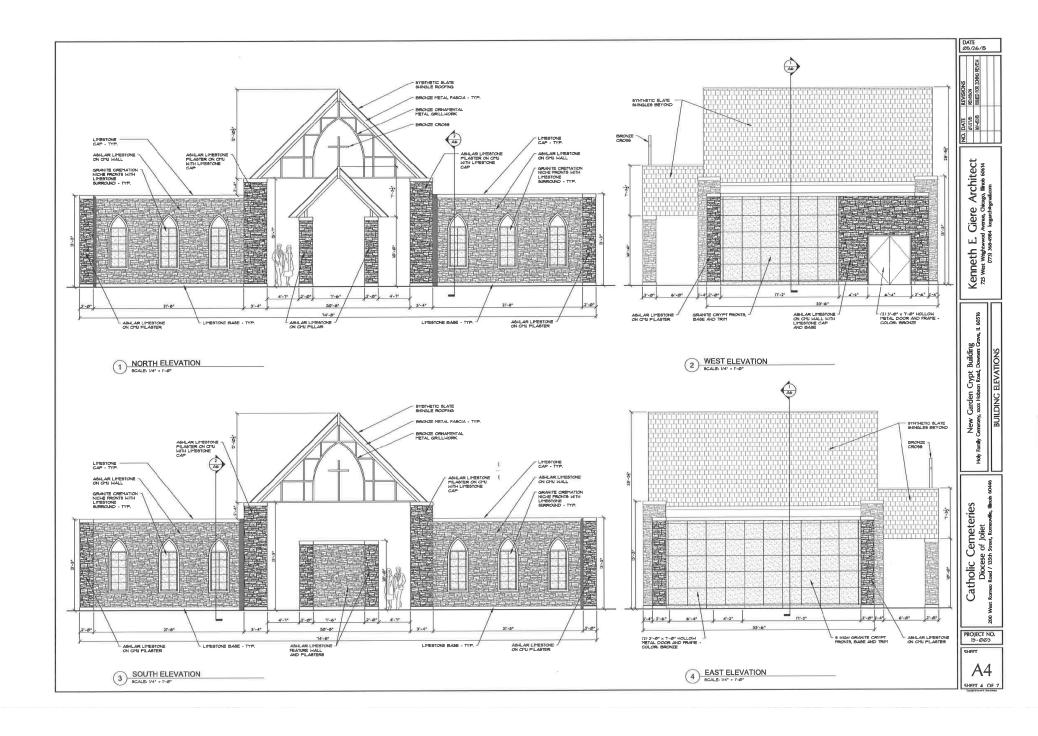


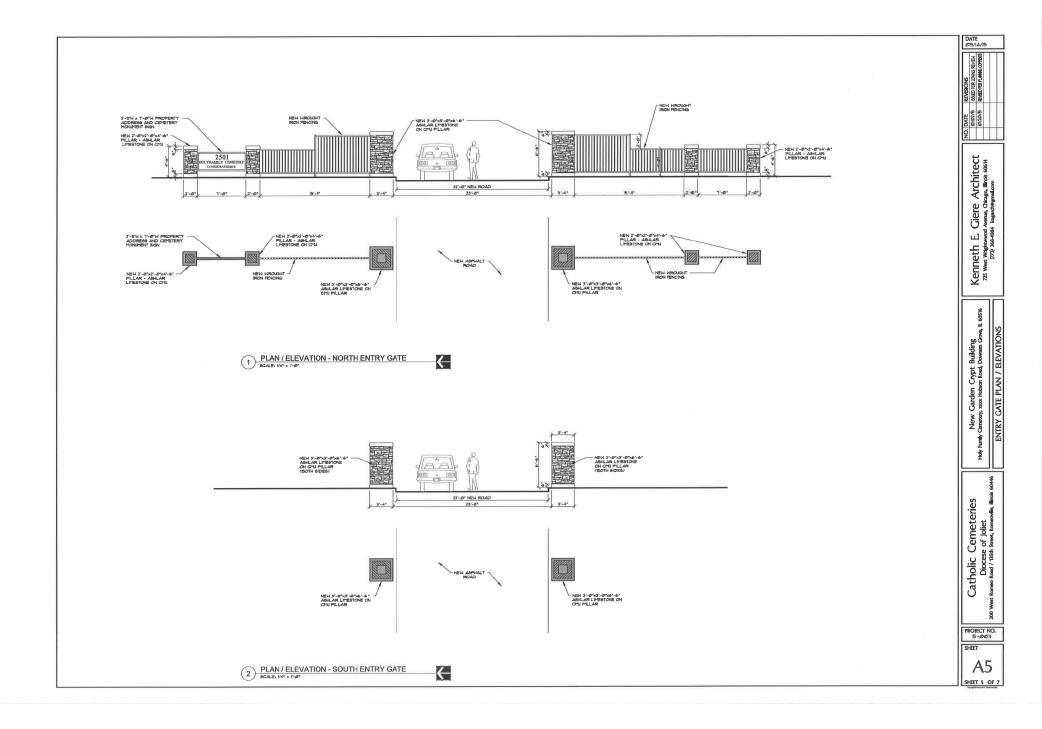


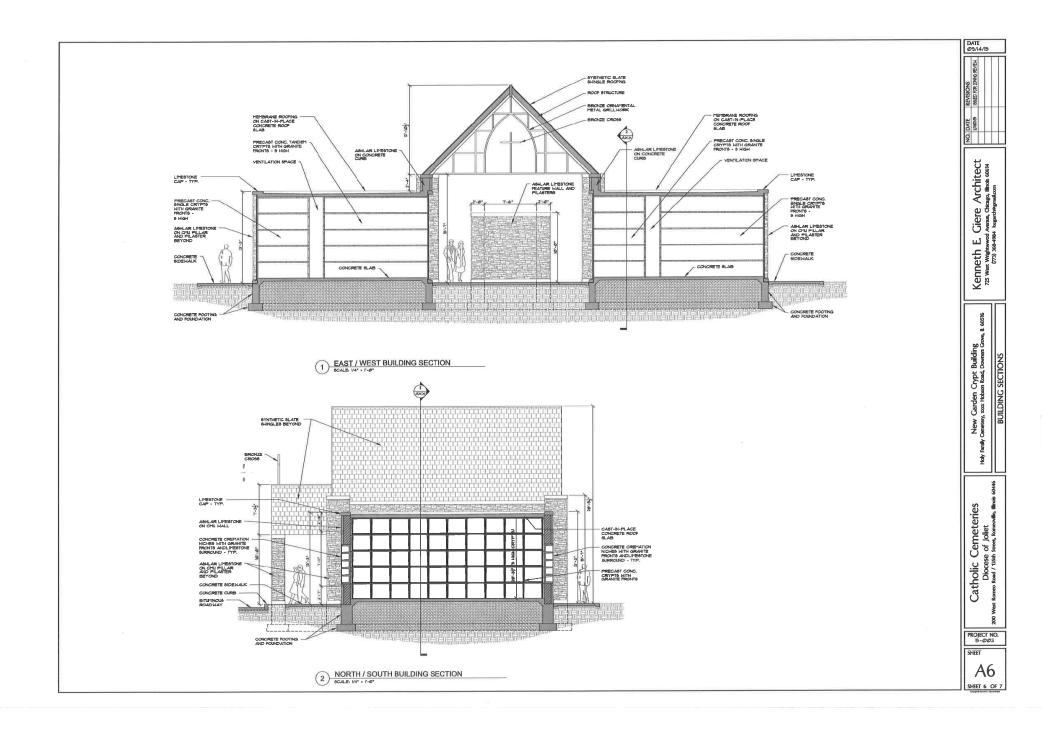


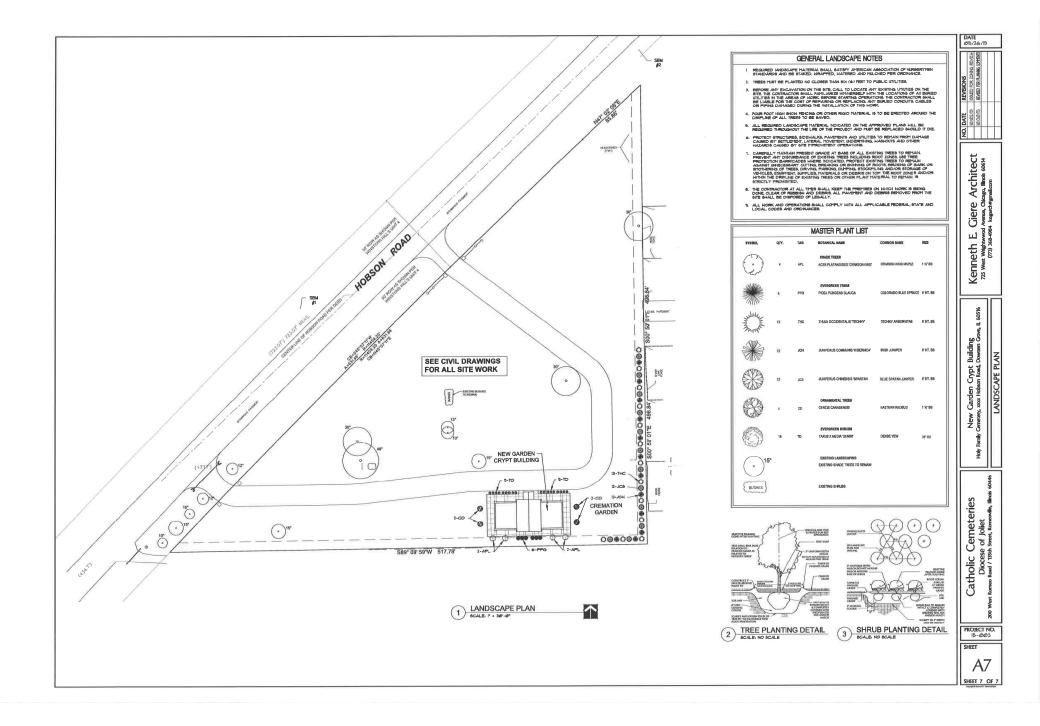


