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Via Email

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Re: Response to ICN Proposal

Dear Sara,

Thank you for your email yesterday. As you know, my clients welcome a neighborhood mosque. The cultural and ethnic diversity it brings will enrich the community. That said, ICN's proposal is much more than a neighborhood mosque. It is in fact a campus with a variety of mixed uses which, for several reasons, is out of context with the surrounding uses, and out of step with other places of worship in the City. While the recent PCZ hearings have offered some new information on the previously non-disclosed details of the proposed campus, they have also resulted in even more questions and concerns.

We have carefully and thoughtfully reviewed the record and are submitting the questions below. Given the importance, long term plans, and consequential nature of the project, it is simply impossible for the PZC to properly evaluate the application unless and until the below are properly vetted by the PZC. Understanding the nature of their job, we urge the committee to require more information and get the answers the community deserves before sending this matter to the City Council. Deferring many issues to final approval will not allow the public adequate input nor will it provide the City Council the necessary information to make an informed decision. Below are questions that have not been fully explained.

Mosque

ICN has indicated that no other use can operate during prayer services. It is not clear whether prayer is allowed in any area of the ICN property other than the prayer hall. What ICN has not explained is if overflow worshipers will be accommodated in the lower level multi-purpose area of the mosque? Or in the school, gym, etc.? The parking requirements and traffic study do not address what will happen when there will be worshipers in excess of the prayer hall area.

At the Ogden and 75th St. facilities, the Prayer Halls are used for non-prayer activities when worship services are not taking place. Could the same be done at the 248th Ave facility? If so, this use has not been identified in the Parking or Traffic study.

The availability of space in a facility this large goes to the root of the residents' concerns regarding traffic and the number of concurrent activities that could be held on a daily basis. The full potential of the operations activity and traffic impacts are unknown because the occupancy numbers and usage have not been verified. For instance, the traffic study in the Phase I section indicates that the Eid prayer service will have a maximum attendance of 1,000 people. ICN has yet to explain how this is possible since it will exceed the maximum occupancy of the prayer hall and exceed the required parking provided in Phase I.

The floor plans for the mosque show Gross Square Feet (GSF) and Net Square Feet (NSF) for the prayer hall. GSF was used to calculate worshiper occupancy per Mr. Monson's presentation to PZC, ICN's website and ICN's fundraising activity. The smaller NSF number was used to calculate worshiper occupancy for the Conditional Use application, parking study and traffic study. This discrepancy has not been addressed.

ICN has indicated that once the Phase 3 multipurpose hall is built, this lower level mosque space will be turned into storage, but there is no way to ensure this will actually happen, given the fact that there is a kitchen and full restrooms. While the City has included this space in the required parking calculation, the traffic implications from the possible uses of this space must be considered. In short, it remains unclear what type of activities ICN will use in the 8,000 square foot multi-purpose space. The use of this space been excluded in the Parking or Traffic study.

School

There are still numerous unknowns regarding the school and the concern and risk that a school of this size could accommodate more students than the anticipated 250 daily and 500 weekend students.

- 1) Mr. Monson indicated the City should refer to the "School Building plan" yet this floor plan has not been made available to the City nor my clients.
 - a) There is a risk to the accuracy of the traffic study and school drop off plans by not knowing the actual maximum occupancy of the school. Plans cannot be adequately evaluated without this information.
 - b) Mr. Monson has confirmed that the school will have a recreational area that meets the Physical Education requirement. ICN will operate the school for 20 years, per ICN's timeline, before the Phase 4 gym is built, indicating that the Phase 4 gym is independent from the school. ICN's documents also indicate that the Phase 4 gym will be used primarily by adults on nights and weekends. This has not been reconciled with other testimony and information provided by ICN.
 - c) A School is an allowed use in a R1 zone and typically there are gym or recreational areas in a school for Physical Education. ICN will have that space also in their Phase 2 School plans. But they are then proposing a separate 26,000 square foot Fitness Facility in Phase 4 for adults. It remains unclear how the City can determine that the Phase 4 Fitness Facility is an allowed use since it is not necessary for the school.
 - d) City engineers have incorrectly assumed that ICN's stacking area for school drop off is adequate to prevent cars from backing up onto 248th Ave. Yet ICN only provided a school

drop off plan but not a pickup plan. A pickup plan must be thoroughly evaluated before a recommendation is made by the PZC.

