

Conditional Use

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.

The Subject Property is zoned R1 and has been owned by, and designated as, a religious institution for many years as noted in the 2002 Southwest Community Area Plan and the 2011 Annexation Agreement for the Subject Property. The requested Conditional Use for a religious institution in the R1 zoning district does not change the current or future land use designation, and it is common for religious facilities to be located in residential districts in the City of Naperville. The petitioner has provided plans for a phased buildout of the site, potentially over a period of 40 years.

The Subject Property is found to be adequate in size to accommodate the proposed religious facility which includes space for worship, a school, a multi-purpose facility, a gymnasium, and ancillary purposes such as office space, kitchens, and storage. The Petitioner has also proposed a 5th phase for expansion of the worship space; however, if staff's recommended condition for approval of the conditional use is approved, that phase will proceed subject to approval of a major change to the conditional use.

As long as a proposed structure meets all Zoning Code requirements, the Zoning Code does not limit building size or impose a maximum number of occupants (though maximum occupancy is governed by the Building Code.) The Subject Property will be in compliance with the Naperville Municipal Code standards for required yards, building height, and provision of stormwater/open space and parking.

The location of the proposed religious facility at the center of the site maximizes its distance from adjacent properties.

Stormwater detention will provide green space and buffering between the development and homes to the east.

In response to comments heard during the public hearing, the petitioner has:

- modified the site plan to increase the landscape buffer along the south property line from the 5 feet required by City Code to approximately 27.5 feet.
- eliminated the previously requested setback variance along 248th Avenue, resulting in a front yard setback of approximately 30 feet; and
- agreed to install landscaping at the north perimeter of the parking lot to block headlights from homes that are at least 200 feet away from the north end of the site.

Two access points are provided directly onto 248th Avenue to provide for flow of traffic onto and off the site, enabling worshipers and visitors to access the site without driving through surrounding neighborhoods. Additionally, 248th Avenue and 95th Street were designated as arterial roadways several years ago and can accommodate increasing traffic volumes in the area, including the proposed mosque. The petitioner also has agreed to utilize traffic control personnel during peak usage times to further improve traffic conditions in the area.

Finally, if approved, the conditional use will be subject to conditions, some of which include concessions agreed to or offered by the Petitioner, to ensure that the site functions in a manner that will not be detrimental to or endanger the public health, safety and general welfare. Conditions recommended by staff are set forth in October 1, 2021 staff report.

Based on all of the above, staff recommends a finding that development of the ICN property, subject to the Conditions proposed, will not be detrimental to, or endanger, the public health, safety and general welfare.

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The surrounding neighborhood is zoned, and is being used as, a low density single family neighborhood that is nearly built-out.

It is common for religious facilities to be located in residential districts in the City of Naperville. There are also a variety of non-residential uses in the vicinity of the Subject Property, including Crone middle school and the Wolf Crossing community park site; these non-residential uses also abut existing residential properties.

The two major concerns raised by objectors pertain to traffic and impairment of property values. Much of objectors' traffic concerns are based upon speculative uses of the facility which have no basis in the petition submitted by the petitioner.

City staff evaluated the traffic study submitted by the Petitioner as well as the report submitted by the objectors' expert witness and the objectors' traffic simulation. City staff concluded that 248th Avenue and the proposed access points to the ICN site will be sufficient to support the conditional use requested and are acceptable from a traffic perspective.

In addition, several conditions have been proposed by staff and/or the Petitioner which, if approved, will serve to mitigate traffic related issues and issues related to ICN parking so as to reduce the impact of the development on other property in the area.

Further, evidence presented by the objectors regarding claimed diminishment or impairment of property values was extremely limited. Testimony was provided by an expert witness to the effect that the value of 18 nearby homes might be diminished by up to 5% of their value. It is staff's opinion that this does not constitute a substantial impact. Further, the objectors' witness acknowledged that the opinion was somewhat speculative in nature given the context in which it had to be rendered (i.e. the development is on paper only). PZC members pointed out that the development might also increase property values of nearby homes for individuals who would prefer to live nearby. In addition, several of the homes in question are already located in close proximity to 248th, which is a minor arterial roadway with a projected increase in traffic volumes, regardless of whether or not the proposed religious facility is constructed.

For these reasons, the conditional use is found not to be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor to substantially diminish and impair property values within the neighborhood.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The property adjacent to the Subject Property is already developed; and there are already other non-residential uses in the vicinity including Crone Middle School and the Wolf Crossing community park site. Additionally, 248th Avenue and 95th Street were designated as arterial roadways several years ago in anticipation of increasing traffic volumes in the area. Accordingly, the proposed Conditional Use would not impede the normal and orderly development and improvement of the adjacent property.

4. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

As noted in the 2011 Annexation Agreement for the Subject Property, the 2002 Southwest Community Area Plan designates the future land use of the Subject Property as community facility, which includes, but is not limited to, religious uses. This is consistent with future land use designations of other religious facilities in the Southwest Community area as well, including Alleluia Lutheran, Zion Lutheran, and Holy Spirit.

Furthermore, a religious institution, as a conditional use in a residential zoning district, is allowed subject to compliance with the other conditional use and zoning criteria. Therefore, the proposed religious facility is within the framework of the City's current and proposed comprehensive plan for a residential zoning district.

Exhibit 1

Islamic Center of Naperville 248th Avenue

Standards for Granting or Amending a Conditional Use Section 6-3-8:2

Standards for Conditional Uses: The commission shall not recommend nor the city council grant a conditional use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:

The requested conditional use is for a religious institution including the following supporting/associated uses; school, preschool, gymnasium, and multi-purpose area.

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;**

The Subject Property has been owned by, and designated as, a religious facility for many years. The proposed Conditional Use does not change the current or future use as religious facility. Neither the past, or future use has been detrimental to, nor endangers the public health, safety and general welfare ;and,

2. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

The surrounding is neighborhood is zoned, and is being used as, a low density single family designation, and is essentially entirely built-out. Due to the fact that the Use is not changing, the proposed Conditional Use should not diminish nor impair property values within the neighborhood; and

3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. (Ord. 80-5, 1-21-1980)**

The adjacent property is entirely built-out. Additionally, 248th Avenue is designated as a minor arterial road. The City of Naperville is planning to widen and improve 248th Avenue between 95th Street and 103rd Street. Similar to the 248th Avenue cross-section south of 103rd Street, the 248th Avenue improvement will likely include the widening of the road to provide two lanes in each direction separated by a landscaped median. Separate left-turn lanes will be provided at most intersections and access drives. With no further contiguous development and the planned road upgrade, the proposed Conditional Use would not impede the normal and orderly development and improvement of the adjacent property.

4. **The establishment of the conditional use is not in conflict with the adopted comprehensive master plan:**

The comprehensive master plan indicates the use of the Subject Property as for religious purposes, therefore, there is no conflict.