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VICINITY MAP

#### OWNER & SUBDIVIDER:

ROMAN CATHOLIC DIOCESE OF JOLIET 16555 WEBER ROAD CREST HILL, IL. 60403

#### ENGINEER:

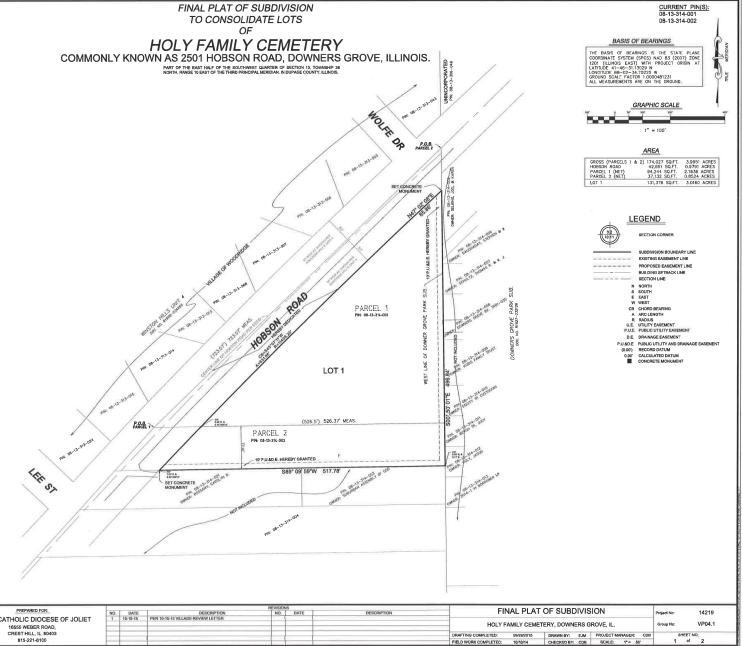
V3 COMPANIES 7325 JANES AVE, SUITE 100 WOODRIDGE, IL. 60517