- e) Assuming the stacking area is the same as the drop off plan, there is 1,470 feet stacking area. With an allowance of per car is 22 feet per car, 66 cars can stack in this area. There are 250 daily students and 500 weekend students. This has not been properly considered. In fact, per ICN's documents, all students are dismissed from the weekend school at the same time. Even with carpooling, using the 500 weekend students for an example there would need to be over 7 students per car to fit all students into 66 cars. At ICN's estimate of 2 students per car, that's 250 cars.

If cars are waved past the entrance to prevent them from stacking onto 248th Ave, it is reasonable to assume they will park in the residential neighborhood streets until there is room for them to enter the stacking area. If cars are directed to park instead of stacking in the queue, how will the cars get past the stacking queue and into the parking? This has not been satisfactorily addressed and is problematic.

Does ICN intend to operate a temporary weekend school in the Phase 1 mosque until Phase 2 is built?

Does ICN intend to operate any portion of the daily school in the Phase 1 mosque building until Phase 2 is built?

If not, there will be no youth school, daily or weekend, until Phase 2 is complete, even though this is a primary need of a new development? If they do, where can this be found in the Parking or Traffic studies?

In the 8/4/21 PZC meeting, ICN indicated they will only build Phase 1 and Phase 2 before 248th Ave is improved. The City has indicated that the 248th Ave improvement timeline is 3-8 years. If the Phase 2 school is not expected to be built until 10 years after Phase 1, this would be after the 3-8 year timeline of the 248th Ave improvements. The information and timelines provided by ICN are inconsistent and confusing.

Multi-purpose Hall

The proposed Multi-purpose Hall (MPH) is a 22,000 square foot Banquet Hall. There are concerns with the traffic generated from a facility of this size and the hours of operations due to the nature of events that will be held in a banquet hall facility. To this end, my clients still seek information as to the maximum occupancy of the multi-purpose hall. Per the Traffic study, maximum occupancy is 500. Yet, ICN ignored the other two occupant load factors in the same table.

- a) Chairs only (not fixed) at 7 net sq. ft. per person equals an occupancy of 1,072
- b) Standing space at 5 net sq. ft. per person equals an occupancy of 1,501

Unless ICN intends to permanently affix the tables to the floor of the multi-purpose hall, the Parking and Traffic studies have been misstated. City Code requires 178 parking spaces for the multi-purpose hall; 10 parking spaces per 1,000 SF for this use. However, ICN's estimate of 500 people result in 200-250 cars per the parking and traffic studies. Did the City take this into account when determining the Required Parking for the Multi-purpose hall?

Gym

The proposed Gym is an approximately 26,000 square foot Fitness Facility for adults to be used on nights and weekends. There are concerns with the occupancy potential and traffic generated from a facility of this size and the hours of operations. For example, the Ogden calendar of events shows a weeknight league starting at 11pm each week.

Floor plans for the Gym have been requested by the City and by the Residents, but ICN did not provide them. Why not?

Is there an Occupancy Schedule for the gym based on the floor plans, use of each area and related square footage?

- Len Monson's email to Sara: *"The comment you reference was made by the ICN Architect, Jamshid Jahedi. He intended to say that Physical Education, not a Gym, is required by the State of Illinois. If you review our previous School Building plans, you will see that the School Building has a dual purpose area on the first floor. It will be used as a cafeteria and gym for Physical Education classes and activities. We believe this will minimally satisfy the PE requirements of the school prior to the construction of the Gym in Phase IV."*

The school will operate for 20 years, per ICN's timeline, before the Phase 4 gym is built, indicating that the Phase 4 gym is independent from the school. ICN's documents also indicate that the Phase 4 gym will be used primarily by adults on nights and weekends. Nowhere in ICN's application does it indicate how the Phase 4 Gym will be used. How can an application that does not request specific relief be properly vetted by the PZC, and the public?

