



**NAPERVILLE PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS – MUNICIPAL CENTER  
FINAL AGENDA  
11/02/2011 - 7:00 p.m.**

**CALL TO ORDER:**

**A. Roll Call**

**B. Approve Minutes**

1. Approve the minutes of the October 5, 2011 Planning and Zoning Commission Meeting.
2. Approve the minutes of the October 19, 2011 Planning and Zoning Commission Meeting.

**C. Old Business**

**D. Public Hearings**

1. PC Case # PCS 11-1-140 Illinois Spinal & Sports Rehabilitation  
Petitioner: Eric Lukosus on behalf of Illinois Spinal & Sports Rehabilitation  
Location: 4015 Plainfield/Naperville Road, #105

Request: Conduct the public hearing.

Official Notice: Public Hearing Notice Published in the Naperville Sun on Sunday, October 16, 2011

2. PC Case # PCS 11-1-141 Lover's Lane  
Petitioner: Lover's Lane & Co.  
Location: 1001 W. Ogden Avenue

Request: Conduct the public hearing.

Official Notice: Public Hearing Notice Published in the Naperville Sun: Sunday, October 16, 2011

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3. PC Case # PCZ 11-1-136 504 and 508 N. Main Street  
Petitioner: Lakewest Builders Inc.  
Location: 504 and 508 N. Main Street, Naperville, Illinois, 60563  
  
Request: Conduct the public hearing to consider a request to reduce the required rear yard setbacks for the subject properties.  
  
Official Notice: Published in the Naperville Sun Friday, October 14, 2011.
  
4. PC Case # PCZ # 11-1-137 139 Water Street- Lions Donation Box  
Petitioner: Naperville Township, 139 Water Street, Naperville IL  
Location: 139 S. Water Street  
  
Request: Open the public hearing and continue the case to December 7, 2011.  
  
Official Notice: Published in the Naperville Sun: Friday, October 7, 2011
  
5. PC Case # 11-1-143 Victory Martial Arts, PC 11-1-143  
Petitioner: Adam Grisko, 5800 Forest View Road, Lisle, IL 60532  
Location: 1003A & 1005A W. Ogden Avenue  
  
Request: Conduct the public hearing to consider a request for a conditional use for a training studio in the B1 District.  
  
Official Notice: Published in the Naperville Sun Sunday, October 16, 2011
  
6. PC Case # PC 11-1-128 Islamic Center of Naperville  
Petitioner: Islamic Center of Naperville  
Location: On the east side of 248th Avenue between 95th Street and 103rd Street with a common street address of 9931 South 248th Avenue, Naperville, Illinois  
  
Request: Recommend approval of the request for zoning upon annexation to R1 (Low Density Single Family Residential) and a preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot of record.  
  
Official Notice: Published in the Naperville Sun on September 18, 2011

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**E. Reports and Recommendations**

**F. Correspondence**

1. Multi-Tenant Ground Signs
2. Accessory Structures  
Request: Direct staff to initiate an amendment to the Zoning Ordinance pertaining to accessory structures.

**G. New Business**

**H. Adjournment**

**Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Accessibility Coordinator at least 48 hours in advance of the scheduled meeting. The Accessibility Coordinator can be reached in person at 400 S. Eagle Street, Naperville, IL., via telephone at 630-420-6725 or 630-305-5205 (TDD) or via e-mail at [manningm@naperville.il.us](mailto:manningm@naperville.il.us). Every effort will be made to allow for meeting participation.**





**NAPERVILLE PLANNING AND ZONING COMMISSION  
DRAFT MINUTES OF OCTOBER 5, 2011**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bruno, Coyne, Messer, Gustin, Herzog, Williams  
Absent: Edmonds, Trowbridge, Meyer  
Staff Present: Planning Team – Emery, Liu, Thorsen

**B. Minutes**

Approve the minutes of the September 7, 2011 Planning and Zoning Commission meeting.

Motion by: Williams Approved  
Second by: Messer (5 to 0)

Approve the minutes of September 21, 2011 Planning and Zoning Commission meeting.

Motion by: Williams Approved  
Second by: Messer (5 to 0)

**C. Old Business**

**D. Public Hearings**

**D1. Case #11-1-128  
Islamic Center of  
Naperville**

The petitioner requests annexation, zoning upon annexation to R1 (Low Density Single Family Residential) and preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot-of-record.

Amy Emery, Planning Services Team, gave an overview of the request.

- Request for annexation and zoning upon annexation for 14 acres located on 248<sup>th</sup> between 95<sup>th</sup> and 103<sup>rd</sup>. Purpose of the request is to become part of the City of Naperville jurisdiction.
- Southwest Sector Plan identifies the land for annexation and use as a community facility. R1 (Low Density Residential) is the default zoning upon annexation.
- The petitioner only intends to occupy the property as-is and in the same manner as Hope Church (current owner), to include limited administrative uses and some small meetings.
- Many comments have been received from the surrounding areas. Most express concerns about construction of a new religious facility; however, these concerns are not ripe for discussion as the petitioner has not

submitted plans to develop the site.

- If the annexation and zoning is approved, future construction of the site will require a conditional use and submittal of detailed site and development plans, available for public review and a public hearing before the Planning and Zoning Commission. Annexation and zoning does not grant entitlements for a religious facility.
- Information provided to neighborhood residents included incorrect information regarding the nature of the proposal. Future construction of facility will require compliance with city zoning standards. The petitioner is not affiliated with a separate project on 75<sup>th</sup> Street that was reviewed by DuPage County.
- Current Will County zoning of the property allows construction of a church or religious facility by right. Additional uses that are permitted under Will County zoning include single-family, group home, public, quasi-public, governmental buildings and religious facilities.
- Planning and Zoning Commission is not being asked to consider a change to the existing use of the property, construction of a new religious facility, or a conditional use at this time.

Len Monson, Kuhn, Heap and Monson, 552 S. Washington Street, Suite 100, attorney on behalf of the petitioner

- Islamic Center of Naperville (ICN) is contract purchaser of the property.
- The petitioner does not propose any physical changes to the property.
- For the past 11 years the property has been zoned R1 with a religious use in the Will County jurisdiction. The previous owner fully intended to build a religious facility on the site.
- Existing home will be used as administrative office or building. The adjacent outbuilding will be a meeting area for about 3 to 20 people.
- Islamic Center has been in the City of Naperville for over 20 years and has been a great neighbor.
- Reason for annexation request is to accommodate future growth, which includes sewer and water utilities, and to be a part of Naperville.
- Petitioner is the contract purchaser, subjecting itself to more stringent requirements of City of Naperville Zoning and Building codes.
- Future plans for the site are to build a religious facility. The timeframe is 5 to 20 years from now. The intended use is consistent with the city's master plan.
- Petition includes subdivision into a single lot-of-record. Any future subdivision will require city approval.
- Majority of members are City of Naperville residents.
- Annexation of the property is financially neutral to the City of Naperville.
- In accordance with city requirements, proper notice was sent to property owners and were mailed within 15-30 days in advance of the public hearing.

Planning and Zoning Commission inquired about

- What is permitted under current Will County zoning, specifically if a religious facility is currently permitted on the property.
- The reasons why a PUD was not proposed with the annexation request.
- Location of existing Islamic Center locations in the community.
- The basis for the annexation request, given that the requirements of the county are less stringent than the City of Naperville.
- The size of a future structure in relation to the size of the site.
- Compliance of the public notice with the requirements of the zoning ordinance.

**Public Testimony:**

Acting Chairman Herzog noted that the purview of the request is the annexation and zoning and does not include site development. Requested that speakers limit comments to the case in front of the commission.

David Prokop, 3727 Mistflower Lane: Inquired about the nature of ICN and noted the tax-exempt status of the petitioner. Notice of the meeting was inadequate. Would like to see a meeting between the homeowners associations and the petitioner. Would prefer to see annexation denied so that the petitioner does not purchase the property.

Beth Gulliver, 3335 Hollis Circle: Does not enjoy the location of her neighborhood and has lost approximately \$250,000 on her home. Was told that the subject property is agriculture/park district property.

David Hunt, 3903 Landsdown Ave.: Strongly opposes the request for annexation and zoning to R1. The petitioner has stated the intent for the property. Feels the religious facility will negatively impact the value of homes and does not wish to see this process go on.

Chuck Raucci, 3715 Mistflower Lane: Does not agree with the land use designated on the master plan. Referenced Mandalay Club (2006) which was a proposal to construct 33 homes on the subject property, and associated financial impact. Opposes annexation of the property. Would prefer to see single-family homes on the property. Noted financial impacts of school district, rail line, and recession on the Tall Grass neighborhood.

Tom Lawrence, 3603 Grassmere Road: Does not believe that the petitioner has no plans for the future and opposes the annexation. Takes issue with the vagueness of the proposal.

Laura Coppola, 3608 Landsdown Ave.: Agrees with previous speakers. The only reason for wanting water and sewer from Naperville is to build a large structure. Concerned for safety of children. Does not want to see any large structures in the area.

Renata Slive, 3608 Mistrflower Lane: Churches and houses of worship have traditionally been built around communities and is curious as to how many Muslims live in the area. They deserve to have a place of worship. Would prefer to see a smaller scale mosque as opposed to a regional facility.

William Paulson, 3708 Tall Grass Drive: Questioned the timing of the proposal and the implications of annexation to the community. Strongly opposes the request.

Brad Knell, 3552 Tall Grass: Notice was given to landowners in a limited area and the notice is vague. Residents should be afforded the opportunity to retain counsel. Williams noted that the right to a lawyer is not afforded in this case, but stated that he will support continuance of the case in order to evaluate the notice. Speaker conceded that he does not have the legal right to notice but requested continuance of the matter. The Hope Church pre-existed the neighborhood itself. Opposes annexation as he believes it is a Trojan horse for future construction of a large structure and will result in a waste of resources.

Sheri Holt, 3615 Mistflower: Strongly supports rights of religious freedoms but expressed concern about the nature of the process, which have been amplified during the course of hearing, particularly the importance of water and sewer utilities to support development of any type. Expressed concern about the vagueness of the proposal. Opposes the annexation and zoning request and would like to see continued agricultural use of the property.

Richard Wilye, 3443 Redwing: Inquired about traffic impact to 248<sup>th</sup> Avenue from any individual use. Opposes the annexation and zoning request. Would prefer a trailer park to a large structure due to the congestion and traffic that results from religious use.

Sheleigh Bishop, 3635 Mistflower: Opposes the annexation and would not like to see a large building of any sort in the area.

Mary Ann Geraci, 3411 Goldfinch: Opposes the petitioner's request. There should be a reason why the city would want to annex and the city has a right to deny the annexation. Expresses suspicion about the petitioner's intentions; however, the petitioner has stated that they intend to build a mosque. Does not see any benefit to annex property that will not contribute any revenue and potentially reduce home values.

Len Monson clarified the petitioner's intentions. The petitioner has not decided what options will be pursued if annexation is denied. The petition for annexation is presented for the following reasons:

- Due diligence period is short and the petitioner wants to get a sense of how the city will act on annexation.

Lara Brummell, 3431 Redwing: Inquired about the tax status of the property owner.

Vic Des Laurier, 3408 Breitwieser: Requests that the Planning and Zoning Commission allow the surrounding property owners time to consider the proposal.

Jeremy Sentman, 3512 Redwing: The predominant concern is that residents don't know what is going on. On a straight annexation, the city is better served by having the property in its jurisdiction; however, there is no certainty as to the future of the property. Requests that the annexation agreement allow for approval of any future conditional uses by both adjacent HOA's.

Kirsten Mullinax, 3419 Sunnyside: Opposes the petitioner's request but understands the controls provided by annexation. Stated that the absence of sewer and water facilities controls what can be placed on the subject property. Religious use of the site would pre-empt future residential use of the site, due to concerns about traffic associated with a large religious use.

Tim Dever, 3804 Tallgrass: Annexation of the property without knowledge of the true intent is a mistake and a disservice to the city residents. Does not believe that the petitioner is sincere in their true intent for the property. Property should be developed with homes. City is under no obligation to annex the site. Opposes annexation. The city should take into consideration the wishes of the majority, who would like to see homes constructed on this site.

Delaura Sayeed, 23365 Pelham Ct: Purchased in Naperville due to the school district. Supports annexation of the property because it gives citizens a chance to ask question. Feels that Naperville's zoning laws are strict and clear and will help to guide development of the property in the future. Supports annexation of the property.

Paula Strick, 3827 Looking Post Ct: Believes that the case should be continued so that neighbors have a chance to meet with the petitioner. The attorney should clarify the petitioner's intentions for how many people will use the existing home and garage. Believes there is a strong likelihood that the three locations could consolidate on the subject property and requests clarification from the petitioner. Opposes the annexation as she believes a religious use should be in a different location, on a corner with a larger property and better road access.

Herzog clarified that the petitioner is not obligated to discuss future plans due to the nature of the petition, and it is not a factor in the PZC's recommendation.

Catherine Strahan, 3439 Redwing: Is not averse to change, but questions

what benefit would be provided to the community through annexation. Opposes the annexation as there has been no compelling reason given for approval.

Mike Strick, 3827 Looking Post Ct: Noted that the Planning and Zoning Commission's actions are a recommendation only. Does not want the city to be deterred from making land use decisions on the threat of litigation. This matter should be tabled to allow for wider notification and community organization. Annexation of the property will generate revenue for the city through various fees. Opposes annexation.

Mike Valek, 3228 Lapp Lane: Requested a continuance of the matter in order to learn more about the proposal and potential impacts.

Peter Jameson, 3911 Mistflower Lane: Inquired about the current membership of ICN. Would be supportive of an attractive facility for religious purposes but would like to know more prior to annexation. Believes that denial of annexation will end the petitioner's interest in the subject property. The annexation request should be accompanied by site development plans. Would like to hear from neighbors of other ICN facilities. Opposes annexation due to the absence of detailed information about site intentions.

Tim Rhodes, 1918 Coach Drive: Served as Hope United Church of Christ Pastor until 2007. The land was owned and designated for religious use prior to the homes that surround it; however, when it was purchased there were no specific. Hope Church had intended to build a large facility on the site to meet intended needs, but did not encourage the neighbors to design the property for them. During the previous eleven years it was never suggested that the religious use was inappropriate. The sewer and water is in great need of support and the site should be brought onto city utilities. Naperville has responded to emergency requests for the site in the past. People came from many close and far communities to attend Hope Church services. The property was initially acquired as an investment and was sold in 2006 but the deal fell through when the economy collapsed. Some of the initial land purchase was sold to Tall Grass developers and they knew that a church would be developed in the location of the subject property. All neighbors had the opportunity to know that a church would be constructed on the site. ICN has always been a good neighbor and a cooperative agent in the community. Supports the annexation.

Larry Cross, 3819 Sunburst Lane: Disagrees with annexing the land. Knew that a church was located on the subject property and subsequent single-family plans. Does not want a two-story garage or a two-story building in the back yard due to impact on property values. Questions the timing of the annexation request and would like to know more information prior to approval of the annexation.

Gluri Parulekar, 3416 Lapp Lane: requested a continuance in order to better understand the proposal, as the subject property directly abuts her lot.

Robert Strahan, 3439 Redwing: Proposal should be tabled in order to allow time for the residents to become more educated.

Beth Gulliver, 3335 Hollis: Understands that the petitioner completed statutory notice but more people should have been informed about the proposal. Feels that the rights of the neighbor should be considered in forming a recommendation on the annexation and zoning proposal.

