

## Legislation Text

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File #: 21-0091C, Version: 1

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### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Reconvene the public hearing for the Islamic Center of Naperville located at 3540 248<sup>th</sup> Avenue (ICN) - PZC 20-1-052

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

#### **ENTITLEMENTS REQUESTED:**

1. A conditional use to develop a religious facility including a mosque, school, multi-purpose hall, and gymnasium uses to be built in 5 phases over the next 40 years; and,
2. A variance to Section 6-9-2:4.2 to allow parking in the front yard setback; and,
3. A variance to Section 5-10-3:5.2.4.1 to eliminate the fencing requirements on the north property line.

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission reconvened the public hearing for PZC 20-1-052 on February 3, 2021, and continued it to February 17, 2021.

#### **BACKGROUND:**

The subject property consists of 13.36 acres on the east side of 248<sup>th</sup> Avenue, at the intersection with Honey Locust Drive. The property is zoned R1 (Low Density Single-Family Residence District) and is owned by the Islamic Center of Naperville (ICN). ICN proposes developing the property with a religious facility including a mosque, school, multi-purpose hall, and gymnasium in 5 phases over the next 40 years. To do so, the petitioner has requested approval of a conditional use for a religious institution in the R1 zoning district, a variance to allow parking in the front yard setback, and a variance to eliminate the fencing requirement along the north property line.

#### **DISCUSSION:**

##### ***Public Participation***

Given the unprecedented volume of public participation on the Islamic Center of Naperville, city staff has created a [link <https://www.naperville.il.us/government/board-and-commissions/planning-and-zoning-commission/islamic-center-of-naperville-pzc-case-20-1-052>](https://www.naperville.il.us/government/board-and-commissions/planning-and-zoning-commission/islamic-center-of-naperville-pzc-case-20-1-052) on the City's website with information specific to procedures and input related to this request. All comments emailed to the City and online speaker sign-up submittals (i.e., names in support/opposition and written comments) have been posted on this webpage.

On January 20<sup>th</sup>, staff and the petitioner introduced the case and provided an overview of the entitlements requested. The PZC asked questions of both the City's engineer and the petitioner's

engineer regarding traffic. Prior to continuing the public hearing, the names submitted through the January 20<sup>th</sup> online speaker sign-up form were displayed.

The hearing for ICN was continued to the February 3, 2021 PZC meeting. It should be noted that the online speaker sign-up for ICN will re-open for each subsequent PZC meeting at which ICN will be considered; however, only new names in support/opposition, written comments, or requests to speak can be submitted.

### ***History***

The subject property was owned and operated by Hope Church until 2006. The 2002 Southwest Community Area Plan designated the future land use of the property as community facility, which reflected the church's ownership of the site.

In 2011, ICN submitted a petition for annexation and rezoning the property to R1. At the time, the petitioner intended to use an existing structure on the property for administrative offices and limited workshop purposes. The temporary, limited use of the existing structure was regulated by the provisions of the annexation agreement approved by City Council. The nature and extent of ICN's use was similar to that of Hope Church, a previous property owner that used the structure for religious purposes for many years.

At the time of annexation, ICN identified their intention to develop the site with a religious facility, consistent with the comprehensive plan's community facility land use designation. Staff finds the petitioner's development proposal to be consistent with previous intentions identified and compatible with the City's comprehensive plan.

### ***Conditional Use***

The R1 zoning district classifies religious institutions as a conditional use. ICN plans to develop the site with a religious institution to be constructed in five phases over the next 40 years. Upon final buildout, a two-story building is planned to be located near the center of the site, maximizing setbacks from each property line. Stormwater detention is planned at the rear of the site, providing green space between the proposed development and residences to the east. Two access points will be constructed directly onto 248<sup>th</sup> Avenue so worshipers are not required to drive through surrounding neighborhoods to access the site; and, both access points will be constructed during Phase I of development to ensure the efficient flow of vehicles onto and off the site upon commencement of the use. ICN has also committed to use traffic control personnel/police officers to assist with the management of traffic and to expedite the movement of traffic to and from the facility as necessary.