#### SURVEYOR:

V3 COMPANIES 7325 JANES AVE, SUITE 100 WOODRIDGE, IL. 60517

#### SURVEYOR'S NOTES:

- DIMENSIONS ALONG CURVED LINES ARE ARC LENGTHS.
- ONCE THE PLAT SHOWN HEREON IS RECORDED AND UPON COMPLETION OF CONSTRUCTION, 34" IRON PIPES WITH PLASTIC CAPS SHALL BE SET AT ALL LOT CORNERS AND CHANGES IN GEOMETRY, UNLESS SHOWN OTHERWISE,





Engineers Scientists 7325 Janes Avenue, Suite 100 Woodridge, IL 60517 630.724.9200 voice 630.724.0384 fax

ROMAN CATHOLIC DIOCESE OF JOLIET

DATE	DESCRIPTION	I NO.	UNIC	Dis
10-19-15	PER 10-15-15 VILLAGE REVIEW LETTER			
		- 1		

CURRENT PIN(S): 08-13-314-001

08-13-314-002

#### FINAL PLAT OF SUBDIVISION TO CONSOLIDATE LOTS

# HOLY FAMILY CEMETERY

#### COMMONLY KNOWN AS 2501 HOBSON ROAD, DOWNERS GROVE, ILLINOIS,

OWNER'S CERTIFICAT	
	ile.
STATE OF ILLINOIS	ss
COUNTY OF	)
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AFFIX SEAL  VILLAGE OF DOWNER: STATE OF ILLINOIS COUNTY OF DUPAGE	) ) SS }
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THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINUM PROPERTY ACT". CHAPTER 765 ILCS 605/2. AS AMENDED FROM TIME TO TIME.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

STATE OF ILLINOIS	) ISB
COUNTY OF DUPAGE	)
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DF \_\_\_\_\_, A.D. 20\_\_\_\_.\* COLUMN OF COM

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DUPAGE COUNTY REC	ORDER'S CERTIFICATE
STATE OF ILLINOIS	) NSS
COUNTY OF DUPAGE	)
	FOR RECORD IN THE R
THE DAY OF _	A.D. 20 A

DUPAGE COUNTY CLERK'S CERTIFICATE

CORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON O'CLOCK \_\_\_M, AS DOCUMENT NUMBER

Y:	
	RECORDER OF DEEDS

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS.

(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REQUILATORS, VALVES, MARKERS ANS SMILLAS STRUCTURES, AVENUES OF DOWNERS GROVE PRIOR TO RECORDING OF THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PALT OF SUBSTRUCTION.

RECORDING OF THE PLAT OF SILECHISTON.

(I) AM LASSIBILITY FOR SERVING THE SURDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANTARY SEVER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PROPERTY WITH STORM DRAINAGE, SANTARY SEVERE, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PLEUD UTILITY DOWNERS GROVE AND ASSOCIATION OF THE PLATE OF THE PLATE

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE EDITHAT THE RESTRICTIONS IMPOSED SHALL INJURE TO THE BENIETT OF EACH AND ALL OF THE PURCHASERS OF SULL HOST WHETHER THEY PAUL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INJURE TO THE BENEFIT OF, AND BE ENFORCEASILE BY THE VILLAGE OF COWNERS GROVE LILLINOS. AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAD PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION REPRESENTED AND AGREED AS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAD PROPERTY TO WHOMSOEVER OWNED, TO WIT:

NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMMATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.