Petitioner responded to testimony

- Petitioner has completed all required notification and attended the Tall Grass board meeting on September 12. A meeting is scheduled with Penncross Knoll HOA on Sunday October 9.
- In the future the petitioner would like to build a religious facility on the property. No other details are known.
- Petitioner agrees to continue the public hearing to November 2, but would prefer not to extend deliberations any longer than that.
- The petitioner has no financing in place for construction on the site.
- Litigation is not relevant to the conversation at hand.
- ICN has about 400 registered families in their membership who are accommodated in existing facilities, with intentions to grow.
- There are no intentions to consolidate facilities due to proximity of existing facilities to current membership.
- Property was converted from agricultural to R1 in Will County in 2000, which required three public hearings at the time. At that time there were no objections to the religious use.
- In 2002 the Southwest Community Area Plan was completed. There were no objections to the religious use/community facility at that time.
- January 2006-March 2007, there were eight public hearings on a petition to convert the property to residential use. Stiff resistance from the neighbors who wanted it to remain in religious use.
- People have consistently wanted the property used for religious purposes in the past.

Planning and Zoning Commission inquired about

- The petitioner's intentions to develop the site in the future.
- Petitioner is trying to respect the neighbors that are there, but the site has been in religious use for a very long period of time.
- The size of the ICN facility on Ogden Avenue (4 acres).
- The reason for annexing at this time, without plans or financing.

**Plan Commission Discussion:**

- Bruno – noted that the development of the property will be constrained

by parking, landscaping and other factors and opportunities for input that would be provided by future conditional use process.

- Williams – the present owner is a religious organization that has contractually obligated to sell to a religious organization. The PZC empathizes with the residents of Tall Grass; however, if the contract purchaser chooses to develop in Will County the outcome may be less desirable than developing in the city. The petitioner has the right to petition for annexation and is not required to have a plan in order to purchase the property.
- Gustin – residents have been very vocal and the petitioner understands the concerns expressed. The parcel is controversial and everyone is not likely to agree. The petitioner and residents should work together prior to the next public hearing.
- Herzog – landowner has the right to petition the city of annexation or development. The request for annexation fits with zoning of surrounding property and gives the community control over how it is developed. Recommended that the petitioner reach out again to the neighboring residential groups.

Planning and Zoning Commission continued the matter to November 2, 2011.

**D1. Case #11-1-115  
712 Mulberry Court**

The petitioner requests a variance from Section 6-6A-7:1 (R1A Low Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code to reduce the 30' front yard setback requirement in order to construct a portico at a distance of approximately 25' from the front lot line of the property located at 712 Mulberry Court.

Ying Liu, Planning Services Team, gave an overview of the request

- Petitioner wishes to construct a portico in order to provide weather protection for the front entry, necessitating a variance.

Doug Hitchcock, 712 Mulberry Court, the petitioner noted:

- The stoop and walkway will stay as they currently exist.

Planning and Zoning Commission inquired about

- The extent of the proposed improvement as compared to the existing stoop.

**Public Testimony:**

None.

Planning and Zoning Commission closed the public hearing.

**Plan Commission Discussion:**

- Trowbridge – case is straightforward and should be approved.
- Gustin – the portico will be a nice addition to the home, and a hardship

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exists due to the shape of the cul-de-sac lot.

Planning and Zoning Commission moved to recommend approval of PC 11-1-115, 712 Mulberry Court.

Motion by: Trowbridge  
Seconded by: Messer

Approved  
(5 to 0)

**E. Reports and Recommendations**

None

**F. Correspondence**

None

**G. New Business**

**H. Adjournment**

10:54 p.m.



**NAPERVILLE PLANNING AND ZONING COMMISSION  
DRAFT MINUTES OF OCTOBER 19, 2011**

<b>Call to Order</b>		<b>7:00 p.m.</b>
<b>A. Roll Call</b>		
Present:	Coyne, Messer, Gustin, Williams, Edmonds, Trowbridge, Meyer	
Absent:	Herzog, Bruno, Schnoch (student), Wallace (student), Uber (student)	
Student Members:		
Staff Present:	Planning Team – Emery, Forystek Engineer – Louden	
<b>B. Minutes</b>		
<b>C. Old Business</b>		
<b>D. Public Hearings</b>		
<b>D1. Case #11-1-111 McDonald's at Design Pointe</b>	The petitioner requests a major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through land use on a lot previously planned for retail tenants. In conjunction with this request the petitioner is seeking a deviation to reduce the required parking and deviations related to the setback due right-of-way expansion by IDOT.	
	<p>Amy Emery, Planning Services Team, gave an overview of the request:</p> <ul style="list-style-type: none"> <li>• Request to locate a fast food restaurant with a drive-thru on Outlot B of the Design Pointe PUD.</li> <li>• Parking deviation is required for the proposed fast food restaurant and overall PUD; deviations are required for signage and landscaping as a result of ROW acquisition by IDOT for the IL Route 59 expansion.</li> <li>• Staff has outstanding concerns about the requested building design and trash receptacle locations as they relate to the specific requirements of the Design Pointe PUD.</li> </ul>	
	<p>Henry Stillwell, 300 E. Roosevelt Road, Wheaton, IL, Attorney on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Provided the Planning and Zoning Commission exhibits to be entered into the record as well as an overview of the exhibits.</li> <li>• Provided an overview of the request for a major change to the PUD and associated deviations.</li> <li>• Flipping the orientation of the trash enclosure results in operational issues for the drive-through. The proposed landscape screens the trash enclosure from view.</li> <li>• Accommodations on the standard design include concessions on the</li> </ul>	

	<p>stone materials used on the arcade features.</p> <ul style="list-style-type: none"> <li>• The building incorporates arch logos. A further change to the building elevations has legal repercussions associated with the building design trademark.</li> </ul> <p>Dan Olson, 2631 Ginger Woods Parkway, Aurora, Watermark Engineering Resources, Site Designer on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Provided an overview of the proposed language, signage and photometric plan.</li> </ul> <p>Elizabeth Stuck, 2631 Winfield Road, Warrenville, IL Real Estate Broker on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Noted that all changes that can be made at the regional level have been accommodated. Any additional changes would require escalating the comments to the corporate office. Awnings would have to be removed before providing ballooned awnings. Can work with staff on the colors of the building. There is a palette provided by corporate.</li> </ul>
	<p>Planning and Zoning Commission inquired about</p> <ul style="list-style-type: none"> <li>• Meyer inquired whether or not a play land is proposed, what the outdoor space will be used for and whether or not the awnings are trademarked.</li> <li>• Edmonds questions why the awnings cannot be addressed as staff recommends and inquired whether McDonalds is unable to change the building because of trade marking or branding. Inquired whether or not the sign was trademarked. The petitioner responded that there will be no play land and the awnings and building are trademarked not the signage.</li> <li>• Coyne inquired why the arched featured is unable to be incorporated and stated that the building as proposed will look out of place in the context of the PUD. The petitioner stated that in order to maintain compliance with the trademarked building, the requested arched features cannot be incorporated and that other concessions such as materials have been accommodated at staff's request.</li> <li>• Gustin inquired whether or not color variation is possible if the shape variation is unable to be accommodated.</li> <li>• Edmonds stated that the requirements are minor and feels that they should be accommodated unless there is legal proof in reference to the trademark discussion.</li> <li>• Trowbridge noted variation between the buildings in the Design Pointe PUD.</li> </ul>
	<p><b>Public Testimony:</b></p> <ul style="list-style-type: none"> <li>• Paul Nordini, 119 S. Ellsworth Street, Naperville, IL: Supportive of voting on the proposal with conditions. Suggested that the PUD requires elements be included on-site to meet the intent without modifying the building design.</li> </ul>
	<p>Planning and Zoning Commission closed the public hearing.</p>

	<p><b>Plan Commission Discussion:</b></p> <ul style="list-style-type: none"> <li>• Gustin – Inquired whether the petitioner would prefer to be voted out or bring additional information back to the Commission at a later meeting. The petitioner responded that they would prefer to be voted out with conditions providing further direction moving forward to City Council.</li> <li>• Williams – Does not feel comfortable voting on the proposal due to the trash enclosure location and the proposed building elevations not complying with the standards for building design in the Design Pointe PUD.</li> <li>• Coyne – Is supportive of the use, but does not like that the PUD design standards are being trumped by branding. Supports approval subject to conditions regarding the building design.</li> </ul>	
	<p>Planning and Zoning Commission moved to recommend approval of the petitioner’s request subject to the condition that McDonalds satisfy the PUD Design Standards and provide additional landscape in the trash receptacle area or an alternative location.</p>	
	<p>Motion by: Meyers                  Seconded by: Second</p> <p>Ayes: Williams, Meyer, Messer, Trowbridge, Coyne, Gustin, Edmonds</p> <p>Nays: None</p>	<p>Approved                  (7 to 0)</p>
<p><b>D2. Case #11-1-123                  B4 and B5 Zoning                  Districts</b></p>	<p>This is a request to amend the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code to incorporate recommendations included in the <i>Naperville Downtown2030 Plan</i>.</p>	
	<p>Amy Emery, Planning Services Team, gave an overview of the request:</p> <ul style="list-style-type: none"> <li>• The proposed amendments are part of implementing the Downtown2030 Plan and will provide for more flexible zoning and allow for adaption to market changes.</li> <li>• B4 is intended to encourage walking, shopping and dining in the downtown core.</li> <li>• B5 meant to serve as a transition between the downtown core and residential uses. The B5 District currently accommodates the same uses as the B4 District plus additional uses, lacking the ability to provide for the intended transition.</li> <li>• B5 as proposed is intended for office and residential uses.</li> <li>• Provided an overview of the proposed changes including uses, height maximum, and maximum building setbacks.</li> </ul>	
	<p>Planning and Zoning Commission inquired about</p> <ul style="list-style-type: none"> <li>• Edmonds inquired whether or not the uses as proposed were outlined and approved as part of the Downtown 2030 Plan. Staff noted that the uses as proposed were reviewed by DAC, the Plan Commission and City</li> </ul>	

	Council during the approval phases of the plan.	
	<b>Public Testimony:</b> None.	
	Planning and Zoning Commission closed the public hearing.	
	<b>Plan Commission Discussion:</b> <ul style="list-style-type: none"> <li>• Messer – Would an art gallery be considered a show room? Staff stated that an art gallery is a public assembly use, therefore permitted. Felt that the proposed amendments provided clarification.</li> <li>• Gustin – Likes the outcome of the amendments and the clarification the changes provide for the downtown uses.</li> </ul>	
	Planning and Zoning Commission moved to recommend approval to amend the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code.	
	Motion by: Gustin Seconded by: Williams  Ayes: Williams, Trowbridge, Messer, Coyne, Meyer, Gustin, Edmonds  Nays: None	Approved (7 to 0)
<b>D3. Case #11-1-124 B5 Rezonings</b>	This is a request to rezone certain properties from B5 (Secondary Commercial) to B1 (Neighborhood Commercial) and B4 (Downtown Core) in accordance with recommendations from <i>Naperville Downtown2030</i> and the <i>5<sup>th</sup> Avenue Study</i> .	
	Amy Emery, Planning Services Team, gave an overview of the request: <ul style="list-style-type: none"> <li>• Owners of 18 parcels are seeking rezoning in accordance with city plans.</li> <li>• The rezoning requests are a result of implementation steps associated with the Downtown 2030 plan, and to allow existing properties and uses to avoid non-conforming status as a result of the B4/B5 text amendments.</li> <li>• Provided an overview of the location and zoning of the affected properties.</li> </ul>	
	<b>Public Testimony:</b> Paul Nordini, 119 S. Ellsworth Street – Suggested tabling the request to consider the residences adjacent to Quigley’s affected by the rezoning request. The blocks encompassing Central Park are typically commercial uses with the exception of 3 residences. Quigley’s can become another restaurant; the restaurant has negative effects including odor on the residences. If we change this to B4, we lose this transition; the existing residences become the transition.	
	Staff responded to testimony: <ul style="list-style-type: none"> <li>• Any uses including restaurants are required to obey the Performance</li> </ul>	

	<p>Standards outlined in the Zoning Ordinance.</p> <ul style="list-style-type: none"> <li>The subject property owned by the person providing testimony is identified as TU, providing limited non-residential uses while still maintaining residential uses.</li> </ul>
	<p>Planning and Zoning Commission inquired about:</p> <ul style="list-style-type: none"> <li>Edmonds inquired about extending the transition zone west to encompass Quigley's. Staff stated that long term it was anticipated that the block may not encompass residential hence the TU zoning.</li> <li>Williams inquired whether or not the proposed changes accommodate the property owner. Staff responded that the request is consisted with the Downtown2030 Plan and that the future designation of the speaker's property is TU.</li> <li>Coyne inquired whether or not the homeowner filed a complaint. The homeowner responded that no complaints have been filed in the past.</li> </ul> <p>Planning and Zoning Commission closed the public hearing.</p>
	<p>Planning and Zoning Commission moved to recommend approval to rezone certain properties from B5 (Secondary Commercial) to B1 (Neighborhood Commercial) and B4 (Downtown Core) in accordance with recommendations from <i>Naperville Downtown2030</i> and the <i>5<sup>th</sup> Avenue Study</i>.</p>
	<p>Motion by: Meyer          Seconded by: Williams</p> <p>Ayes: Coyne, Trowbridge, Williams, Meyer, Messer, Gustin, Edmonds</p> <p>Nays:</p> <p style="text-align: right;">Approved (7 to 0)</p>
<p><b>D4. Case #11-1-127          68 Starling Lane</b></p>	<p>The petitioner requests a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to allow for the construction of a covered front porch and roof overhang that encroaches 5' into the required thirty-foot (30') front yard setback for the property located at 68 Starling Lane.</p>
	<p>Katie Forystek, Planning Services Team, gave an overview of the request</p> <ul style="list-style-type: none"> <li>Subject property is zoned R1A and is improved with a single-family residence.</li> <li>Requested is a variance to allow a covered front porch and roof overhang to encroach 5' into the required 30' front yard setback.</li> <li>Staff finds that the proposed improvements provide aesthetic and functional relief to the existing building facade and enhances the neighborhood streetscape.</li> </ul>
	<p>Gene Weaver, 68 Starling Lane, the petitioner, Tim Schmit, 49 Starling Lane, petitioner's contractor noted:</p> <ul style="list-style-type: none"> <li>Provided an overview of the request and provided details and photographs demonstrating the proposed facade enhancement.</li> </ul>

Naperville Planning and Zoning Commission  
 October 19, 2011  
 Page 6 of 6

	Planning and Zoning Commission inquired about <ul style="list-style-type: none"> <li>• Whether or not the improvements had already been completed</li> </ul>	
	<b>Public Testimony:</b> None	
	Planning and Zoning Commission closed the public hearing.	
	Planning and Zoning Commission moved to recommend approval of the request for a setback variance to allow a front porch and roof overhang to encroach 5' into the required 30' front yard setback as stated in the staff memorandum dated October 19, 2011.	
	Motion by: <b>Trowbridge</b> Seconded by: Williams  Ayes: Coyne, Messer, Williams, Trowbridge, Meyer, Gustin, Edmonds  Nays: None	Approved (7 to 0)
<b>E. Reports and Recommendations</b>		
<b>F. Correspondence</b>		
<b>G. New Business</b>		
<b>H. Adjournment</b>		9:54 p.m.



# Naperville

## PLANNING & ZONING COMMISSION AGENDA ITEM

**PCS CASE:** 11-1-140 **AGENDA DATE:** 11/2/2011

**SUBJECT:** Illinois Spinal & Sports Rehabilitation  
Petitioner: Eric Lukosus on behalf of Illinois Spinal & Sports Rehabilitation

**LOCATION:** 4015 Plainfield/Naperville Road, #105

Correspondence      New Business      Old Business      Public Hearing

**SYNOPSIS:**

The petitioner proposes to install an awning with 22 square feet of text/logo on the east elevation of the building. In order to install the proposed awning, the petitioner requests approval of a variance from Section 5-4-5:3.2 (Commercial Signs; Awnings and Canopy Signs; Awning and Canopy Sign Area) of the Naperville Municipal Code to increase the allowed signage on an awning from 12 square feet to 22 square feet for the property located at 4015 Plainfield/Naperville Road, #105.

