

## Outreach Effort and ICN Unilateral Changes to Plans Summary

It has been over two months since the ICN Project (PZC Case 20-1-052) was last discussed at the Planning and Zoning Commission meeting. So, we would like to give you an update on developments since then.

While ICN proactively reached out to the Tall Grass Board and had multiple communications with them prior to our Petition submittal, in our discussions with various City Council members, we were encouraged to try to reach an agreement with our neighbors. On May 10th, Dan Shapiro, the attorney representing Tall Grass HOA Pencross Knolls HOA and NRSD (Naperville Residents Sustainability Development) reached out to us expressing their interest to negotiate, followed by sending us a letter on May 24<sup>th</sup>, listing 17 parameters of negotiation.

Following is a summary of our communications with them since this initial request:

**May 10<sup>th</sup>:** Attorney Dan Shapiro notifies us he is representing the Tall Grass HOA Board, NRSD and possibly Pencross Knoll HOA.

**May 24<sup>th</sup>:** Dan Shapiro sent letter with 17 parameters for negotiation to Len Monson

**May 26<sup>th</sup>:** Len submits ICN's response agreeing to many of their requests in good faith as shown below:

- Completely agreed with 9 requests
- Partially agreed with 5 requests leaving some room for negotiation
- Disagreed with 2 requests that were not acceptable to ICN
- Disagreed with 1 request because it violated Fire Department requirements

**June 4<sup>th</sup>:** Dan responds verbally asking for documents that we had agreed to provide

**June 9<sup>th</sup>:** Len sends the "Schedule of Operations" to Dan

**June 12<sup>th</sup>:** Dan requested some parking calculations

**June 14<sup>th</sup>:** Len sends the parking calculations

**June 24<sup>th</sup>:** Len and Dan spoke over the phone and Dan mentioned that his clients may have further clarifications of their original 17 items sent on May 24<sup>th</sup>. Len asked Dan to respond to our May 26<sup>th</sup> response by June 28<sup>th</sup> and to send these clarifications in writing detailing their demands.

**July 9<sup>th</sup>:** Received response from Dan.

In ICN's opinion, this July 9<sup>th</sup> response contained demands that were not within the scope of the objector's 17 initial negotiation parameters contained in their May 24<sup>th</sup> letter; specifically, they indicated that they would not accept the proposed multi-purpose hall or gymnasium.

While we would like to share a copy of the objector's July 9<sup>th</sup> letter, their attorney indicated (when asked if we could provide a copy as requested by Councilman Kelly), that he would prefer we not provide a copy of the letter because the letter was/is for settlement purposes only. Mr Shapiro did indicate that we could allow review of the letter by Councilman Kelly, and just not leave a copy. Therefore, we presume, the same courtesy/restriction would apply to any Councilman that asks.

In our communications with the Objectors over the past few months, ICN has offered several changes or concessions in anticipation of our reaching an amicable compromise with the Objectors. Unfortunately, we feel that the Objector’s efforts have not been commensurate with ours. Notwithstanding this, ICN has unilaterally, and with no corresponding compromises from the Objectors, agreed to:

- Place a **crossing guard** at the intersection of the walking trail and 248<sup>th</sup> during our peak service times mid-afternoon on Fridays, until 248<sup>th</sup> is improved.

- Relocate** 53 parking spaces from the south property line to the eastern edge of the existing parking area to provided additional space between the property line and our first row of cars, for more privacy (this increases the distance from the property line to the back of curb from 10 feet, to 28 feet of grass area; and the distance from the parked cars from 10 feet to approximately 54 feet from the property line).

- Reduced** the number of parking spaces for Phases II and III by 26 spaces.

- Removed** the remaining balance of land-banked parking spaces, resulting in an overall reduction of parking stalls by 176.

	Original Plan	Revised Plan
Phase I	348	356
Phase II	54	54
Phase III	206	180
Phase IV	0	0
Phase V	111	135
Land-Banked	182	0
Total:	901	725 (overall loss of 176 spaces)

- Agree to **limit construction** to Phases I and II prior to improvements to 248<sup>th</sup> Avenue. Phase III, and later Phase construction cannot commence prior to 248<sup>th</sup> Avenue improvement.

- Agree to **drop variance** request for the Front Yard Setback along 248<sup>th</sup> Avenue.

As you can see in the above sequence of events and concessions, ICN has been extremely responsive and cooperative with the best intention to come to a reasonable agreement with the Objectors but their response has been slow, and their demands have been changing. We feel that there is limited intention from them to negotiate and we have wasted valuable time trying to negotiate in compliance with the requests by several Council Members.

Moreover, we would like to remind you that the initial ICN petition was recommended for approval by the city staff since we had complied with all zoning requirements (except for the two variances, which the City Staff also supported). Plus, whenever the city staff wanted additional information or clarification during the PZC process, ICN was able to provide it to the staff's satisfaction. Per the City Staff's recommendation, we also conducted a Traffic Simulation study.

After review of the Traffic Simulation study, the City Stagg and our engineers were happy that the Traffic Simulation did not turn up any additional concerns and showed that any limited traffic concerns would only occur for a very few minutes right at peak usage at mid-afternoon on Friday.

We continue to keep in touch with the Objectors in an effort to reach an amicable agreement.

We have submitted revised plans, incorporating the above-referenced plan changes to the City Staff.