2 EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETERMINED RETERMINED AREAS, APPLICABLE TO HIS LOTH IN SUCH MAINTER, AND THE OWNER OF STROM WHITE THROUGH THE AREAS AND THE THROUGH THE THROUGH THE STROME AND THE THROUGH THE THROUGH THROU

IN THE EIGHT ANY OWERS OF PARCHASER FAIR TO PRIFERLY MANTAN THE STORMANTER BURKENST HIGH MORE PRETENDED AND RETEMBOR AREA FOR HILLARS OF DOWNERS GROVE. ILLANDA, SHALL LEON TEN DAYS PRIOR WRITTEN HOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON THIS BEHALF, ANY MANTENANCE WORK TO OR UPON THE STORMANTER EXCELENT, INCLUDING DETEMBOR OR RETEMBOR AREA, RESORDANT INCESSANT TO RIGHT COMMANDER ASSEMBLY, INCLUDING DETERMINO OR RETEMBOR AREA, RESORDANT INCLUDING THE THIND AND THE STORMANTER RESEMBLY, INCLUDING DETERMINO OR RETEMBOR AREA.

4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER THE THE PREPORTED ON IT BEHLEF, MY MARTENANCE WORK TO THE OLD ACCOUNTS OF THE PREPORT OF THE PREPARED OF THE OLD ACCOUNTS OFT ALL OLD ACCOUNTS O

5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HERBEY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THER SUCCESSORS, HERS, AND ASSIGNS.

.AD. 20

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THERON.

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COUNTY OF \_\_

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ILLINOIS LICENSED PROFESSIONAL ENGINEER NO. LICENSE EXPIRES NOVEMBER 30, 20	062-

OWNER OR ATTORNEY	

PERIMISSION TO RECC	MO.
STATE OF ILLINOIS	}
COLINTY OF DUPAGE	)55

I, CHRISTOPHER D. BARTOSZ, AN ILLINOIS PROFESSION LAND SURVEYOR, HEREBY THE PLAT OFFICE OF THE VILLAGE OF DOWNERS GROVE AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT WITH THE OFFICE OF THE DUPAGE COUNTY RECORDER OF DEEDS. THE REPRESENTATIVE SHALL PROVIDE THE SURVEYOR WITH A RECORDED COPY OF THIS PLAT.

CHRISTOPHER D. BARTOSZ ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3189 MY LICENSE EXPIRES ON NOVEMBER 30, 2016

# SURVEYOR'S CERTIFICATE

THIS DAY OF

I, CHRISTOPHER D. BARTOSZ, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3189, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF, ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

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I FURTHER CERTIFY THAT THE ABOVE DESCRIBED AREA FALLS IN ZONE X, (UNSHADED), BEING AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FIRM MAP NUMBER 17043000306H.

GIVEN UNDER MY HAND AND SEAL THIS	DAY OF	. A.D., 20 .

CHRISTOPHER D. BARTOSZ ILLINCIS PROFESSIONAL, LAND SURVEYOR NO. 35-5189 MY LICENSE SOFTIES ON NOVEMBER 30, 2019, V3 COMPANIES OF ILLINOIS, LTD. PROFESSIONAL DESIGN FIRM NO. 184000902 THIS DESIGN FIRM NUMBER E-EVIRES APRIL 30, 2017.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATE OF FIELD SURVEY: OCTOBER 10, 2014

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Engineers Scientists Surveyors 7325 Janes Avenue, Suite 100 Woodridge, IL 60517 630.724.9200 voice 630.724.0384 fax v3co.com

PREPARED FOR: ROMAN CATHOLIC DIOCESE OF JOLIET 16555 WEBER ROAD, CREST HILL. IL. 60403

NO.	DATE	DESCRIPTION
1	10-19-15	PER 10-15-15 VILLAGE REVIEW LETTER

NOTARY PURILIC AFFIX SFAI

THIS DAY OF

FINAL PLAT OF SUBDIVISION HOLY FAMILY CEMETERY, DOWNERS GROVE, IL.