**PLANNING & ZONING COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A		

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:** Trude B. Terreberry, Code Enforcement Officer

**EXISTING ZONING, LAND USE, AND LOCATION:**

Located at 4015 Plainfield Naperville Road, Unit #105, and zoned B1 PUD (Neighborhood Shopping PUD), the subject property is improved with a two-story office condominium building with Illinois Spinal occupying the first floor northeast corner suite. The surrounding properties are as follows:

- North - Zoned B1 PUD and improved with a shopping center
- East – Zoned R1 and is city owned and used by the department of public works as a recycling center and staging area for equipment
- South – Zoned R1A PUD and is an undeveloped lot (detention pond) for the Rosehill Farm Subdivision
- West - Zoned R1A PUD and developed with residential structures belonging to the Rosehill Farm Subdivision

**REQUEST:**

The petitioner, Illinois Spinal & Sports Rehabilitation (Illinois Spinal), proposes to install an awning with 22 square feet (SF) of text/logo on the east elevation of the building. In order to install the proposed awning, the petitioner requests approval of a variance from Section 5-4-5:3.2 (Commercial Signs; Awnings and Canopy Signs; Awning and Canopy Sign Area) of the Naperville Municipal Code to increase the allowed signage on an awning from 12 SF to 22 SF.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

- 06-297      Established development details in order to develop the lot with a two-story, 22,855 square foot office building
- 10-001      Resolution granting a variance for unit #106 for two awnings (one on the east elevation and one on the south elevation) that each contain 27.1 SF of text/logo for Dental Roots

**STAFF REVIEW:**

Section 5-4-5:3.2 (Commercial Signs; Awnings and Canopy Signs; Awning and Canopy Sign Area) of the Naperville Municipal Code requires that awnings contain no more than 12 SF of text/logo per elevation. The petitioner proposes to install an awning with 22 SF of text/logo on the east elevation.

As opposed to using allowable wall signage, the petitioner would like to use an awning with text to identify his business. The petitioner believes the awning will improve the aesthetics of the building and will not be detrimental to the public welfare. In addition, since the business (Dental Roots) located in the unit just to the south of him received a variance for a similar awning sign on the same elevation the petitioner believes that his request will create symmetry for the building and the types of signs on the building. The petitioner has stated that if the variance is approved he will forgo any wall signage on the east elevation.

Staff believes that even though a hardship does not exist, the petitioner's request is reasonable for the following reasons:

- The awning with 22 SF of signage will reduce sign clutter because per the sign code, the petitioner is allowed 65 SF of wall signage plus 12 SF of text/logo on an awning, for a total of 77 SF of signage, on the east elevation
- Having similar signage (no wall signage & an awning with similar-size text) as the neighbor to the south will improve the aesthetics of the building and will create symmetry of signage on the building

**STAFF SUMMARY:**

The purpose of the Street Graphics Ordinance is to create the framework for a comprehensive balanced system of signage, to promote communication between people and their environment and to avoid the usual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

Staff believes that the proposed awning will not be detrimental to other properties in the neighborhood and will not be harmful to vehicular or pedestrian traffic. In addition, the proposed

4015 Plainfield/Naperville 105 – Staff PZC Memo – PCS 11-1-140

November 2, 2011

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awning is in harmony with the spirit and intent of the code since the proposed awning with 22 SF of text/logo will result in less overall signage on the east elevation of the building.

Staff has reviewed the requested street graphics variance and finds that the petitioner meets the standards for granting a variance to the Street Graphics Control Ordinance. As a result, staff recommends approval of a variance from Section 5-4-5:3.2 (Commercial Signs; Awnings and Canopy Signs; Awning and Canopy Sign Area) of the Naperville Municipal Code to increase the allowable text/logo on an awning from 12 square feet to 22 square feet for the east elevation of the property located at 4015 Plainfield/Naperville Road, #105, providing that the petitioner does not utilize any wall signage on the east elevation.

**ACTION REQUESTED:**

Conduct the public hearing.

**ATTACHMENTS:**

1. 4015 Plainfield/Naperville 105 – Petitioner’s Application – PCS 11-1-140
2. 4015 Plainfield/Naperville 105 – Legal Description – PCS 11-1-140
3. 4015 Plainfield/Naperville 105 – Location Map – PCS 11-1-140
4. 4015 Plainfield/Naperville 105 – Site Plan – PCS 11-1-140
5. 4015 Plainfield/Naperville 105 – Building Elevation – PCS 11-1-140
6. 4015 Plainfield/Naperville 105 – Sign Rendering – PCS 11-1-140
7. 4015 Plainfield/Naperville 105 – Photograph of Building – PCS 11-1-140

### CITY OF NAPERVILLE APPLICATION FOR A SIGN VARIANCE

ADDRESS OF SUBJECT PROPERTY: 4015 Plainfield/Naperville Road Ste 105

PARCEL IDENTIFICATION NUMBER (PIN) 07-01-14-202-106-1001

APPLICANT'S NAME: Eric Lukosus

APPLICANT'S ADDRESS: 2243 Haider Ave

CITY: Naperville STATE: IL ZIP CODE: 60564

DAYTIME PHONE: 630 904 9700

E-MAIL ADDRESS: ERICLUKOSUS@msn.com

OWNER OF PROPERTY: Naperville South Commons

OWNER'S ADDRESS: P.O. Box 239

CITY: Naperville STATE: IL ZIP CODE: 60568-239

OWNER'S DAYTIME PHONE: 630 416 3900

ZONING OF PROPERTY: B1FVD

AREA OF PROPERTY (Acres or sq ft): Building 1.65 Acres, Office Space 2,160

List Improvements on property (buildings, fences, pools, decks, etc.):

\_\_\_\_\_  
\_\_\_\_\_

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

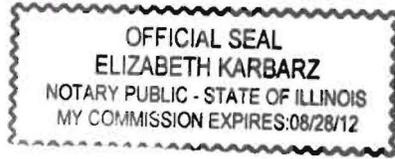


The above information, to the best of my knowledge, is true and accurate:

Eui Kosun      9/14/11  
(signature of applicant)      (date)

SUBSCRIBED AND SWORN TO before me this 14<sup>th</sup> day of September, 2011

Elizabeth Karbarz  
(Notary Public and Seal)



Description of Variance attachment.

I am requesting a variance to increase the area allowed for text on an awning sign. The explanations below address the need for a variation referencing the Standards For Variations in Section 5-14-4:11 of the Naperville Municipal Code by number.

- 1) This is a unique circumstance and the proposed variation will not be just a convenience to my business but will ultimately allow my sign to be legible from the street.
- 2) The hardship has not been created by any person presently having a proprietary interest in the sign.
- 3) The variation will not be materially detrimental to the public welfare. The variance will allow for the text on the awning to be legible from the street. In fact I believe it will improve the aesthetics and symmetry of the building from the street elevation.

The reason for the variance request is that the building frontage and sign will be 170' from the road. Our text on the awning would be difficult to read adhering to current code for area of text for an awning sign. This circumstance would not allow our Naperville business and services being recognized from the street. Also, the proposed variation would equal the standard granted to my neighbor (Dental Roots) in the same building with an identical size awning and area of text. Dental Roots (my neighbor) went through the same variance process and was approved by the City of Naperville. Not allowing the variance would create an asymmetry in the aesthetics of the buildings and signs.

- 4) The proposed variation will not impair visibility to the adjacent property within the building as the awning and text will be identical in area and size. I believe this would reduce danger of traffic problems by having a sign large enough to read from the street.
- 5) I believe the awning would only enhance the essential character of the building and neighborhood by having a professional awning identical in size and text to the already existing awning and signage located on the building.
- 6) The proposed variance is requested in the spirit the Naperville Municipal Code of enhancing the aesthetics of the professional building I rent and also serve a functional purpose by allowing for easier identification of our location in relationship to the street.

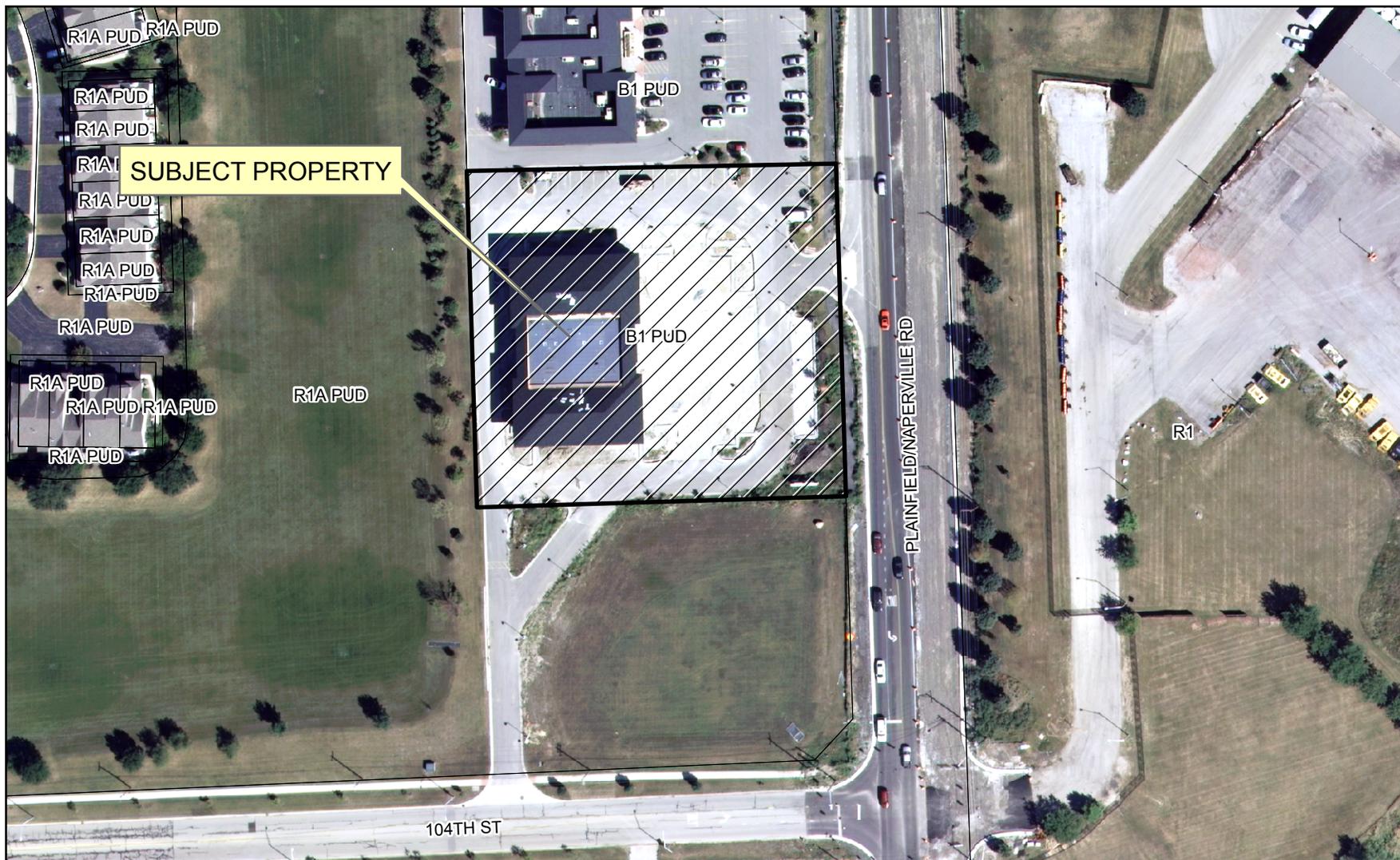
I am also willing to forego other wall signage to the front elevation if this variance is approved.

Unit #2-105 in Naperville South Commons Condos of lot 2 in  
Naperville South Commons being the sub in sections 11 and 14,  
Township 37 North Range 9 East

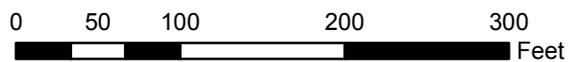
4015 Plainfield/Naperville Road  
Naperville, IL 60564

PIN# 07-01-14-202-106-1001

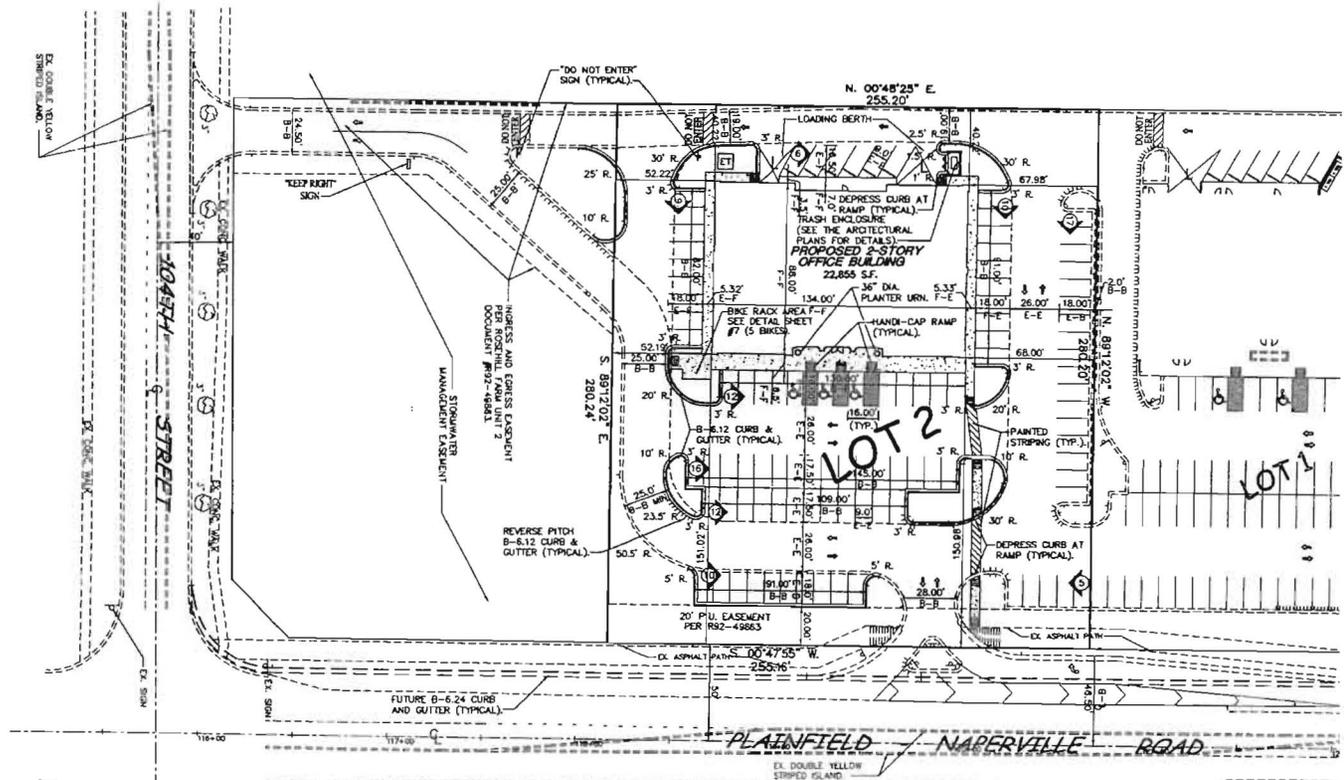
City of Naperville  
**ILLINOIS SPINAL & SPORTS REHABILITATION**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
 October 2011

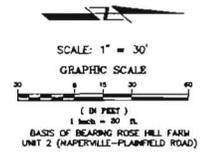


This map should be used for reference only.  
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 City of Naperville assumes no liability in the use  
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**PARKING DATA:**  
 REGULAR SPACES = 94  
 HANDI-CAP SPACES = 3  
 TOTAL = 97 SPACES

- NOTES:**
1. ALL RADII ARE TO BACK OF CURB.
  2. VERIFY AND COORDINATE BUILDING DIMENSIONS WITH THE CURRENT ARCHITECTURAL PLANS.