To support the request for a conditional use, the petitioner provided a detailed description of the project that outlines each phase and its associated parking needs, as well as commitments to property maintenance standards during construction and interim timeframes. The first phase of construction will begin within two (2) years of the issuance of the conditional use. A table outlining the phases and proposed parking requirements is available below:

Phase	Uses	Initial Construction	Parking Required	Parking Provided	Additional notes
Phase I	Mosque	2020	249	348	

Phase II	School	2030	281	402	
Phase III	Multi-Purpose Hall	2040	464	608	
Phase IV	Gymnasium	2050	590	608	
Phase V	Mosque Expansion	2060	711	719	182 Landbanked spaces*

*\*The landbanked parking spaces will only be constructed if determined necessary.*

As outlined in the table above, the petitioner will provide more parking spaces than required by Code for each phase proposed. Space for an additional 182 parking spaces will be reserved in the rear of the site should additional parking be determined necessary in the future.

It is anticipated that each phase of construction will take approximately one year. During the construction phases, ICN will adhere to all City requirements for maintenance of construction sites. During the non-construction time periods, the grounds will be planted with grass and maintained in accordance with City requirements.

Staff notes that the southwest section of Naperville has seen tremendous growth in the last 5 years. In anticipation of the growth from developments such as Ashwood Subdivision, Ashwood Crossing, Emerson Park, and now ICN, 248<sup>th</sup> Avenue and 95<sup>th</sup> Street were both designated decades ago as major arterial roadways designed and intended to carry high traffic volumes. Accordingly, the City is planning to widen 248<sup>th</sup> Avenue from 103<sup>rd</sup> Street to 95<sup>th</sup> from 2 lanes to 4 lanes with a median, with construction scheduled to begin in 2024. This road widening project will improve the overall traffic flow in the corridor.

Based on the two access points proposed directly onto 248<sup>th</sup> Avenue, adequate parking provisions on-site, compliance with required yards adjacent to residential properties, consistency with the City's comprehensive plan, and the City's planned roadway improvements to 248<sup>th</sup> Avenue, staff is supportive of the petitioner's conditional use request.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Conditional Use can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

### ***Setback Variance***

Section 6-9-2:4.2 of the Municipal Code states that parking facilities shall not be located in the required front yard of a residential district. The R1 zoning district has a 30-foot front yard setback which is applicable to the subject property's 248<sup>th</sup> Avenue frontage. The petitioner requests approval of a setback variance which would allow a parking lot to encroach 10 feet into the required 30-foot front yard setback along 248<sup>th</sup> Avenue. The result is a parking lot that is setback 20 feet from the roadway. To help mitigate the impacts of the encroachment, the petitioner will install additional landscaping, exceeding Code requirements, to provide both a physical and visual screen between the development and the adjacent right-of-way.

Upon review, staff is supportive of the petitioner's variance request and notes that no residential

driveways are located off 248<sup>th</sup> Avenue. The proposed encroachment does not impact any residential front yards on the east or west sides of the roadway. It is staff's opinion that additional parking near the street is preferable over additional parking in the rear of the property since it keeps vehicles further away from neighboring residences. Staff finds the additional landscaping proposed to provide an appropriate buffer between the parking lot and the public right-of-way.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

#### **Fence Variance**

ICN seeks approval of a variance to Section 5-10-3:5.2.4.1 of the Municipal Code to eliminate the fencing requirements on the north property line. This code section requires a solid fence or barrier (in addition to a 50% landscape buffer) to be provided across 100% of a parking lot when it abuts a property zoned for residential use. One of the main objectives of this Code section is to shield car headlights from shining onto residential properties and into homes.

Along the north property line, ICN's parking lot abuts the Naperville Park District's Tall Grass Greenway, which is zoned for residential use but does not include any residences. The petitioner has indicated a preference not to install a fence along this portion of the property in order to maintain a visual feeling of openness from the Tall Grass Greenway trail.

Since there are not residences directly adjacent to ICN in this location, staff finds the fencing requirement to be unnecessary. Staff is supportive of the petitioner's request subject to the Petitioner providing a continuous landscape buffer maintaining a height of 30" or taller along the perimeter of the parking lot in this location. The petitioner has agreed to this condition. Staff notes that the City has recently granted a similar variance request for Compass Church at Route 59 and 103rd.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

#### **Key Considerations**

Several community members have provided comments on the ICN proposal during the project's planning phases. Multiple comments raised concerns on traffic, stormwater management, and building height; staff offers the following information for PZC's background.