VP04.1 Group No:

14219

DRAFTING COMPLETED: 09/29/2015 DRAWN BY: EJM PROJECT MANAGER: CDB CHECKED BY: CDB SCALE: 1" = 50

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# **DRAFT**

<u>15-PLC-0041</u>: A petition seeking approval for a zoning map amendment from R-1, Residential Detached House 1 to INP-1, Neighborhood-scale Institutional and Public District, obtain a Special Use to permit a cemetery. The property is on the southeast side of Hobson Road approximately 50 feet south of Wolfe Drive, commonly known as 2501 Hobson Road, Downers Grove, IL (08-13-314-001 & -002). Michael Jackiewicz, Roman Catholic Diocese of Joliet, Petitioner and Owner.

Planner Patrick Ainsworth reviewed the application for a zoning map amendment from R-1 to INP-1, and for a special use, as outlined in his staff report. A review of the site plan, bulk standards, elevations of the crypt, and landscaping plan were reviewed as well as comments received from the October 21, 2015 neighborhood meeting. He noted all standards for approval for both the rezoning and special use were met.

Staff recommended that the commissioners forward a positive recommendation to the village council along with the conditions listed in staff's report.

On behalf of the Joliet Diocese, Civil engineer Matthew Nichols, V3 Companies, 7325 James Avenue, Woodridge, appeared. He described the site in more detail and the diocese's need for more burial plots and crypts, i.e., to upgrade the site for the community. Setbacks were reviewed, noting the closest resident to the east was 165 feet away.

Architect, Mr. Ken Giere, described the garden crypt building in detail and indicated the center chapel would be an open-air chapel used for grave side services and a meditation area for visitors. The chapel would be 28 and one-half feet in height with a pitched roof. The remainder of the building would be Ashler limestone with granite fronts. The building was designed to fit into the neighborhood and to provide a warm and inviting setting for the services that would take place.

Per questions about the property being fenced off, Mr. Giere explained that the north Hobson Road entrance gate would have two limestone pillars on either side of the entry with six-foot fencing stepping down to four feet. A monument sign would identify the property on the north side. The southern entry would include a single six-foot pillar on either side, but no other fencing would be installed. Mr. Cronin voiced concern that there was no fencing around the property, seeing that many other cemeteries had fencing. Director Popovich stated the Plan Commission could consider that option as a recommendation.

Mr. Giere summarized that some of the burials that exist along the east were very close to the eastern property line and any obstructions would have to take those burials into account. Mr. Nichols reported the cemetery will contain a 10-foot easement from the property line just for that same concern. Regarding the fence, Mr. Nichols stated that a six-foot fence would not deter kids from the site. In addition, on the east side property many of the homeowners there had fences currently and the petitioner did not want to block their views. Natural landscaping would be better.

Mr. Thoman asked if the petitioner spoke to staff regarding the swales, Mr. Nichols stated he did. He proceeded to explain how the swales would be used as retention ponds, matching the existing drainage patterns and would include natural plantings. Mr. Giere proceeded to explain what was planned for the cremation garden. The concerns raised at the neighborhood meeting included the position of the building, proximity to the homes to the east; and the overall height of the building. Mr. Giere confirmed for Mr. Cozzo that there was no current lighting at the cemetery. However, he

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# **DRAFT**

was proposing to use small landscape lighting (not overhead lighting) to highlight the north side of the building.

Chairman Rickard invited the public to comment.

Ms. Judy Bergh, 6142 James Avenue, appreciated the prior October community meeting but asked the commissioners to put themselves in the neighbors' place along the east property line. She believed the proposed building would be much closer that what was reported. From her own research she said she did not find any other cemeteries, that the diocese manages, in close proximity to residential homes. She commented on the amount of abundant space many of the cemeteries do have around them. Therefore, she asked if the proposed building could be relocated closer to Hobson Road since she felt it would be more accepting by the neighbors and not affect her property value as much. Further observations were voiced by Ms. Bergh. She closed by stating that the proposed building would be distinctively different and asked the commissioners to consider her comments.

Mr. Jason Holy, 6144 Janes Avenue, said he had no concerns about the cemetery but did voice concern about the proximity of the building to his home and the proposed landscaping not being able to hide the new building. He suggested relocating the building or getting taller landscaping.