C.O.N. PROJECT No.: 06-10000136

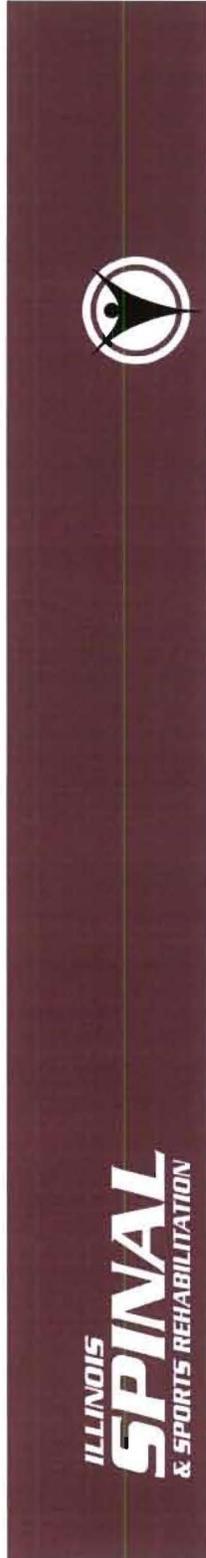
<b>INTECH CONSULTANTS, INC.</b> 5413 WALNUT AVE. DOWNERS GROVE, ILL.	<b>ENGINEERS SURVEYORS</b>	NAPERVILLE SOUTH COMMONS, LLC 3905 WHITE EAGLE DR. NAPERVILLE, IL 60564	NAPERVILLE SOUTH COMMONS LOT 2 104th & NAPERVILLE-PLAINFIELD RD. NAPERVILLE, ILLINOIS	<b>GEOMETRIC PLAN</b>	DRAWN BY: T.H./E.F.S. SCALE: 1" = 30' SHEET OF: 3 8
					DESIGNED BY: T.H./E.F.S. DATE: 8-25-06 PROJECT NO.: 2004-037-D



**THATCHER OAKS**  
**AWNINGS**

Client: Illinois Spinal & Sports Rehabilitation  
Description: Concept Picture

Salesperson: Jim Patten  
Date: 9/14/2011



33' 5 8"

30.25"H x 27.7"W  
(5.81 sq ft)

Overall Graphic Dimension  
27"H X 84.5"W  
(15.84 sq ft)

<b>THATCHER OAKS</b> <b>AWNINGS &amp; SIGNS</b> 630-833-5700 voice 630-833-5795 fax 718 Industrial Dr. Elmhurst, IL 60126		CLIENT ILLINOIS Spinal & Sports Rehabilitation		FILE NAME: Illinois Spinal & Sports Rehab	
DRAWING DESCRIPTION Graphic Approval Layout		DATE 6/16/11		NO. 2	
CLIENT APPROVAL ORDER #: 720745		SALESMAN: Jim Patten		REVISION BY: al	
SCALE: Not To Certain Scale		DRAWN BY: al.		DATE: 6/16/11	
				GRAPHIC APPLICATION SGS HP VINYL	
				GRAPHIC COLOR WHITE	
				NO. 3	
				DATE: 7/11/11	
				NO. 4	
				DATE: 7/17/11	





# Naperville

## PLANNING & ZONING COMMISSION AGENDA ITEM

**PCS CASE:** 11-1-141 **AGENDA DATE:** 11/2/2011

**SUBJECT:** Lover's Lane  
Petitioner: Lover's Lane & Co.

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**LOCATION:** 1001 W. Ogden Avenue

---

Correspondence      New Business      Old Business      Public Hearing

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**SYNOPSIS:**

The petitioner proposes to install a 79-square-foot wall sign on the south elevation of the building and exceed the maximum square footage of wall signage allowed on the elevation. In order to install the sign and exceed the maximum square footage allowed for wall signs, the petitioner requests a variance from Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code for the property located at 1001 W. Ogden Avenue.

**PLANNING & ZONING COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A		

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:** Trude B. Terreberry, Code Enforcement Officer

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**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject property consists of a 2.6 acre lot and is located at the northwest corner of Ogden Avenue and Royal St. George Drive. The property is zoned B1 (Neighborhood Convenience Shopping Center District) and is improved with a shopping center (Cress Creek Center).

The surrounding properties are zoned as follows:

- North – Zoned R1A (Low Density Single-Family Residence District) - Improved with residential structures belonging to Cress Creek subdivision
- East
  - Zoned R1A (Low Density Single-Family Residence District) – Improved with residential structures belonging to Cress Creek subdivision
  - Zoned B3 (General Commercial District) – Improved with a gas station

1001 W. Ogden – Staff PZC Memo – PCS 11-1-141

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- South – Zoned R3 PUD (Medium Density Multiple-Family Residence District Planned Unit Development – Improved with the Preserve of Cress Creek Apartment Homes
- West - Zoned R3 (Medium Density Multiple-Family Residence District) – Improved with the Cress Creek Condominiums subdivision

**REQUEST:**

The petitioner, Lover's Lane & Co. (Lover's Lane), proposes to install a 79-square-foot (SF) wall sign on the south elevation of the building and exceed the maximum square footage of wall signage allowed on the elevation. In order to install the sign and exceed the maximum square footage allowed for wall signs, the petitioner requests a variance from Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

None

**STAFF REVIEW:**

Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code allows 1.5 square feet of wall signage for every linear foot of unit frontage on an elevation that has customer access and is adjacent to off-street parking. Lover's Lane has 40 feet of storefront on the south elevation and is allowed a 60-SF wall sign on this elevation.

Lover's Lane proposes to remove the existing illuminated awning, which has 112.5 SF of text, and install a 79-SF wall sign on the south elevation of the building. The petitioner believes a larger sign is needed because their storefront is 262 feet from Ogden Avenue and the store's unique logo and lettering need to be larger than what is allowed by code in order for the wall sign to be visible from Ogden Avenue.

Staff does not believe that there is a unique circumstance or hardship that would warrant a wall sign that is 32% larger than what is allowed by code. In addition, staff believes that motorists and pedestrians traveling along Ogden Avenue can easily locate the store based on the large tenant panel that the business has on the multi-tenant ground sign located on the property near the intersection of Ogden Avenue & Royal St. George Drive.

**STAFF SUMMARY:**

The purpose of the Street Graphics Ordinance is to create the framework for a comprehensive balanced system of signage, to promote communication between people and their environment and to avoid the usual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

Staff believes that the proposed sign is not in harmony with the intent of the street graphics ordinance because the sign will create sign clutter because it is too large. In addition, the proposed sign will create an imbalance of signage because Lover's Lane will have a wall sign that is 32% larger than the wall signs for the other businesses in Cress Creek Center.

Staff has reviewed the requested street graphics variance and finds that the petitioner does not meet the standards for granting a variance to the Street Graphics Control Ordinance. As a result,

*1001 W. Ogden – Staff PZC Memo – PCS 11-1-141*

*November 2, 2011*

*Page 3 of 3*

staff does not recommend approval of a variance from Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code for the property located at 1001 W. Ogden Avenue.

**ACTION REQUESTED:**

Conduct the public hearing.

**ATTACHMENTS:**

1. 1001 W. Ogden – Petitioner’s Application – PCS 11-1-141
2. 1001 W. Ogden – Legal Description – PCS 11-1-141
3. 1001 W. Ogden – Location Map – PCS 11-1-141
4. 1001 W. Ogden – Plat of Survey – PCS 11-1-141
5. 1001 W. Ogden – Photograph of Existing Awning – PCS 11-1-141
6. 1001 W. Ogden – Rendering of Proposed Sign – PCS 11-1-141
7. 1001 W. Ogden – View of Proposed Sign from Ogden Avenue – PCS 11-1-141
8. 1001 W. Ogden – Photograph of Multi-Tenant Ground Sign – PCS 11-1-141

**CITY OF NAPERVILLE  
APPLICATION FOR A SIGN VARIANCE**

ADDRESS OF SUBJECT PROPERTY: 1001 West Ogden Ave, Naperville, IL 60563  
APPLICANT'S NAME, ADDRESS: Lover's Lane & Co., 46750 Port Street, Plymouth, MI 48170  
APPLICANT'S PHONE, EMAIL: Merilyn J. King (734-414-0010); Merilyn@loverslane.com  
APPLICANT'S ATTORNEY: Cathleen M. Keating, 2215 York Rd., #550, Oak Brook IL 60523  
APPLICANT'S ATTORNEY'S PHONE (630) 472-3407; EMAIL cmk@mccslaw.com  
OWNER OF PROPERTY: Affiliated Realty and Management Company  
OWNER'S ADDRESS: 1720 W. Algonquin Road, Mt. Prospect, IL 60056  
OWNER'S DAYTIME PHONE: (847) 439-0400

ZONING OF PROPERTY: B-1 Neighborhood Shopping District  
AREA OF PROPERTY (Acres or sq. feet): 2800 square feet  
List Improvements on property (buildings, fences, pools, decks, etc.):  
Property is a 2800 square foot retail storefront in Cress Creek Shopping Center. It has 40' of frontage along Ogden Avenue, and 70' of frontage along Royal St. George Drive.

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attach additional pages if needed):  
Applicant seeks a variance from Section 5-4-5.1.1.2 of the Municipal Code to allow a 79.14 SF channel letter sign as a replacement for a 112.5 SF sign. Section 5-4-5(1)1.2 allows 60 SF.  
The attached Addendum provides additional explanation in support of the variance requested.  
Also attached are proposed Findings of Fact.

The above information, to the best of my knowledge, is true and accurate:

**LOVER'S LANE & CO.**

Merilyn J. King, Pres      10/5/11  
By: Merilyn J. King, President      Date  
(signature of applicant)

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of October, 2011.

Pamela J. Richmond  
(Notary Public and Seal)

PAMELA J. RICHMOND  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Mar 14, 2016  
NOTING IN COUNTY OF

EXHIBIT A

**ADDENDUM TO VARIANCE APPLICATION**

Lover's Lane is located at the northeast corner of Ogden Avenue and Royal St. George Drive. It is part of the Cress Creek Shopping Center. Its storefront is 262 feet from Ogden Avenue – almost the distance of a football field away from the street. Ogden Avenue is a busy, 4 lane street.

Lover's Lane currently has a 10 year old pink and teal awning sign; the awning is 224 SF and the existing lettering is 112.50 SF. Applicant seeks to remove the existing awning sign and replace it with a 79.14 SF channel letter sign on a 170 SF white mansard surface.

Applicant has 40 feet of frontage along Ogden Avenue and is allowed 60 sf of signage on its front elevation. Its new channel letter sign (79.14 SF) is 30% smaller than its existing 112.5 sf sign. The new white mansard surface is 170 SF, a reduction of 24% in the background materials. The new white mansard surface will be a much cleaner updated look, consistent with the rest of the shopping center, than the 224 SF pink/teal awning.

In addition to its 40 feet of frontage along Ogden, Lover's Lane has 70 feet of frontage on its east side (along Royal St. George Drive), facing a residential district. Although Applicant is entitled to 105 sf of signage on the east elevation, if its variance is granted, it will agree not to utilize that signage, so that its only sign will be along Ogden Avenue.

Applicant's storefront is 262 feet from Ogden Avenue. Its unique logo and lettering needs to be larger than what the sign regulations allow so that the letters are readily visible from Ogden Avenue. Without this variance, the smaller letters blend together visually, particularly at a distance of 262 feet. Applicant has submitted which is a rendering of its new sign with the allowed size (60 SF). When photographed from Ogden Avenue the letters on that sign run together and the store name is not easily seen. Applicant has also submitted a photograph of the sign it will install if this variance is approved (79.14 SF), which is much more clearly visible and easier to read from Ogden Avenue.

If Applicant is allowed this variance, it will be able to replace the teal awning and pink lettered sign, which is in need of repair and stylistically outdated.

**FINDINGS OF FACT**

1. **The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstratable and unusual hardship which will result if the strict letter of the regulations of this Chapter were generally carried out and which particular hardship or practical difficulty is not generally applicable to other comparable signs or properties.**

The Lover's Lane store is set back 262 feet from Ogden Avenue. Its distinctive logo lettering requires additional size to be seen from the street (as compared with more standard block lettering) so that the letters do not run together visually when viewed from that long distance. The current sign is in disrepair, and 30% larger (112 SF vs. 79 SF) than the sign being proposed. Approving a variance will also allow Lover's Lane to replace a 224 SF outdated teal awning with a 25% smaller (170 SF) white mansard surface.

2. **The hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).**

This shopping center was built in 1979, when it was customary to have all parking situated between the building and the street; allowable signage was much greater then. The hardship (distance between the storefront and the street) was not created by Lover's Lane or the current owner of the shopping center.

3. **The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.**

If allowed an 80 SF sign along Ogden, Applicant will forfeit its 105 SF of allowable signage along the east side of its storefront, Royal St. George Drive. This will enhance the appearance of the Cress Creek Shopping Center to the east and minimize visual clutter for the residential neighborhood to the east.

4. **The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.**

Without commercial signage facing the adjacent neighborhood to the east, the Cress Creek Shopping Center will be less obtrusive to those residences. Allowing a slightly larger sign will enhance the visibility of Lover's Lane along Ogden and thereby improve public safety.

5. **The proposed variation will not alter the essential character of the neighborhood.**

If the variance is granted, the new sign will be 30% smaller than the existing sign. The appearance of the neighborhood will be improved if Applicant removes the existing 224 SF pink/teal awning from its storefront and replaces it with the smaller letters set against a clean, white mansard surface, consistent with the rest of the shopping center.

6. **The proposed variation is in harmony with the spirit and intent of this Chapter.**

The new sign will achieve the goals of the Street Graphics Control regulations (Section 5-4-1) by promoting communication, decreasing sign clutter, improving the visual environment, and enhancing the physical appearance of the City.

## FINDINGS OF FACT FOR SIGN VARIANCES

The city will consider the reasonableness of a sign variance request as well as the extent to which it complies with the standards contained in Section 5-14-4:11 of the Naperville Municipal Code, which are listed below. Self-inflicted hardships or increased profit or property value are not sufficient justifications to warrant a variance. The recommendations prepared by staff and the Planning and Zoning Commission are prepared based upon the following standards. *You should review the standards and, if necessary, prepare written findings or other evidence to support your request.*

Standards For Variations: The Planning and Zoning Commission shall not recommend or grant a variation unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

1. The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this Chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable signs or properties.
2. The alleged hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).
3. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
4. The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.
5. The proposed variation will not alter the essential character of the neighborhood.
6. The proposed variation is in harmony with the spirit and intent of this Chapter.

I have reviewed the Standards for a Sign Variation and understand and acknowledge that my request will be considered based upon the extent to which it fulfills these standards. Further, I understand and acknowledge that I may be required to provide a written explanation detailing how my request fulfills these standards.