- **Traffic and Safety.** The majority of ICN prayer services fall outside of peak rush hour times. This schedule will limit the traffic impact the development will have to 248<sup>th</sup> Avenue or 95<sup>th</sup> Street. Further, and similar to ICN's other facilities, ICN has committed to use traffic control personnel and/or police officers within the facility and at the intersections of 248<sup>th</sup> Avenue with the access drives to assist with the management of traffic and to expedite the movement of traffic to and from the facility and Honey Locust during the higher traffic-generating services at the mosque.

The City is proposing to widen 248<sup>th</sup> Avenue from 103<sup>rd</sup> Street to 95<sup>th</sup> from 2 lanes to 4 lanes

with a median. The City is currently in Phase I engineering, and construction is scheduled to begin in 2023. Exclusive left-turn lanes will be provided at all the intersections and access drives. The traffic signal timing at 95<sup>th</sup> and 248<sup>th</sup> Avenue will be modified as part of the work. This road widening project will greatly increase the capacity of 248<sup>th</sup> Avenue in the corridor thus improving the overall traffic flow.

The southwest section of Naperville has seen tremendous growth in the last 5 years. 248<sup>th</sup> Avenue and 95<sup>th</sup> Street were both designated decades ago as arterial roadways designed and intended to carry high volumes of traffic in anticipation of the growth from developments such as Ashwood Subdivision, Ashwood Crossing, Emerson Park, and now ICN.

The petitioner has included a parking study and phasing plan with their development submittal to explain the project's parking needs with each phase. Upon review, staff finds the parking study and phasing plan to be appropriate given the proposed use and anticipated attendance. 901 parking spaces are possible on the site upon final buildout, but this number includes 182 land banked parking spaces that may not need to be constructed.

- **Stormwater.** In order to comply with Will County's Stormwater Management Ordinance, a detention basin consisting of site runoff storage and a control structure is being proposed along the east side of the property. All the site runoff coming from the parking lot and building will be diverted to the detention basin. The detention basin is being designed using the State's latest rainfall data. In the event that the detention basin becomes full, an emergency overflow is proposed at the northeast corner of the site to divert runoff towards the Tall Grass Greenway and away from adjacent properties.
- **Building Height.** Section 6-6L-8 of the Municipal Code restricts the maximum height of all buildings and structures in the R1 district to be 2½ stories, not to exceed 35 feet; however, Section 6-2-4:1.1 clearly states that chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, false mansards, parapet walls, and similar structures and necessary mechanical appurtenances may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.

ICN proposes a two-story building, measuring approximately 29 feet in height in accordance with the Code's height limitations. The domes, minaret, and parapets on the building's roofline are specifically omitted from this measurement per Section 6-2-4:1.1 of the Code.

### **Key Takeaways**

- The petitioner is requesting a conditional use for a religious institution and associated uses in the R1 zoning district. Staff is in support of the request due to two access points proposed directly onto 248<sup>th</sup> Avenue, adequate parking provisions on-site, compliance with required yards adjacent to residential properties, consistency with the City's Comprehensive Plan, and the City's planned roadway improvements to 248<sup>th</sup> Avenue.
- The petitioner requests approval of a variance to Section 6-9-2:4.2 of the Municipal Code to allow parking facilities to encroach 10 ft. into the required front yard setback. Staff is supportive of the petitioner's request since no residential driveways are located off 248<sup>th</sup> Avenue, the proposed encroachment does not impact any residential front yards, and the additional landscaping proposed will help mitigate any perceived impacts of the encroachment on the public right-of-way.

- The petitioner requests approval of a variance to Section 5-10-3:5.2.4.1 of the Municipal Code to eliminate the fencing requirements on the north property line. Staff is supportive of the request since there are not residences directly adjacent to ICN in this location and the petitioner has agreed to provide a continuous landscape buffer maintaining a height of 30" or taller along the perimeter of the parking lot in this location.

***Related Files***

N/A