Ms. Sandy Richards, 1925 Bending Oaks Court, shared concerns about no fencing around the property, mentioning that some residents around Oak Creek Cemetery allow their dogs to run free and defecate on the property and that the petitioner should be aware of this type of issue.

Mr. Leonard Atkins 6204 James, questioned whether the building would actually enhance the neighborhood. He further voiced concern about the petitioner adding more buildings to the site when only five people were buried over the past five years.

Mr. Nichols closed by stating the Diocese wanted to be a better partner and clean up the site. Regarding some of the comments, he agreed that the proposed building was located farther east on the former residential lot. The building was not located closer to Hobson Road because it would have been closer to the resident to the south. In addition, he reported there could be two burial plots of the previous owners behind the existing house. Therefore, that area was avoided. As to additional buildings being constructed in the future, Mr. Nichols indicated if the proposed crypt did fill up in 25 years or more, the Diocese would consider at that time adding a smaller crypt building.

Mr. Giere added that if the building was pushed more towards Hobson Road, the staged processions would disrupt the traffic flow at the entrance on Hobson. Mr. Giere noted that the chapel building was three feet lower than the properties to the east, which was a consideration. Further explanation followed.

Regarding the addition of taller vegetation along the east property line, Mr. Nichols stated presently the plan was to install a variety of six-foot trees, with trees along the building to break up the massing.

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# **DRAFT**

Ms. Judy Bergh, 6142 James Avenue, returned and questioned the location of the staged processions. She also questioned how the city would address the potential grave sites being located in a former resident's yard,

In response, Mr. Nichols explained the vehicle flow for staged processions. Regarding the potential grave sites in the residential yard, Mr. Nichols stated that all proposed construction would be thoroughly vetted to ensure no plots were impacted. If plots were discovered, he indicated steps would be taken to either leave the plots undisturbed or relocated them when the time arises.

Mr. Chris Nye, 4030 Windberry, Naperville, director of buildings and properties for Joliet Diocese was sworn in and indicated that burials were located on the residential lot the Diocese owns. The site was ground-radared, including the rear portion, which resulted in evidence of two or three graves between the text noting 'Parcel 2' and a tree symbol on the map.

Hearing no further comments, the chairman closed the public hearing.

Chairman Rickard confirmed with staff that if the southern parcel remained R-1 zoning, a 35-foot high residential structure could be constructed where the proposed crypt was being proposed; staff concurred.

Commissioner comments followed that given the site survey, the petitioner was doing its best to not disturb any existing graves and, from a property rights perspective, the petitioner could construct a 35-foot high structure. Per questions, Mr. Nichols explained the inner drive was proposed as a two-way drive with its primary use to allow by-pass when cars line up and also to allow emergency vehicles in, after a procession has lined up on one side of the drive. Overall, vehicles would enter/exit both curb-cuts. Asked if the crypt could be moved at all to the west, Mr. Nichols said it could be shifted sideways but then the potential for a future crypt could be lost by using that space. Grading was another issue. Mr. Nichols provided further explanation for the residents.

Mr. Cozzo returned the conversation to the issues at hand: 1) the proposal met the criteria for Institutional-1 zoning, and 2) the special use portion. He believed that the standards had to be considered, specifically property values. Conversely, the positives of the proposal followed and the fact that the petitioner exceeded some of the board's requirements. Mr. Thoman mentioned the petitioner could work with the residents by providing some additional screening. He did not see how the cemetery was diminishing property values. Chairman Rickard also had difficulty finding a negative impact to the neighbors.