*Meikem J. King*

(signature of applicant)

10/5/11

(date)

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of October, 2011

*Pamela J. Richmond*

(Notary Public and Seal)

EXHIBIT A (continued)

PAMELA J. RICHMOND  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Mar 14, 2016  
ACTING IN COUNTY OF

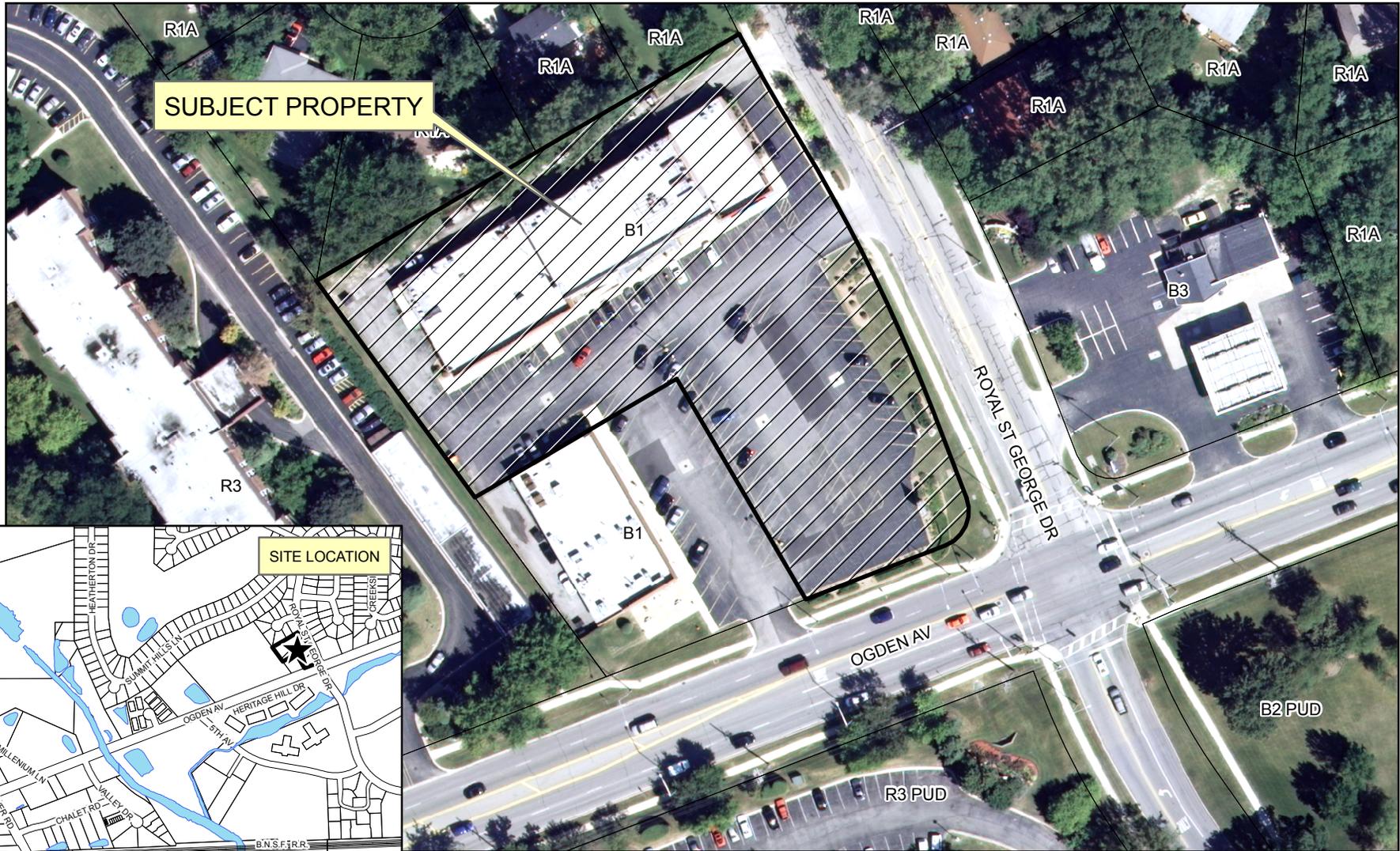
**LEGAL DESCRIPTION OF PROPERTY:** LOTS 1 AND 2 OF CRESS CREEK CENTER, BEING A RESUBDIVISION OF CENTURY CREEK SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 31, IN BLOCK 16, IN CRESS CREEK, BEING A SUBDIVISION SITUATED IN PART OF SECTIONS 11, 12, 13 AND 14, TOWNSHIP 28 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R62-9660, IN DUPAGE COUNTY, ILLINOIS.

**PIN:** 01-11-140-4031

[Note: The above legal description and PIN cover the entire Cress Creek Shopping Center, located at 1001-1037 West Ogden Ave., of which Lover's Lane is one store].

**Common Address (Lover's Lane):** 1001 West Ogden Ave., Naperville, IL 60563

City of Naperville  
 1001 W. OGDEN AV - PC CASE #11-1-141



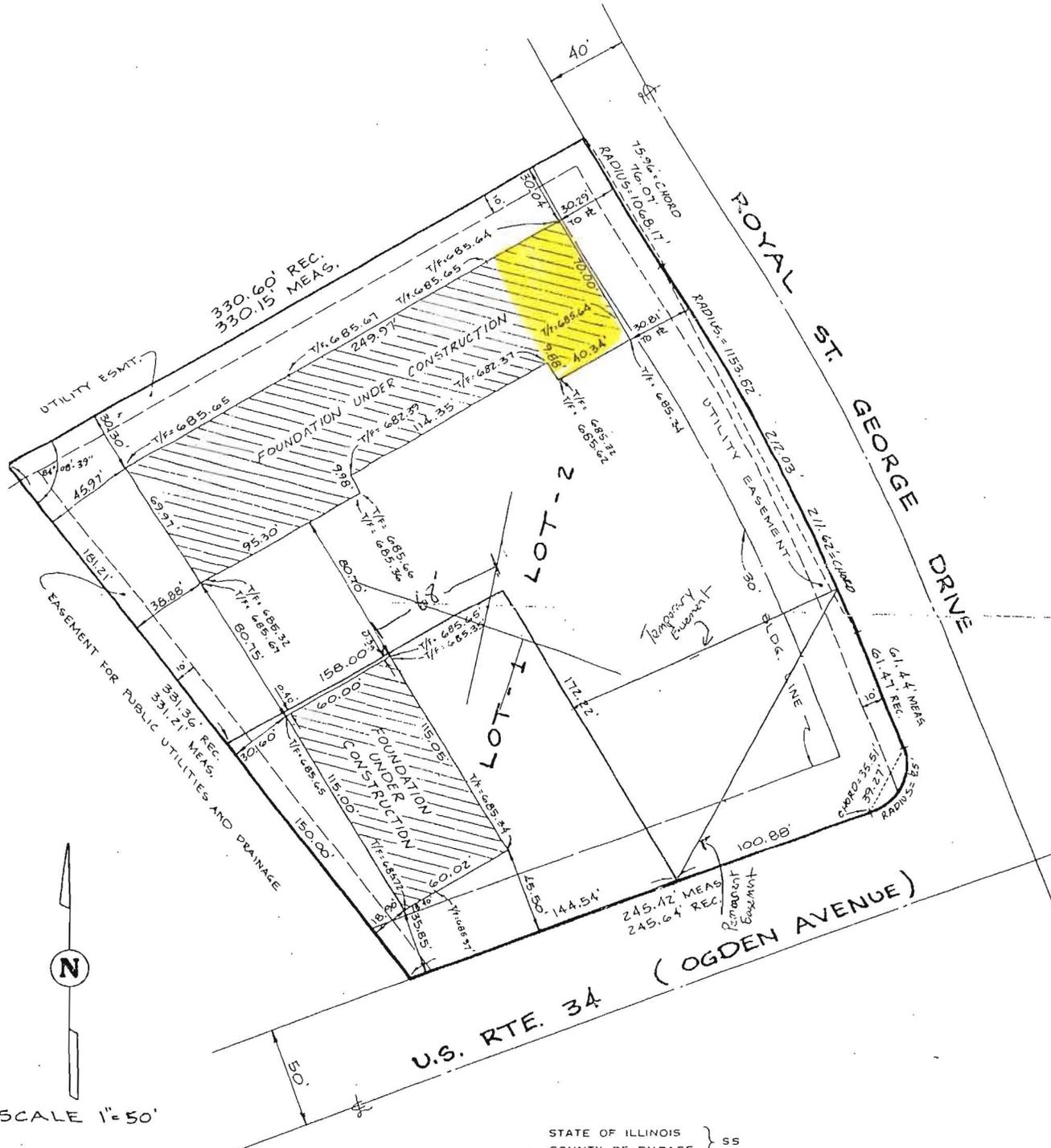
Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
 www.naperville.il.us  
 October 2011



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27

LOT 1 AND 2 OF CRESS CREEK CENTER BEING A RESUBDIVISION OF CENTURY CREEK SUBDIVISION BEING A RESUBDIVISION OF PART OF LOT 31, IN BLOCK 16, IN CRESS CREEK, BEING A DIVISION SITUATED IN PART OF SECTIONS 11, 12, 13 AND 14, TOWNSHIP 38 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NO. R62-9660, IN DU PAGE COUNTY, ILLINOIS.



SCALE 1"=50'

STATE OF ILLINOIS } 55  
 COUNTY OF DUPAGE }

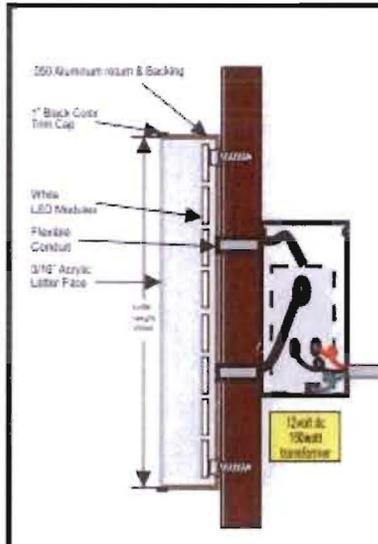
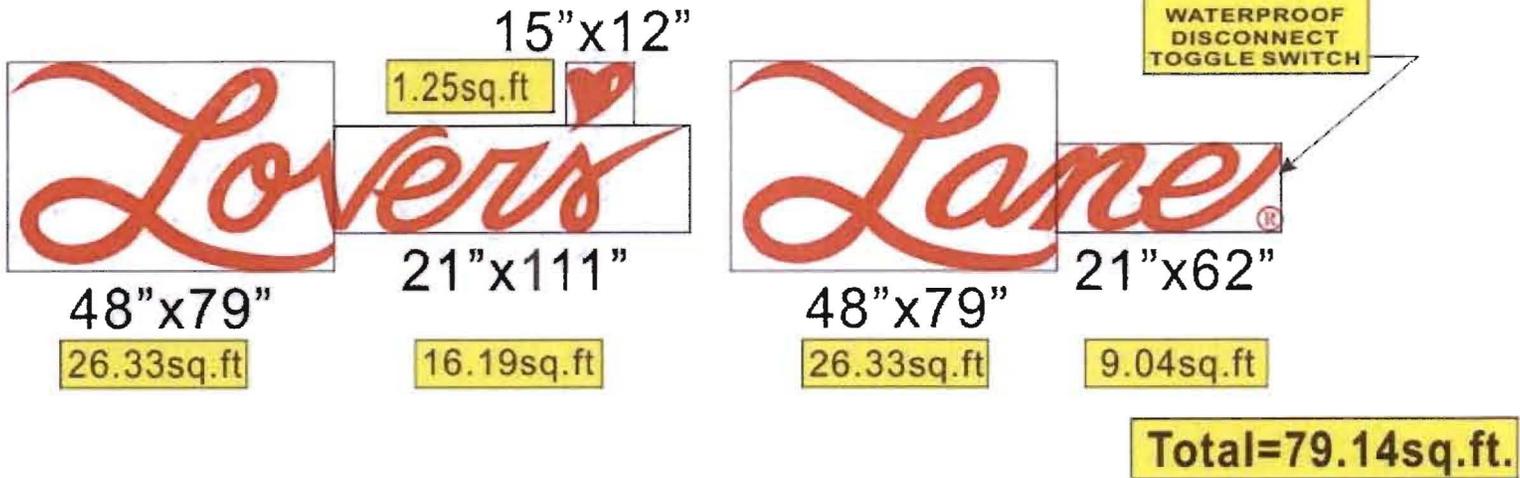
WE, INTECH CONSULTANTS, INC. HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE SAME.

DOWNERS GROVE, OCTOBER 27 A.D. 19 19  
 BY Thomas E. Fahnenstiel  
 ILLINOIS REGISTERED LAND SURVEYOR No. 35-2126

INTECH CONSULTANTS, INC.  
 PROFESSIONAL ENGINEERS - SURVEYORS  
 DOWNERS GROVE, ILLINOIS 60515  
 3413 WALNUT AVENUE  
 PHONE (312) 964-5656



# ILLUMINATED LED CHANNEL LETTER SIGN



**CHANNEL LETTER DETAIL**  
NOT SCALE

Created exclusively for:  
**LOVER'S LANE**

Address: \_\_\_\_\_

City: Naperville

State: ILLINOIS

Sign Location: \_\_\_\_\_

Account Rep: Pamela

Client's Approved Date: \_\_\_\_\_

Landlord's Approval Date: \_\_\_\_\_

DesignNo. \_\_\_\_\_ Sheet No. 1

Date: \_\_\_\_\_ Rev. Date: \_\_\_\_\_

Designer: Sean Scale: N/A

## COLOR SCHEME



**Firstadcomm**  
3744 W. Lawrence Ave.  
Chicago, IL 60625  
773-267-6007  
Fax- 773-696-2121  
e-mail: firstadsign@gmail.com  
**www.tfasigns.com**

NOTE: THIS DRAWING IS THE PROPERTY OF FIRSTADCOMM & IS TO ONLY BE USED IN CONNECTION WITH WORK PERFORMED BY FIRSTADCOMM. THIS DRAWING IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM FIRSTADCOMM CHARGES UP TO \$2000.00 WITH BE ASSESSED FOR ANY MIS-USE.

**WORK DESCRIPTION**  
LED-LIT Channel Letters Attached to Raceway on Front of Business

# ■ ILLUMINATED LED CHANNEL LETTER SIGN

Requested size by Lover's Lane



Created exclusively for:  
LOVER'S LANE

Address:  
1001 W. Ogden Ave.

City:  
Naperville

State:  
ILLINOIS

Sign Location:  
\_\_\_\_\_

Account Rep:  
\_\_\_\_\_

Client's Approved Date  
\_\_\_\_\_

Landlord's Approval Date  
\_\_\_\_\_

Design No. \_\_\_\_\_ Sheet No. \_\_\_\_\_

Date: \_\_\_\_\_ Rev. Date. \_\_\_\_\_  
1

Designer: \_\_\_\_\_ Scale: \_\_\_\_\_  
Sean N/A

## COLOR SCHEME



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3744 W. Lawrence Ave.  
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# Naperville

## NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

**CASE:** 11-1-136 **AGENDA DATE:** 11/2/2011  
**SUBJECT:** 504 & 508 N. Main Street Zoning Variance - PCZ 11-1-136  
 Petitioner: Lakewest Builders, Inc., 7S670 Carriage Way Drive,  
 Naperville 60540

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**LOCATION:** 504 & 508 N. Main Street, Naperville, IL 60540

---

Correspondence      New Business      Old Business      Public Hearing

---

**SYNOPSIS:**

The petitioner requests variances from Section 6-6B-7 (R1B, Yard Requirements) of the Naperville Municipal Code to allow for the construction of two single-family residences that encroach 8' into the required thirty-foot (30') rear yard setback for the properties located at 504 and 508 N. Main Street, PCZ 11-1-136.

---

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A	N/A	N/A

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**PREPARED BY:** Katie Forystek, AICP, Planning Services Team

---

**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject properties, Lots 1 and 2 in Main/Fifth Subdivision, are zoned R1B (Medium Density Single-Family Residence District); each lot encompasses approximately 0.19 acres. The properties to the north, south and west are also zoned R1B and improved with single-family residences and a park. The property to the east is zoned OCI (Office, Commercial and Institutional District) and is improved with a bank and drive-through.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

N/A

**PLANNING SERVICES TEAM REVIEW:**

In accordance with Section 6-6B-7 (R1B, Yard Requirements) of the Municipal Code, the subject properties are required to maintain a minimum thirty-foot (30') rear yard setback. The petitioner proposes two single-family residences on Lots 1 and 2 of the Main/Fifth Subdivision,

504 & 508 N. Main Street – PCZ 11-1-136

November 2, 2011

Page 2 of 2

both with attached garages that would reduce the required rear yard setback from 30' to 22' (8' encroachment). The proposed attached garages would be accessible from the adjacent alley at the rear of the subject properties. The alley is also used by other residences on the same block for garage access, as well as by the existing bank and office buildings with frontage along Washington Street.

Typical R1B lots have a minimum required front yard setback of 30'. In this particular situation both properties have a 40' front yard platted setback (10' greater than the underlying R1B required front yard setback). As proposed, both residences will obey the 40' platted setback, but the petitioner wishes to encroach 8' into the required rear yard setback to accommodate an attached garage. While attached garages must comply with the required rear yard setback, it is important to note that the petitioner could construct a detached garage in the same setback area by right (minimum 5' setback from the rear and interior side lot lines and 15' from the corner side lot line per Section 6-2-10 (Accessory Buildings, Structures and Uses of Land)).

