



## Legislation Text

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File #: 21-0091L, 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 and continue it to August 18<sup>th</sup> at the conclusion of public testimony (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 5-10-3:5.2.4.1 to eliminate the fencing requirements on the north property line.

\*Note: these entitlements have been revised based upon revised plans submitted by the Petitioner. The revised plans result in the elimination of a front-yard setback variance request. Additional revisions are described below.

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

The Planning and Zoning Commission reconvened the public hearing for PZC 20-1-052 on July 7, 2021, and continued it to August 4, 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 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 and a variance to eliminate the fencing requirement along the north property line.

#### **DISCUSSION:**

##### **Plan Modifications**

After working with Daniel Shapiro, an attorney representing the Tall Grass HOA, the Penncross Knolls HOA, and the Naperville Residents for Sustainable Development, for several weeks (see attached summary from Len Monson, attorney for the petitioner), the petitioner has proposed multiple modifications to the ICN site plan in an effort to address some of the concerns raised by those entities and by other individuals who have spoken on the Petition. Significant changes are detailed below. Staff has no objection to petitioner's proposed revisions.

1. **Elimination of Front Yard Setback Variance.** The original submittal for PZC 20-1-052 included a request for a variance to Section 6-9-2:4.2 of the Municipal Code to allow parking to encroach 10 feet into the required 30-foot front yard setback. The petitioner shifted the proposed building and parking areas approximately 10 feet to the east to allow the development to comply with the required 30-foot front yard setback along 248<sup>th</sup> Avenue. This reduces the setback to the residential area to the east by 10 feet resulting in an approximately 190 foot setback which setback significantly exceeds Code requirements.
2. **Crossing guard.** Neighbors have raised several concerns regarding the Park District / City bike path crossing at 248th Avenue (which bike path is located to the north of the ICN property). Until such time as the 248<sup>th</sup> Avenue roadway improvements are completed, the petitioner agrees to place a crossing guard at the intersection of the walking trail and 248th during ICN's peak service times (mid-afternoon on Fridays).
3. **Increased south setback.** Adjacent neighbors to the south of the ICN property raised concerns regarding the proximity of ICN's parking lot to the shared property line. In response, even though the initial setbacks proposed were compliant with city code requirements, the petitioner proposes increasing the setback adjacent to the south property line from 10 ft. to approximately 27.5 ft. by relocating 53 parking spaces. This modification increases the amount of green space adjacent to the residential area to the south, removes parking spaces that previously were oriented towards residential homes to the south, and shifts the parking spaces north so no cars will be parked closer than 54 feet to the south property line. (The initial proposal parked cars 10 ft. from the south property line with headlights oriented towards single-family homes).
4. **Reduced the number of parking spaces.** In response to requests to reduce parking on site, the petitioner proposes reducing the number of parking spaces for Phase I by 5 spaces and for Phase 3 by 26 spaces. In addition, the petitioner is removing 182 land-banked parking spaces that had been proposed to be allocated. This results in a net reduction of 175 parking spaces, including proposed land-banked parking, as illustrated below. The revised parking plan complies with City Code requirements and requires no variances.

	<u>Original Plan</u>	<u>Revised Plan</u>
Phase I	348	343
Phase II	54	54
Phase III	206	180
Phase IV	0	0
Phase V	111	135
Land-Banked	182	0
<b>Total:</b>	<b>901</b>	<b>726</b>

**Total Reduction in Parking Spaces: 175**

5. **Prohibition on construction of Phases III through V pending 248<sup>th</sup> Avenue improvements.** Petitioner is agreeing that only Phase I and Phase II shall proceed until such time as the 248<sup>th</sup> roadway improvements are completed. Phases III, Phase IV, and Phase V will not commence prior to completion of the 248<sup>th</sup> Avenue roadway improvements.

Shapiro Request

On July 26<sup>th</sup> staff received a letter from attorney Daniel Shapiro (see attached). In his letter, Mr. Shapiro requests that the public hearing on the ICN case not be adjourned on August 4<sup>th</sup>, but that it be continued for further hearing in September so that he and expert witnesses he plans to call on behalf of his clients will have sufficient time to review the revised plans submitted by the petitioner. Len Monson, attorney for the petitioner, advised staff that the petitioner has no objection to Mr. Shapiro's request.

Staff recommends that the PZC approve Mr. Shapiro's request should it become necessary (i.e. if there are no further speakers and the PZC would otherwise close the ICN hearing on August 4, 2021).

***Related Files***

- N/A