A School is an allowed use and typically there are gym or recreational areas in a school for Physical Education. ICN will have that space in their Phase 2 School plans. But they are then proposing a separate approximately 26,000 square foot facility in Phase 4 for adults. It is not clear whether the City had any comps of other gyms at religious institutions when evaluating ICN's Phase 4 request.

General Building Phase/Design and Operations

The realities of operations for the multi-use facilities with concurrent use has not been properly evaluated. There is a lack of data that has limited the community input and expert analyses.

- 1) The City requested floor plans from ICN for all phases. ICN only provided floor plans for Phases 1, 3 and 5. Why?
 - a) Does the City have the ability to require a developer to provide information/data upon request, even if it's not a standard requirement? If yes, why didn't the City require it from ICN?
 - b) At the 8/18/21 PZC meeting, the suggestion that events could last until midnight or 1am was scoffed at. However, during Ramadan the time given is 8pm to 12 am for 30 days of

Ramadan. We still have not heard any explanation as to whether the times will change throughout the year or will they be fixed.

- c) The Parking and Traffic study indicate that the Phase I mosque building will be used for weddings, funerals, special observances, meetings, etc. yet this activity has not been specifically reflected in the Operations Plan. Why not?

ICN indicated 3 hours of use on average at the multi-purpose hall, but the Parking study shows a 6 hour window of usage. Gym time given is “different times” and Duration of use “depends”. Despite our questions at the hearing, we still do not know the hours the gym will operate nor the maximum occupancy of the gym.

Phase 5 mosque - no data is given for operations, only a description of “same as mosque usage of Phase 1 with additional capacity”. Considering Phase 5 will be the maximum capacity at full build out, residents were trying to get an idea of what the occupancy schedule at this point would look like. There is a lack of transparency with operations.

Traffic/Roadway

A facility of this size has huge traffic generating potential with the full calendar of events and concurrent uses of facilities. Impacts are unknown as these activities have not been fully captured in the KLOA Traffic study. Ray Fano provided traffic related guidance to PZC commissioners at the PZC meetings yet he is not a traffic engineer.

1) Comments from Mr. Fano included:

- a) Regarding traffic concerns from residents, he said ICN will figure it out without providing facts or data to support this claim. The PCZ should not accept this.
- b) Regarding concerns with safety at the Tall Grass Greenway Trail, he said that it would be better if the trail wasn't there, but it is.
- c) He indicated that lots of areas operate at LOS F and there's nothing we can do about it. This is unacceptable.

Is it the practice of the City to recommend projects that generate large volumes of traffic and rely on developers to “figure out” how to manage the traffic?

The inadequate design and inability of all fire trucks to navigate through this property is detrimental to the public health, safety and general welfare. Where is the fire department's review letter for the plans in their current form confirming that the plans are adequate to accommodate the City's largest trucks?

248th Ave Improvements

This development depends on the City's 248th Ave road improvements to make it feasible, but developments should stand on their own merits. This one does not. Critical questions remain unanswered.

ICN will be required to make temporary road improvements for turn lanes prior to the 248th Ave improvements. If the City's 248th Ave improvements are expected to begin in as early as 3 years, when are ICN's improvements expected to be completed?

ICN has waited 10 years since annexation. Why does ICN want to or the City recommend proceeding with the ICN project before the 248th Ave road improvements are complete? Wouldn't this create further detrimental impacts to the area residents that could be avoided if the ICN development waited until after the 248th Ave improvements?