#### *Staff Summary*

Staff finds that the petitioner's request to deviate from the required rear yard setback is reasonable based on the 40' front yard platted setback which is 10' greater than the required 30' front yard setback on a typical R1B lot. Staff finds that maintaining the 40' platted setback is important to preserve the streetscape and character of the block, as it appears that all other residences north of the subject properties are also setback 40'. Overall, staff finds that the petitioner's request to encroach in to the required rear yard setback is rational given the front yard platted setback, the properties' access from the alley and the ability to permit a detached garage in the same location.

#### **ACTION REQUESTED:**

Conduct the public hearing.

#### **ATTACHMENTS:**

1. 504 & 508 N. Main Street – Location Map – PCZ 11-1-136
2. 504 & 508 N. Main Street – Petition – PCZ 11-1-136
3. 504 & 508 N. Main Street – Site Plans – PCZ 11-1-136
4. 504 & 508 N. Main Street – Floor Plans – PCZ 11-1-136
5. 504 & 508 N. Main Street – Elevations – PCZ 11-1-136

City of Naperville  
**504/508 N. MAIN STREET SETBACK VARIANCES**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
 www.naperville.il.us  
 October 2011



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**CITY OF NAPERVILLE  
T.E. D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

**DEVELOPMENT NAME:** Lots No. 65 and 66 in Ogden Avenue Addition  
**DEVELOPMENT ADDRESS:** 504 & 508 North Main Street, Naperville, IL 60563

**Date of Submission:** September 27, 2011

**I. APPLICANT/PETITIONER:**

**Name:** Lakewest Builders, Inc.

**Address:** 7S670 Carriage Way Drive, Naperville, Illinois 60540

**Contact Person:** Dan Jurjovec

**Telephone Number:** (630) 983-5722

**Email Address:** djurjovec@comcast.net

**Relationship of Applicant to Owner:** Builder

**II. OWNER OF THE PROPERTY:**

**Name:** Ralph Kuprewicz

**Address:** 4720 North Opal Avenue Norridge, Illinois 60706

**Phone:** (630) 698-2392

**III. APPLICANT'S/PETITIONER'S STAFF:**

**Attorney:** Vincent M. Rosanova

**Email:** Vince@RW-Attorneys.com

**Address:** 23 W. Jefferson Ave. Suite 200,  
Naperville, IL 60540

**Telephone Number:** 630-355-4600

**Fax Number:** 630-352-3610

**Engineer:** AES Consultants

**Telephone Number:** 630-355-2360

**IV. ACTION REQUESTED:**

Annexation  
(See **Section V** below)

Conditional Use  
(Complete **Exhibit 3**)

Preliminary PUD Plat  
(Complete **Exhibit 2**)

Major Change to a Conditional Use

Rezoning  
(Complete **Exhibit 1**)

Site Plan Review

Final PUD Plat  
(Complete **Exhibit 2**)

Minor Change to a Conditional Use

<p>(Complete Exhibit 3)  <input type="checkbox"/> Major Change to a Planned Unit Development                  (Complete Exhibit 2)  <input type="checkbox"/> Preliminary Plat of Subdivision  <input type="checkbox"/> Subdivision Waiver/Deviation to Platted Setback Line                  (Complete Exhibit 4)  <input type="checkbox"/> Sign Variance                  (Complete Exhibit 5)  <input type="checkbox"/> Plat of Easement (as Part of Final Plat)</p>	<p>(Complete Exhibit 3)  <input type="checkbox"/> Minor Change to a Planned Unit Development                  (Complete Exhibit 2)  <input type="checkbox"/> Final Plat of Subdivision  <input checked="" type="checkbox"/> Zoning Variance                  (Complete Exhibit 5)  <input type="checkbox"/> Landscape Variance                  (Complete Exhibit 6)</p>
--	--

**V. ANNEXATION:**

Is this development within the City limits?

- Yes.  
 Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.  
 No, *requesting annexation*

**VI. SITE DATA**

1. General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.): Vacant property consisting of 2 buildable lots
2. Existing Utility Services (water, sewer, electricity): Water, electric, gas and sewer are available
3. Existing zoning on the site: R1(B) (Medium Density Single Family Residence District)
4. Existing Land Use: Vacant Property
5. Acreage & Square Footage of the site: Lot 66 = 8,194 sq. ft / Lot 65 = 8,323 sq. ft.
6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.): City of Naperville Zoning Ordinance, Zoning Map, Subdivision Control Ordinance, and Ogden's Addition Plat of Subdivision Recorded as Document No. 192270 in DuPage County, Illinois

**VII. PROPOSED DEVELOPMENT:**

1. Type of Development:  
 Residential     Commercial     Office  
 Industrial        Other:

2. Proposed Zoning: R1(B)
3. Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see Page 2, Section IV for Exhibit information) – attach additional pages if necessary): Petitioner is seeking a variance from the R1(B) Zoning District Requirement of a 30-foot rear yard setback to allow for a 22-foot rear yard setback which will provide for an attached rear load garage and buffer from the adjacent alley and Harris Bank drive through, and which will also provide for preservation of a 40-foot front setback consistent with the existing homes in the neighborhood.

Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials): Each single family home will be approximately 3600 sq. ft., will conform to all other City requirements, and will be consistent with the existing character and quality of the neighborhood.

Describe all requested Variances/Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk, etc.) NOTE: Complete this section as well as Exhibit 5 – attach additional pages if necessary: The sole variance is a request to reduce the rear yard setback from 30 feet to 22 feet.

4. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.): None.
5. Deviations from the Landscaping Regulations NOTE: Complete this section as well as Exhibit 6 – attach additional pages if necessary: None.
6. General Land Use Data:

	Resid.	Comm.	Office	Indust.	R.O.W.	Park	School	Private	Other*	Total
Sq. Ft.	Lot 65 8,323									100%
	Lot 66 8,194									100%
% of Total	Lot 65 100%									
	Lot 66 100%									

\*Please explain:

---



---



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8. Development Densities:

	No. of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Bldg Sq. Ft.	Min. Lot Size	Max. Lot Size	Ave. Lot Size
Single Family	Lot 65	8,323 sq. ft.				NA			
	Lot 66	8,194 sq. ft.							
Townhome									
Duplex									
Apartment									

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of  N/A  acres will be met by a \_\_\_\_\_.
2. Required Park Donation of  N/A  acres will be met by a \_\_\_\_\_.

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:

N/A   
 Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)

N/A   
 Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

3. Detention, retention, open space/recreation and school uses within the development:  N/A

	Private – Homeowners Association (acres)*	Public – To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				

b. Common Areas*				
c. Private Facility				
Sub-total				
School Site				
Total				

\*Please Explain:

---

Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage purposes.) Common areas, open space, and detention facilities were master-planned and accommodated through the original approvals for the Springbrook Prairie Pavilion PUD.

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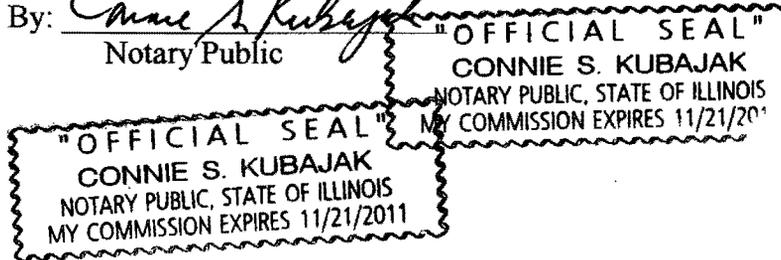
Respectfully Submitted,  
*Rosanova & Whitaker, Ltd., Authorized Agent*

By: *V.M.R.*  
*Vincent M. Rosanova*

STATE OF ILLINOIS     )  
 COUNTY OF DUPAGE    )  
 CITY OF NAPERVILLE )

The forgoing application was acknowledged before me by *Vincent M. Rosanova* on the *27<sup>th</sup>* day of *September*, 2011.

By: *Connie S. Kubajak*  
 Notary Public



STATE OF ILLINOIS )  
 )  
COUNTY OF DUPAGE )  
 )  
CITY OF NAPERVILLE )

**PETITION TO THE NAPERVILLE CITY COUNCIL AND  
PLAN COMMISSION FOR A VARIANCE REGARDING  
LOTS 65 & 66 IN THE OGDEN AVENUE ADDITION TO NAPERVILLE  
SUBDIVISION**

The Law Firm of Rosanova & Whitaker Ltd. on behalf of Lakewest Builders, Inc. (hereinafter the "Petitioner"), respectfully petitions the City of Naperville to grant a rear yard setback variance from Section 6-6B-7 of the City's Municipal Code to reduce the required rear yard from 30 feet to 22 feet for the properties legally described in **Exhibit A** and depicted on **Exhibit B**, which exhibits are attached hereto and incorporated herein by reference (hereinafter the "Subject Property"), pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the "Code").

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. The Petitioner, whose offices are located at 7S670 Carriage Way Drive, Naperville, Illinois 60540, is the builder of the homes to be located on Subject Property. Ralph Kuprewicz, who resides at 4720 North Opal Avenue, Norridge, Illinois is the owner of the Subject Property (hereinafter the "Owner").

2. The Subject Properties consist of approximately 8,323 sq. ft. (Lot 65) and 8,194 sq. ft. (Lot 66) and are generally located at the Northeast corner of 5<sup>th</sup> Avenue and North Main Street in Naperville, Illinois.

3: The existing land uses surrounding the Subject Property are as follows:

a. North: R-1(B) (Single Family Detached Homes)

- b. East: B-3 & RD (Public Alley & Harris Bank Drive Through)
- c. South: R-1(B) (5<sup>th</sup> Avenue & Kendall Park)
- d. West: R-1(B) (Single Family Detached Homes)

4. The Subject Property is located in DuPage County, Illinois, and is unimproved.

5. That the requested zoning meets the requirements for a variance under the Naperville Municipal Code, Section 6-3-5:2, and is appropriate based on the following factors:

a. *The variance is in harmony with the general purpose and intent of this title; and*

For the past several years the Subject Property has remained vacant and unimproved. The Petitioner's request will allow for the construction of two custom single-family detached homes, which is consistent with intent of the City R-1(B) zoning district, comprehensive plan, and residential character of the neighborhood located to the West and North of the Subject Property. Petitioner's request will permit the homes to be constructed with rear loading attached garages which will help buffer the residences from the adjacent public alley and intrusive commercial uses, which include the Harris Bank drive-thru located immediately to the east of the Subject Property. In addition the proposed variance will allow the Petitioner to maintain a 40-foot front yard setback, which is consistent with the older homes located on North Main Street. Providing the additional front yard setback over and above what is required in the City R-1(B) zoning district will maintain the existing sight lines to Kendall Park for the residents located to the North of the Subject Property. Also, setting the attached garage closer to the rear property line will provide an additional buffer between the homes North of the Subject Property and the public alley, Harris Bank drive-thru, 5<sup>th</sup> Avenue and Washington Street.

b. *Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The Subject Property's close proximity to a public alley, Harris Bank and two busy roads are unusual conditions which are not generally found on other properties in the same zoning district. Strict enforcement of the R-1(B) 30-foot rear yard setback would result in practical difficulties and have a detrimental effect, not only on the Subject Property, but also on the existing neighborhood. As this subdivision was originally platted in 1925, the other homes were setback 40 feet from the front property lines. If the variance were not granted, the Petitioner would have to set the homes back only 30 feet from the front property line which is inconsistent with the existing homes on North Main Street. This would have a detrimental effect on the existing homes, would hinder the current sight lines along Main Street, and would cause the property owners located to the North to lose their view of Kendall Park. The Petitioner would be unable to sell the homes as the residential market in Naperville does not support detached garages in light of our harsh winters. In addition a detached garage has to be setback at least 5 feet from the property line, which would eliminate any rear yard. Lastly, there is an existing 10-foot public utility and a 16-foot access easement across the back of the Subject Property which

could even preclude construction of a detached garage all together in light of the shallow lot depths.

*c. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this title; and*

The Subject Property has remained vacant and unimproved for several years. In order to improve the Subject Property and enhance the City's real estate tax base, the variance is required to allow for homes with attached rear loading garages and to preserve the neighborhoods existing front setbacks.

*d. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The variance will actually preserve the essential character of the neighborhood by allowing the Petitioner to preserve the existing 40-foot front yard setbacks, buffer the public alley, commercial uses, and Washington Street from the existing residential neighborhood, and also provide for reasonably sized back yards for the purchasers of the Subject Property. Other than the requested variance, the Subject Property will comply with all other requirements of the City R-1(B) zoning district. The proposed use of the Subject Property is consistent with the adjacent properties, the City's R-1(B) zoning ordinance and comprehensive plan, and therefore will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted. The Petitioner's request will provide for the improvement of a portion of the vacant property which will increase the property values and property tax values within the area.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to grant the Petitioner's request for a rear yard setback variance on the Subject Property.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of September, 2011

PETITIONER:

LAKWEST BUILDERS, INC.,  
an Illinois corporation

V.M.T  
Attorney for Petitioner

State of Illinois )  
 )ss.  
County of DuPage )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that, Vincent M. Rosanova, attorney for Petitioner, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal this 27<sup>th</sup> day of September, 2011.

Connie S. Kubajak  
Notary Public







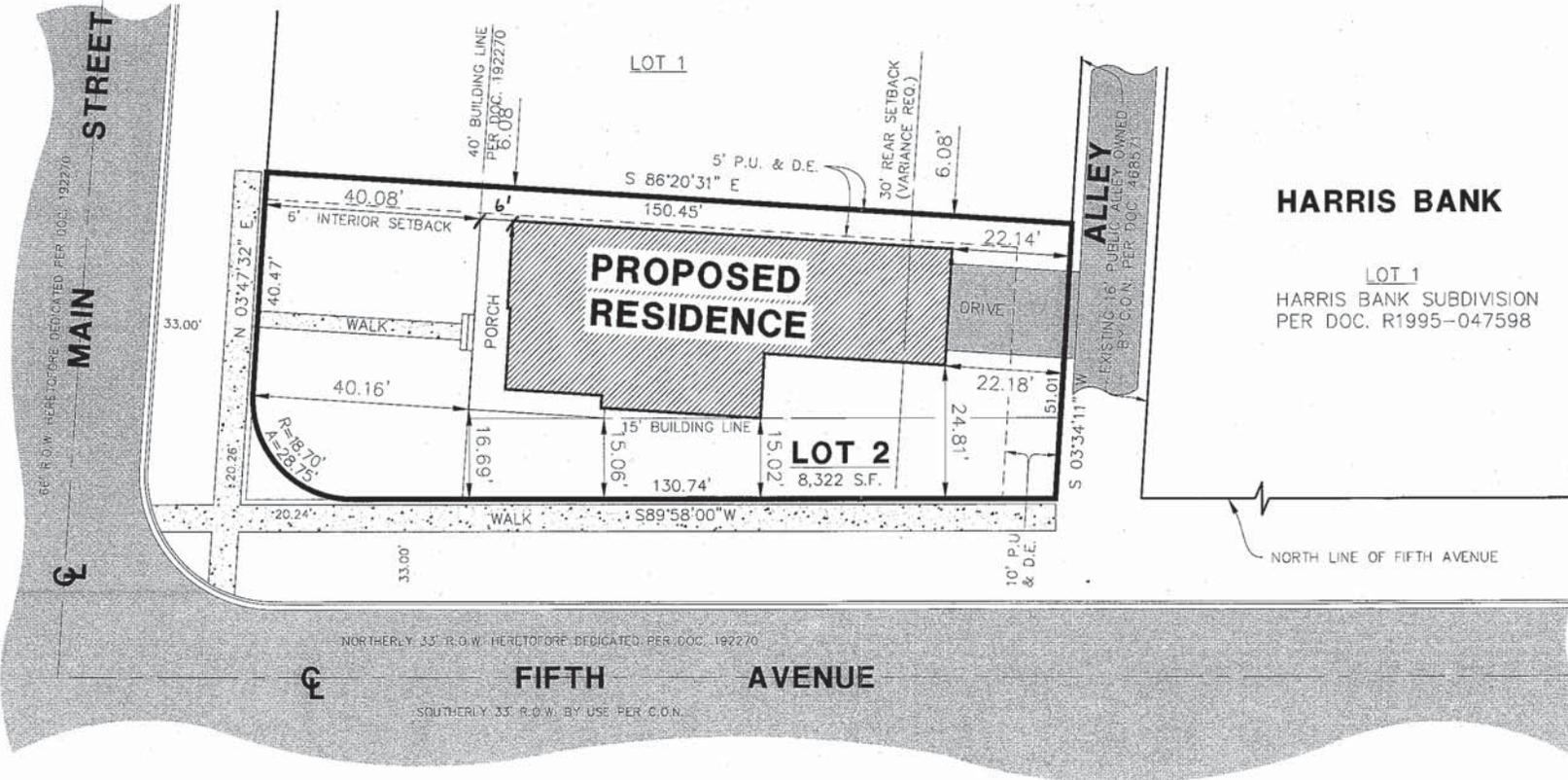
EXISTING ZONING R-1B	
FRONT YARD SETBACK	30 FT
SIDEYARD SETBACK	
A) CORNER	15'
B) INTERIOR	6'
REAR YARD SETBACK	30 FT
	VARIANCE REQUIRED

# PROPOSED SITE PLAN FOR LOT 2 IN MAIN / FIFTH SUBDIVISION FOR LAKEWEST BUILDERS

LEGAL DESCRIPTION:  
BEING A RESUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 13,  
TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE  
COUNTY, ILLINOIS.



