

From: Laff, Allison
Sent: Friday, July 9, 2021 2:46 PM
To: Kopinski, Sara; Mattingly, Gabrielle; Lord, Patricia
Cc: Laff, Allison
Subject: FW: ICN

PZC Members,

Please find below correspondence from Mr. Len Monson, attorney for Islamic Center of Naperville. Mr. Monson requested that this information be forwarded to the PZC for their information.

Thanks,

Allison Laff, AICP

Deputy Director – Planning & Development – TED Business Group

City of Naperville | 400 S. Eagle Street | Naperville, IL 60540

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From: Leonard Monson <len@kuhnheap.com>
Sent: Wednesday, July 7, 2021 8:19:18 AM
To: Laff, Allison <LaffA@naperville.il.us>; Kopinski, Sara <KopinskiS@naperville.il.us>; Lord, Patricia <LordP@naperville.il.us>
Cc: Rahman, Anees <Anees.Rahman@kimley-horn.com>
Subject: ICN

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Dear City Staff,

It has been over six weeks 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 we had multiple communications with the Tall Grass Board 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 Knoll HOA

and NRSD (Naperville Residents Sustainability Development) reached out to us expressing their interest to negotiate, followed by send us a letter on May 24th, listing 17 parameters of negotiation. Here is a summary of our communications with them since this initial request:

May 10th: Attorney Dan Shapiro notifies us he is representing the Tall Grass HOA Board, Pencross Knoll HOA and NRSD

May 24th: Dan Shapiro sent 17 parameters for negotiation to Len Monson

May 26th: Len submits ICN's response (copy attached) 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 4th: Dan responds verbally asking for documents that we had agreed to provide

June 9th: Len sends the "Schedule of Operations" to Dan

June 12th: Dan requested some parking calculations

June 14th: Len sends the parking calculations

June 16th to June 23rd - No response from Dan

June 24th: 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 24th. Len asked Dan to respond to our May 26th response and to send these clarifications in writing detailing their demands.

As of July 6th: No response from Dan yet.

As you can see in the above sequence of events, ICN has been extremely cooperative with the best intention to come to a reasonable agreement with the neighboring HOA's but their response has been slow and their demands have been changing. We feel that there is no intention from them to negotiate and we have wasted valuable time trying to negotiate in compliance with the PZC's request. We wanted to make sure all of you are aware of the current situation.

Moreover, we would like to remind you that the ICN petition was recommended for approval by the city staff since we had complied with all zoning requirements (except for the two variances). 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. We also conducted a Traffic Simulation study because the staff wanted it done. The results were shared with the city staff who reconfirmed their position from the original traffic study that there was no concern with traffic.

Since the negotiations with the HOA seem to be at a standstill, we are now working out a solution (partly based on the requests from the HOA's) that we hope would be acceptable to the PZC and would enable them to recommend our petition to the City Council.



Len Monson

Attorney at Law

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Per our call, please see the below. We are hopeful that the below parameters and questions will allow us to continue to negotiate in good faith. Thanks

Uses

- Maximum of 450-485 parking spaces based on average ratio of parking spaces to land area from 11 similarly situated comps for churches in Naperville
 - It's in ICN's best interest to provide less parking because it reduces our cost of construction. Having said that, we need a minimum of 700 spots. We are ok with reducing from 905 to 700 total. **Partially Agree**
- Provide detailed floor plans for the entire facility with square footage details and occupancy schedules to show how the capacity will fit within the allowed parking (based on 1.4 occupants per vehicle for worship services)
 - We only have detailed floor plans for Phase 1 and Phase 5 Mosque. All others are footprints are very conceptual/preliminary at this time. We will provide the Phase 1 and Phase 5 floor plans and parking/occupancy calculations for all 5 Phases. **Completely Agree**
- Clarification of worshiper numbers and supporting calculations (ICN has previously indicted 1600, 1146 and 850); now and in the future
 - Will provide. **Completely Agree**
- Buildings and related uses should be what the City allows as a permitted conditional use per City Zoning Ordinance
 - No problem! **Completely Agree**
- Uses for private/congregant purposes only, no public use, not renting
 - Use will be for ICN members only. **Completely Agree**

Traffic

- Mosque in Phase 1. Only the Phase 1. No other improvements until the 248th Ave road improvements are complete and then joint traffic study (see next bullet point below)
 - The City has indicated a design and construction timeframe of 4-5 years for 248 Avenue expansion. We will wait up to a maximum of 6 years before any Phase 2 construction. We have already completed a traffic study for all 5 Phases. No additional traffic studies. **Partially Agree**
- Redo traffic study with broader scope of surrounding roadway network
 - We do not agree to this item. Surrounding roadway network is too open ended. **Disagree**
- North side- withdraw the variance request; construct the North fence with no pedestrian gates. Fence prevents pedestrian cross through and of site parking and promote safety
 - We do not agree to this item. We expect our patrons to use the trail to access our facilities. **Disagree**
- ICN to provide a crossing guard at the Tall Grass Greenway Trail during Friday services and other high traffic generating functions both before and after the 248th Ave road improvements
 - We only agree to providing a crossing guard prior to 248th Avenue road improvements during Friday services. Please remember that the trail is not on our

property and may move further north, further away from our property. **Partially Agree**

- No North access due to safety issues with the proximity to the Tall Grass Greenway Trail. Naperville has not approved this to date to date. Full access will not work and r in/r/out will create safety issue
 - **Based on City and Fire Department requirements, we absolutely cannot agree to this request! The FD required 2 entrances in case one is blocked due to traffic or other issues. And having a second entrance allows ICN quicker ingress and egress for our patrons and keeps traffic off of 248Ave. Disagree because of City limitations**

Landscaping

- South side- berm and fence and more landscaping (no pedestrian gates in the fence)
 - **The City requires a variance for anything over 6-feet. We are ok with providing a berm and fence, totaling over 6-feet if the variance is approved. Providing additional landscaping on OUR side of the fence provides no benefit to our neighbors. We will provide City required landscaping. We agree to no gates in the south fence. Completely Agree**
- East side- berm and fence and more landscaping (no pedestrian gates in the fence)
 - **There is a huge buffer on the east side due to landbanked parking area and detention facility. We will provide City required fencing and landscaping only. Partially Agree**

Misc:

- Agree to include as a Condition of approval that there will no call to prayer and there will be no outside speakers or sound amplifying devices
 - **We agree to this request. Completely Agree**
- Withdraw the request for the two (2) variances to the front yard setback and the north line fence as per above and because there will be less parking spaces.
 - **We agree to withdrawing the variance for the west property line setback modification. Partially Agree**
 - **As mentioned above, we do not agree with withdrawing the north fence variance.**
- Provide Schedule of Operations
 - **We will provide a general schedule. Completely Agree**
- We will need a phasing plan for future development.
 - **Phasing plan will be provided. Completely Agree**
- If we agree to everything, the HOA will support the ICN land use applications and will withdraw its opposition.
 - **This should be for both Tall Grass HOA and the NRSD, which shall include removing any negative and opposing comments and internet posts and content.**
 - **The TG HOA representative has met with other HOAs in the area. TG shall seek similar support for the ICN project from them also. Completely Agree**

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