WITH RESPECT TO FILE 15-PLC-0041, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED NOVEMBER 2, 2015, THE ENGINEERING DRAWINGS PREPRED BY V3, DATED OCTOBER 2, 2015 AND LAST REVISED OCTOBER 20, 2015, THE ARCHITECTURAL AND LANDSCAPE DRAWINGS PREPARED BY KENNETH E. GIERE, ARCHITECT, DATED JULY 27, 2015 AND LAST REVISED

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**DRAFT** 

OCTOBER 20, 2015, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFIRM TO VILLAGE CODES AND ORDINANCES; AND

2. THE APPLICANT SHALL ADMINISTRATIVELY CONSOLIDATE THE MULTIPLE LOTS PRIOR TO CONSTRUCTING THE CRYPT BUILDING.

# SECONDED BY MR. CRONIN. ROLL CALL:

AYE: MR. THOMAN, MR. CRONIN, MR. COZZO, MS. HOGSTROM, MRS. RABATAH,

CHAIRMAN RICKARD

NAY: NONE

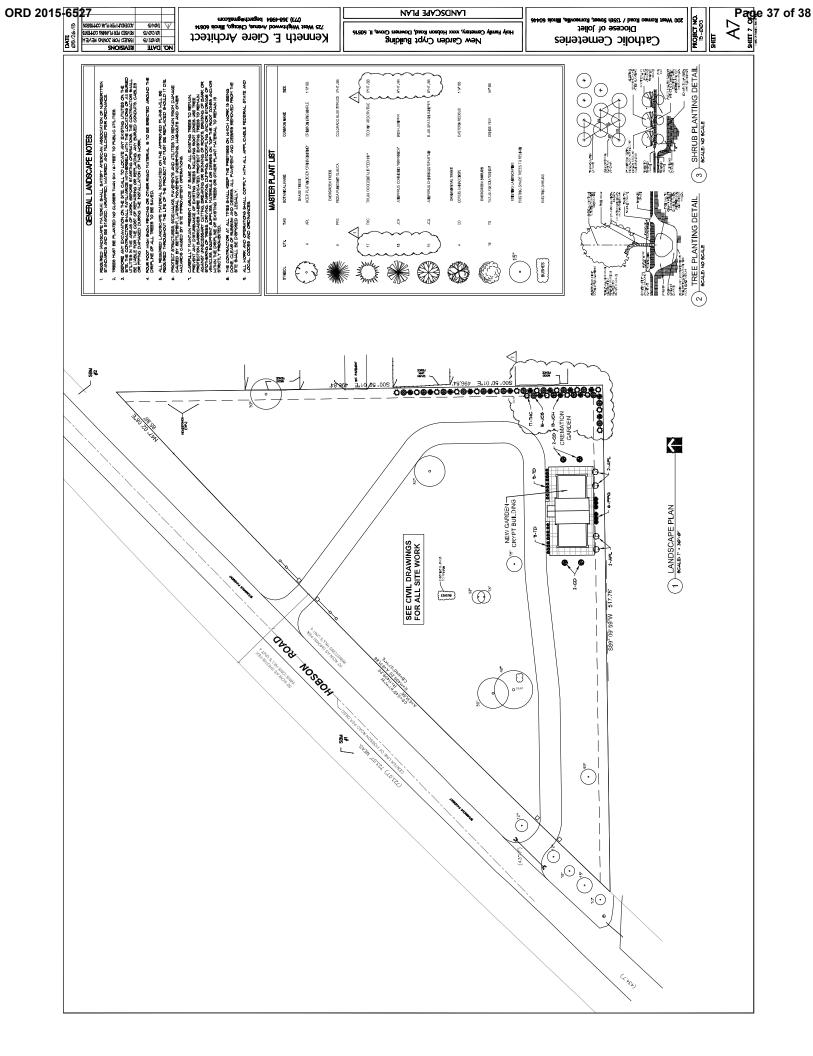
**MOTION CARRIED. VOTE: 6-0** 

Director Popovich announced that a December 7<sup>th</sup> meeting will be scheduled with one petition. He emailed commissioners the 2016 meeting dates and expects there will be some discussions on some long-range planning items so that is the reason a second monthly meeting was shown.

THE MEETING WAS ADJOURNED AT 9:10 P.M. ON MOTION BY MR. COZZO, SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

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