LOCATION MAP  
N.T.S.



**HARRIS BANK**

LOT 1  
HARRIS BANK SUBDIVISION  
PER DOC. R1995-047598

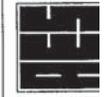
**WASHINGTON STREET R.O.W.**

Planning and Zoning Commission - 11/2/2011 - 56

PRINT

NO.	REVISIONS	DATE

**A E S CONSULTANTS, LTD.**  
ARCHITECTS  
ENGINEERS  
SURVEYORS  
2368 CORPORATE LAKE SUITE 114 NAPERVILLE, IL.  
(630) 355-2360

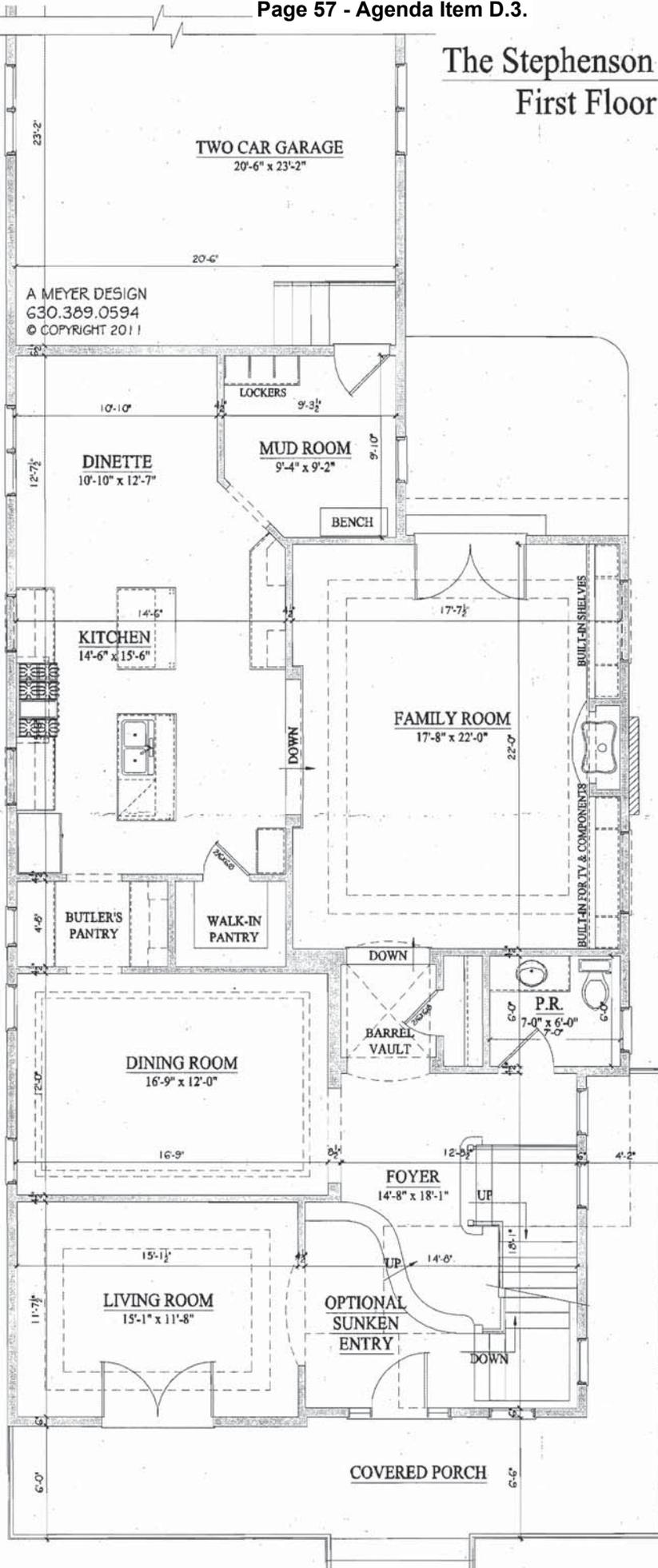


SITE PLAN  
FOR  
**LAKEWEST BUILDERS**  
504 NORTH MAIN STREET - NAPERVILLE, IL.

DRAWN BY:	CHKD BY:
AP	DRY
09/28/11	09/28/11
PROJECT NO. E-10524	SCALE: AS SHOWN
<b>1</b>	<b>1</b>
SHEET NO.	

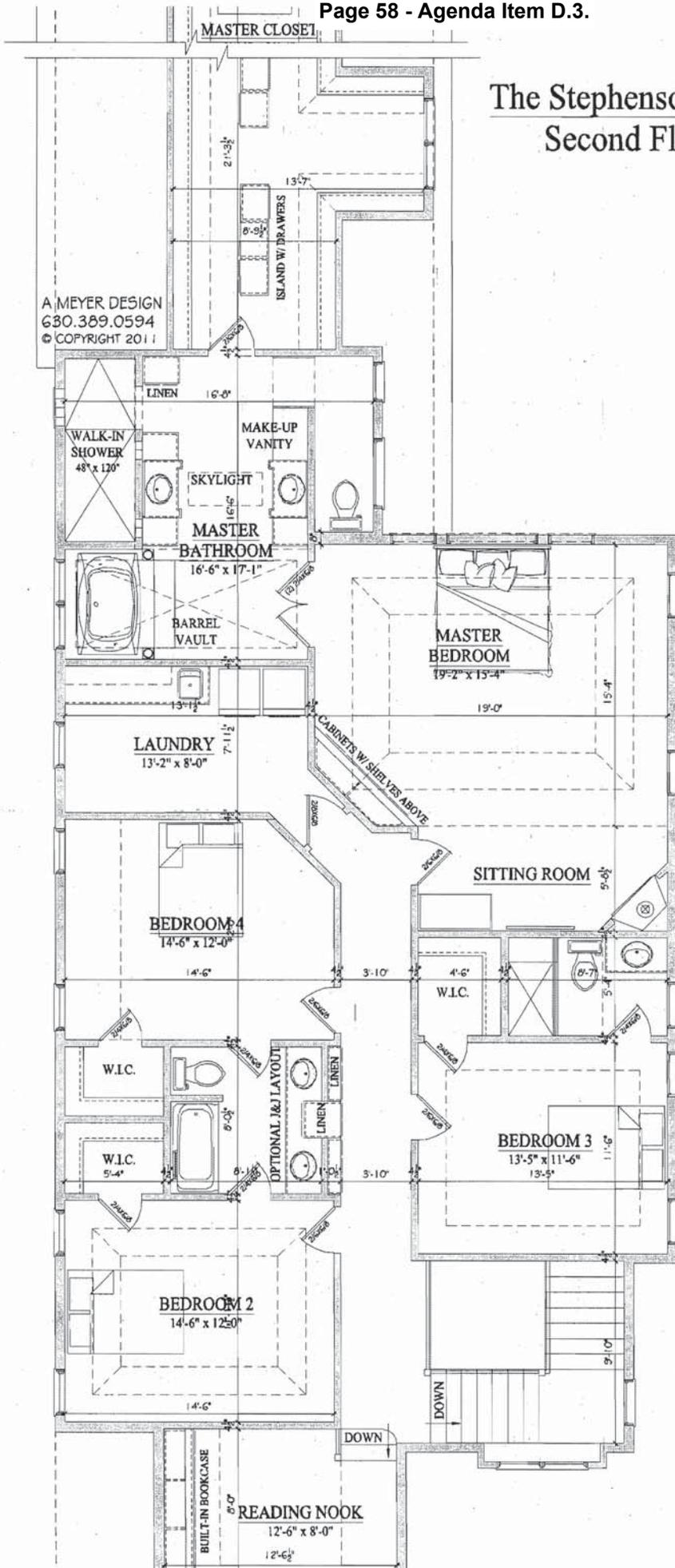
PRINT

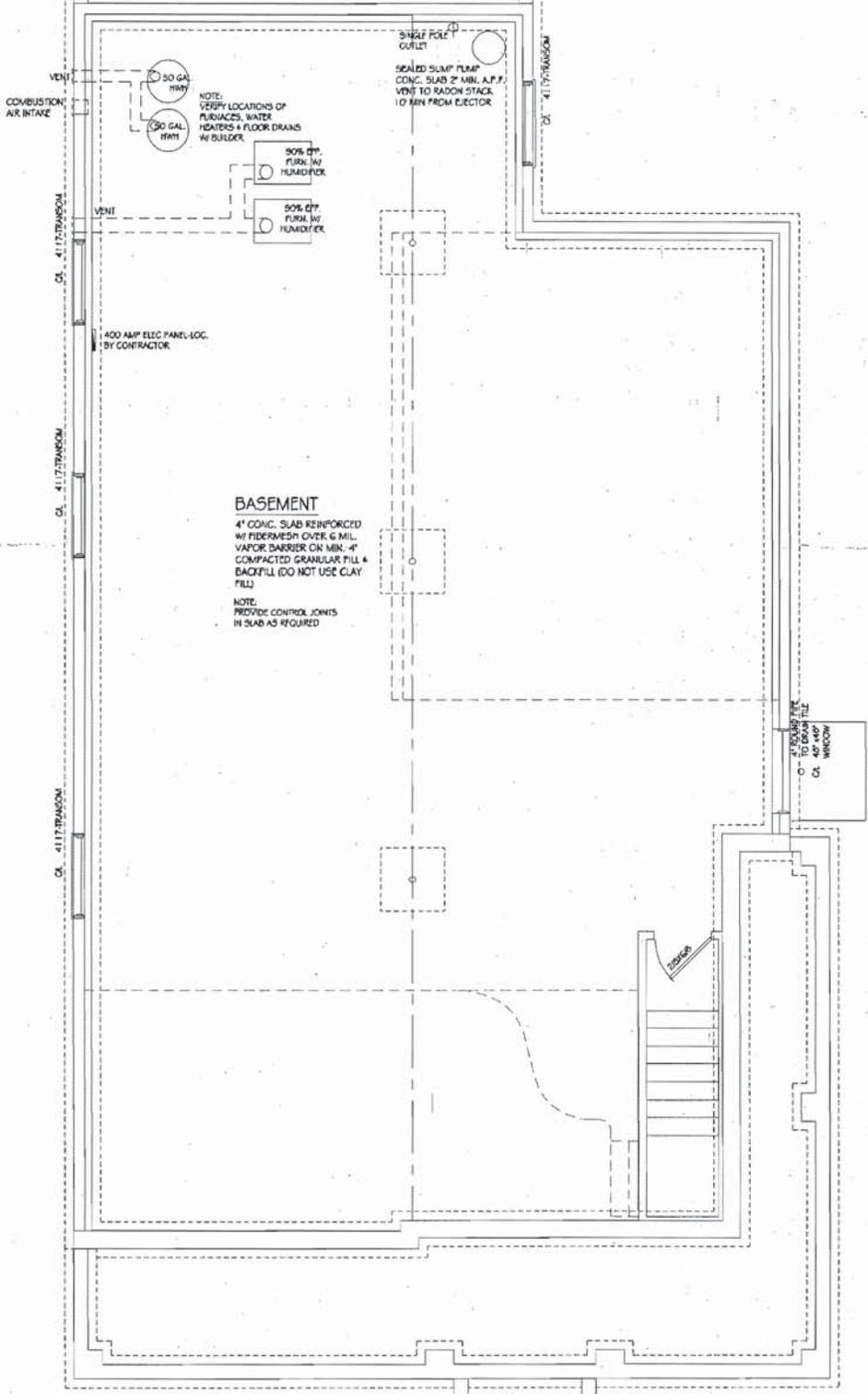
# The Stephenson Residence First Floor Plan



# The Stephenson Residence Second Floor Plan

A MEYER DESIGN  
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Planning and Zoning Commission - 11/2/2011 - 61



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DESIGN





# Naperville

## PLANNING AND ZONING COMMISSION AGENDA ITEM

**PZC CASE:** 11-1-137 **AGENDA DATE:** 11/2/2011

**SUBJECT:** 139 Water Street- Lions Donation Box  
Petitioner: Naperville Township

---

**LOCATION:** 139 Water Street

---

Correspondence      New Business      Old Business      Public Hearing

---

**SYNOPSIS:**

The petitioner requests approval of variances from Section 6-2-22:2 (Donation Boxes) to include: a variance from Section 6-2-22:2.1 in order to locate the donation box in the B5 (Secondary Commercial) District Variance; a variance from Section 6-2-22:2.3 in order to locate the donation box in the required front yard; variances from 6-2-22:2.7 and 6-2-22:2.8, which require signage on the box indicating the not-for-profit status of the operator and contact information, respectively.

---

**PLANNING AND ZONING COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Action

**PREPARED BY:** Suzanne Thorsen, AICP, Community Planner

---

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**  
Open the public hearing and continue the case to December 7, 2011.



# Naperville

## PLANNING AND ZONING COMMISSION AGENDA ITEM SUMMARY

**PC CASE:** 11-1-143 **AGENDA DATE:** 11/2/2011  
**SUBJECT:** Victory Martial Arts  
 Petitioner: Adam Grisko, 5800 Forest View Road, Lisle, IL 60532

**LOCATION:** 1003A & 1005A W. Ogden Avenue, Naperville, IL 60563

Correspondence      New Business      Old Business      Public Hearing

**SYNOPSIS:**

The petitioner requests approval of a conditional use for a training studio in the B1 District per section 6-7A-3 of the Municipal Code, PC 11-1-143.

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
N/A	N/A	N/A

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Conduct the public hearing.

**Prepared by:** Katie Forystek, AICP, Community Planner

**EXISTING ZONING, LAND USE, AND LOCATION**

The subject property, commonly known as 1003A & 1005A W. Ogden Avenue, is located at the northwest corner of Ogden Avenue and Royal St. George Drive. The property consists of approximately 2.3 acres and is zoned B1 (Neighborhood Convenience Shopping Center District). Currently, the property is improved with a two-story commercial building.