Why would ICN want to build the school before the 248th Ave improvements and subject the daily school attendees to over a year of construction traffic and backups? It's hard to understand why ICN would want to do this and why the City would recommend adding significant daily school traffic volumes to an area that would be undergoing significant roadway construction lasting an extended period of time.

What is the City's plan to fund the road improvements? What programs are they applying for?

Parking

The City indicated at the 9/1/21 meeting that 1.4 persons per car was used for Phases 1 and 5, so their recommended calculations contain an error. Required parking should be 136 more for Phase 5 for a total of 256 spaces, not 120. Is the City aware of this error?

There is also an error in the Preschool parking calculation. Text states 4 spaces per 1000 SF should be used, but the required parking of 5 was not updated to 12.

The Intech Parking study counts were done in the morning and ended at 4pm. However, there is a full calendar of evening events at the Ogden facility. Why weren't counts done after 4pm at any of the ICN facilities?

The Parking study does not address all of the uses that ICN has identified. Why not?

Code Variance- North Fence

ICN has requested a variance from the requirement for a solid wood fence where a parking lot abuts a property zoned for residential use along the northerly property line of the subject property. ICN has indicated that a large utility easement abuts the north property line providing an approximately 175 foot wide buffer between the ICN property and the PK homes. This is not accurate. PK owns the land under the power lines. This land is not owned by the City or ComEd.

A fence would discourage attendees from parking on Lapp Ln, cutting between PK homes, and going directly to the ICN site with easy access without a fence. The PK HOA is concerned with easy access and the possibility of ICN using the green space under the power lines for outdoor activities due to the lack of green space in the ICN site plans. This creates liability for the PK HOA since they own this land.

What practical difficulties or exceptional hardships did the City identify when recommending approval of this variance request?

Criteria #3 is that the variance, if granted, will not alter the essential character of the neighborhood, would not be a substantial detriment to adjacent property, and will not increase congestion or traffic hazard in the public streets, or otherwise impair the public health, comfort and general welfare. The PK HOA and adjacent PK homeowners do think this will be a substantial detriment to their adjacent property.

ICN's response "...the variance will be appealing, tasteful and will have a positive effect to the character of the neighborhood. Allowing the variance, and not constructing the fence would achieve both balance and harmony with the neighborhood and blends in a visually unobtrusive manner with the surrounding area". This is the opinion of a developer, and the surrounding residents overwhelmingly disagree and want this fence to be constructed. The concerns of the PK residents remain:

- a) Undesirable sight lines of looking directly into a large development with so much impervious area if not blocked by a fence
- b) A fence would help block headlights from shining at the PK homes

Miscellaneous

We requested a meeting with City Staff to address the residents' open questions. Why did the City deny this request?

Did City Staff consider the following items when recommending ICN's building plans?

- a. Intensity of these plans vs. the intensity allowed for R1 single family low density homes?
- b. Density of the plans and the amount of impervious area?
- c. Did staff look at comps of similarly situated religious institutions?
- d. Did staff look at comps specifically with only one road to access and the size of those facilities vs. facilities located on corners?
- e. Does staff assess whether the development is the right fit for the location?
- f. Do the PZC Commissioners ever request a developer make revisions to a project that technically meets the minimum code requirements?
 - i) Do they ever ask developers to reduce the square footage of a development?
 - ii) Do they ever ask developers to increase the buffering between the development and adjacent homes?
 - iii) Do they ever ask developers to incorporate more green space?

Bike path safety: ICN agreed to add a crossing guard on Fridays thus recognizing there are safety issues. But the issues are not tied to volume, they are tied to proximity, speed and the merge (and potential for vehicles moving across two lanes of traffic to make a left on Trumpet) - a Friday crossing guard does not mitigate the risk. How is the City going to mitigate the unsafe situation at the Tall Grass Greenway Trail?

In all , due to the number of unanswered questions and the lack of data and transparency, PZC cannot make an informed decision on this Conditional Use application.

Very truly yours,

SHAPIRO & ASSOCIATES LAW



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