**CONTROLLING ORDINANCES AND AGREEMENTS:**

Ord. 96.63 Ordinance amending the zoning ordinance by rezoning property from R-1 to B-1 for lot 31 and lot 43 and rezoning property from R-1 to R-3 for Lot 28. (A-139)

**PLANNING SERVICES TEAM REVIEW**

*Conditional Use*

The petitioner, Adam Grisko, requests a conditional use for the purposes of operating a martial arts training studio. Victory Martial Arts Academy is seeking to occupy a 2,118 square foot space in 28,998 square foot multi-tenant retail building. As proposed, hours will be Monday-Thursday 4-10 pm and Saturday 9 am to 12 pm. Staff finds the proposed martial arts training

*Victory Martial Arts – PC Case #11-1-143*

*November 2, 2011*

Page 2 of 2

studio is compatible and appropriate within the context of the commercial center and will complement adjacent uses and provide a service to the adjacent residential neighborhoods. Furthermore, the proposed use will not be detrimental to the available parking supply on-site. The petitioner has provided a response to Section 6-3-8:2 (Standards for granting a conditional use), which is included in the attached Development Petition. Staff concurs with the petitioner's findings.

*Off-Street Parking*

The proposed 2,118 square foot martial arts training studio requires a total of 10 off-street parking spaces. Parking on the subject property (125 spaces) is adequate to serve all current uses, as well future office/commercial use of the vacant space (Attachment 1: Tenant Roster).

**ATTACHMENTS**

- 1) Victory Martial Arts – Attachment 1: Tenant Roster – PC 11-1-143
- 2) Victory Martial Arts - Development Petition – PC 11-1-143
- 3) Victory Martial Arts - Location Map – PC 11-1-143

**Tenant Roster**  
**1001-1037 W. Ogden Avenue**

Unit	Tenant	Ratio	SF	Required Parking
1001A	Lover's Lane	4.5/1,000	2,800	13
1003A	Victory Martial Arts (proposed)	5/1,000	1,059	5
1005A	Victory Martial Arts (proposed)	5/1,000	1,059	5
1007A	Taylor-made	2/1,000	1,045	2
1009A	Vacant	3.3/1,000	1,045	3
1011A-13A	U.S. Army Recruiting Office	3.3/1,000	2,116	7
1015A	HT Nails	4/1,000	1,400	6
1017A	The Cleanery	4/1,000	1,400	6
1019A	Vacant	3.3/1,000	1,750	6
1021-23A	Vacant	3.3/1,000	2,100	7
1029A	Convenience store	4.5/1,000	3,000	14
1031A	Naperville Cobbler	4/1,000	900	4
1033-35A	Express Laundry	4/1,000	2,100	8
1037A	Little Sicilian Pizza	4.5/1,000	900	4
1003B-5B	Chinese Kitchen	10/1,000	2,117	21
1007B	Marine Recruiting	3.3/1,000	1,045	3
1009B	State Farm Insurance	3.3/1,000	1,045	3
1011B	Vacant	3.3/1,000	1,045	3
1013B	Top Driver	4/1,000	1,072	4
Total Required Parking				125
Total On-site Parking				125

CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL

Development Name (should be consistent with plat): Victory Martial Arts

Development Address: 1003<sup>A</sup> + 1005<sup>A</sup> W. Ogden Ave.

P.I.N. Number (s): ~~45-2736489~~ 07-11-404-031

<sup>FEIN#</sup>  
Date of Submission: 10-13-11

I. APPLICANT:

Adam Grisko Victory Martial Art Academy Lisle, Inc  
Name Corporation

5800 Forest View Rd  
Street

Lisle IL 60532 708-296-8528  
City State Zip Code Telephone Number

Adam Grisko Owner/Me 708-296-8528  
Primary Contact Person Relationship to Applicant Telephone Number

None agrisko@hotmail.com  
Fax Number E-Mail Address

II. OWNER OF THE PROPERTY:

Affiliated Realty & Management Company as <sup>agent</sup> Trust Company Trustee U/T # 10-22142-09 for Chicago Title Land  
Name

1720 W. Algonquin Road Mt Prospect, IL 60056 847-439-0400  
Address Telephone Number

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: N/A Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Address: \_\_\_\_\_

Engineer: N/A Telephone Number: \_\_\_\_\_

**IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):**

- |   |   |
|---|---|
| <input type="checkbox"/> Annexation (see <b>Section V</b> below)                                    | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line<br>(Complete <b>Exhibit 4</b> ) |
| <input type="checkbox"/> Rezoning from ____ To ____<br>(Complete <b>Exhibit 1</b> )                 | <input type="checkbox"/> Zoning Variance<br>(Complete <b>Exhibit 5</b> )  |
| <input type="checkbox"/> Preliminary PUD Plat<br>(Complete <b>Exhibit 2</b> )                       | <input type="checkbox"/> Final PUD Plat<br>(Complete <b>Exhibit 2</b> )   |
| <input type="checkbox"/> Major Change to a Planned Unit Development<br>(Complete <b>Exhibit 2</b> ) | <input type="checkbox"/> Minor Change to a Planned Unit Development<br>(Complete <b>Exhibit 2</b> )             |
| <input type="checkbox"/> Preliminary Plat of Subdivision  | <input type="checkbox"/> PUD Deviation (Zoning or Subdivision)  |
| <input checked="" type="checkbox"/> Conditional Use<br>(Complete <b>Exhibit 3</b> )                 | <input type="checkbox"/> Final Plat of Subdivision  |
| <input type="checkbox"/> Minor Change to a Conditional Use<br>(Complete <b>Exhibit 3</b> )          | <input type="checkbox"/> Major Change to a Conditional Use<br>(Complete <b>Exhibit 3</b> )                      |
| <input type="checkbox"/> Site Plan Review   | <input type="checkbox"/> Landscape Variance<br>(Complete <b>Exhibit 6</b> )                                     |
| <input type="checkbox"/> Sign Variance<br>(Complete <b>Exhibit 5</b> )                              | <input type="checkbox"/> Plat of Easement / Vacation / Dedication<br>(circle all that apply)                    |

**V. ANNEXATION**

Is this development within the City limits?

- Yes.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements
- No, *requesting annexation*
- Are there electors living on the property:
- Yes  No
- If yes, did they sign the Petition for Annexation?  Yes  No

**VI. SITE DATA**

1. General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

Two story commercial building - Retail

- 2. Existing Utility Services (water, sewer, electricity): all existing
- 3. Existing zoning on the site: B#1
- 4. Existing Land Use: commercial
- 5. Acreage & Square Footage of the site: 99,750 sq ft land area / 28,998 sq ft. Building
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

**VII. PROPOSED DEVELOPMENT:**

- 1. Type of Development (check all that apply):
  - Residential
  - Commercial
  - Office
  - Industrial
  - Other: \_\_\_\_\_

2. Proposed Zoning: CONDITIONAL USE

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see Page 2, Section IV for Exhibit information)- attach additional pages if necessary):

Two story existing building 2,118 sq. ft. to be used as Martial Art Studio "Dojo" Hours are Mon-Thurs 4-10pm & Sat 9am-12pm There are 1d5 Total Parking Lot spaces

3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

Two story existing building

4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** – attach additional pages if necessary:

N/A

5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) **NOTE:** Complete this section as well as **Exhibit 4** – attach additional pages if necessary:

N/A

6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** – attach additional pages if necessary:

N/A

7. General Land Use Data:

	Residntl.	Comrel.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres	N/A									
% of Total	1									

\*Please explain:

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8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family	N/A					NA			
ownhome	1					NA			
Duplex	1					NA			
Apartment	1					NA			

Comrel.			NA	NA	NA			
Office			NA	NA	NA			
Industrial			NA	NA	NA			

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.
- Modified Gross Density = number of units divided by modified gross acres.

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of N/A acres will be met by a \_\_\_\_\_

---

2. Required Park Donation of N/A acres will be met by a \_\_\_\_\_

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:

N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)

N/A

Which will be maintained by: \_\_\_\_\_ The City of Naperville  
 \_\_\_\_\_ Homeowners Association  
 \_\_\_\_\_ Other ( \_\_\_\_\_ )

3. Detention, retention, open space/recreation and school uses within the development:

	Private -- Homeowners Association (acres)*	Public -- To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*	<u>N/A</u>			
a. Park Site				
b. Common				

Areas*					
c. Private Facility*					
Sub-total					
School Site					
Total					

\*Please Explain:

*Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)*

Respectfully Submitted,

[Enter Name of Petitioner(s) or Authorized Agent]

By: Adam D. Misko  
 [Type in Name of Signatory]

[Type in Title of Signatory (e.g. Owner, Atty., etc.)]

STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )  
 CITY OF NAPERVILLE )

The foregoing petition was acknowledged before me by [Type in Name of Notary] <sup>Brenda Holmes</sup> on the 12<sup>th</sup> day of Oct. 2011 A.D.



By: Bette Brenda Holmes  
 [Type in Name of Notary]  
 Notary Public

**LLC PETITIONERS**

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC

**EFFECTIVE PERIOD OF APPLICATION**

Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.

**ATTACHMENT 6  
CITY OF NAPERVILLE  
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: Adam Grisko (Victory Martial Arts)  
Address: 1003<sup>A</sup> & 1005<sup>A</sup> W Ogden Ave (Cress Creek)  
Naperville, IL 60540

2. Nature of Benefit sought: conditional use

3. Nature of Applicant (Please check one):  
a. Natural Person  d. Trust/Trustee   
b. Corporation  e. Partnership   
c. Land Trust/ Trustee  f. Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:  
\_\_\_\_\_

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

a. Dion Riccardo 2220 Gainsboro Rd Davis IL 61019  
b. Adam Grisko 5813 unit E. Oakwood Dr Lisle IL 60532  
c. \_\_\_\_\_  
d. \_\_\_\_\_

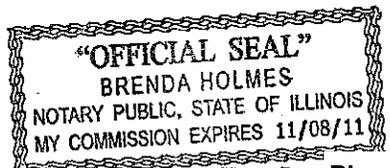
6. Name, address and capacity of person making this disclosure on behalf of the applicant:  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT NOTE:** In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

**VERIFICATION**  
I, Adam Grisko, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: *Adam Grisko*  
Subscribed and Sworn to before me this 12th day of Oct, ~~2002~~ 2011.

*B. Holmes*  
Notary Public



**ATTACHMENT 6**

Exhibit 3

Standards for granted or amending a conditional use.

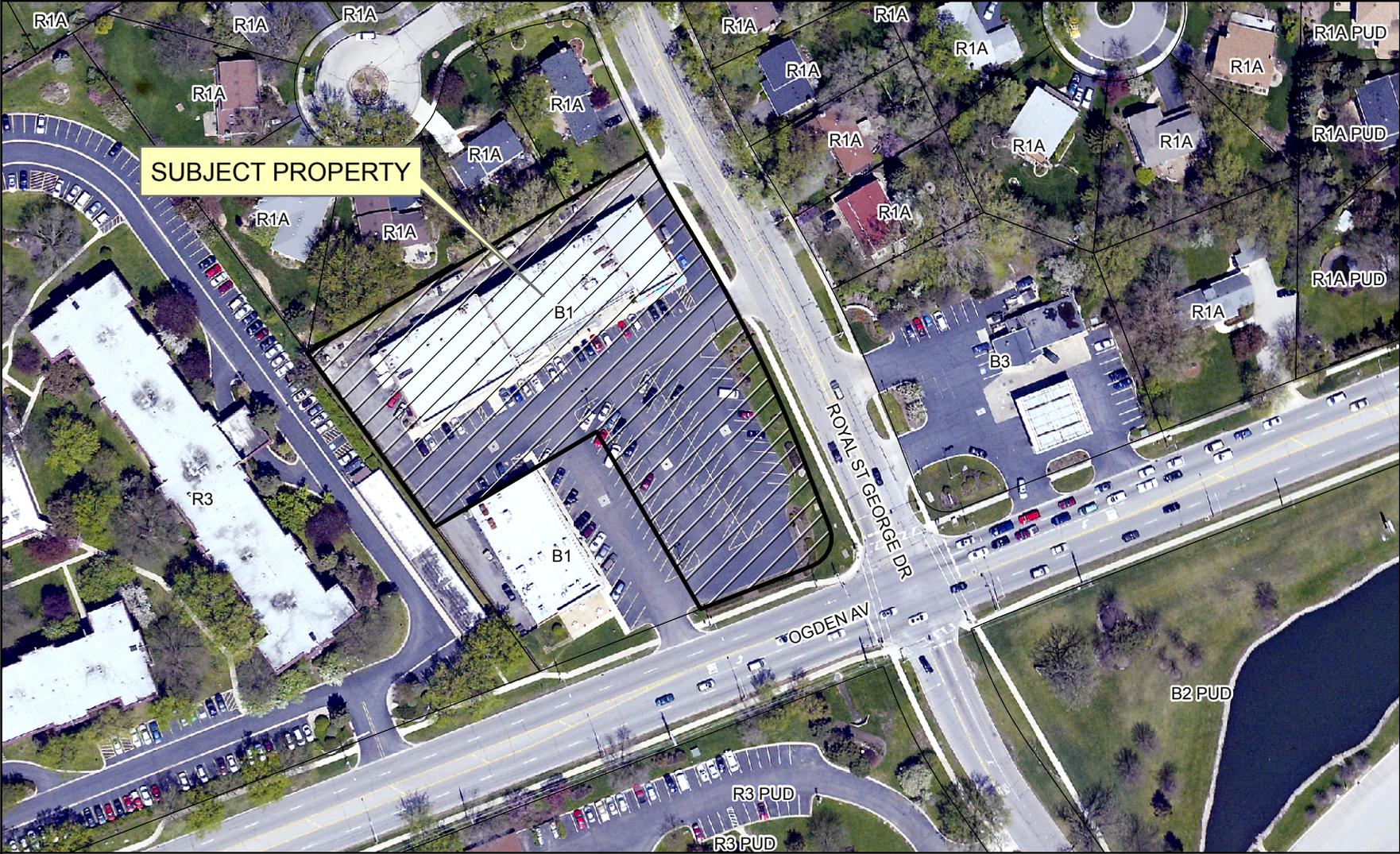
The martial art establishment will not endanger the public health, maintenance, safety, or welfare.

The conditional use will not negatively affect the property in the surrounding area nor make the value of it go down.

Nor will my business impede the normal development of the adjacent property for uses permitted in the district.

Respectfully,  
Adam Grisko  
Victory Martial Arts  
708-296-8528

City of Naperville  
**VICTORY MARTIAL ARTS**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
 October 2011



This map should be used for reference only.  
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 City of Naperville assumes no liability in the use  
 or application of the data. Reproduction or redistribution is  
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# Naperville

## PLANNING AND ZONING COMMISSION AGENDA ITEM

**PC CASE:** 11-1-128 **AGENDA DATE:** 10/5/2011

**SUBJECT:** Islamic Center of Naperville – Annexation, R1 (Low Density Residential) Zoning and Preliminary/Final Plat of Subdivision.  
Petitioner: Islamic Center of Naperville

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**LOCATION:** 9931 South 248<sup>th</sup> Avenue, Naperville, Illinois

---

Correspondence      New Business      Old Business      Public Hearing

---

**SYNOPSIS:**

The petitioner requests annexation, zoning upon annexation to R1 (Low Density Single Family Residential) and preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot of record.

---

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Action
January 2006	The Plan Commission recommended approval of annexation and rezoning to R1B for development of 33 single family residences (Mandalay Club).*
October 2011	The Planning and Zoning Commission opened the public hearing on this case and 29 residents, primarily from the adjacent Tall Grass and Penncross Knolls neighborhoods provided testimony (see Attachment 1). Many expressed concerns about construction of a new facility on the property and impacts such a facility could have with respect to traffic, noise and aesthetics. Several of the speakers requested the matter be continued to provide the residents with more time to learn about the application. The Planning and Zoning Commission continued the case to November 2, 2011.

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Recommend approval of the request for zoning upon annexation to R1 (Low Density Single Family Residential) and a preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot of record.

**PREPARED BY:** Amy Emery, AICP, Community Planner

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\*Subsequent to City Council approval, the petitioner never paid required annexation fees or recorded the approved annexation ordinances. As such, the approvals lapsed and the site remains unincorporated.

Islamic Center of Naperville (PC 11-1-128)

October 5, 2011

Page 2 of 3

**EXISTING ZONING, LAND USE, AND LOCATION:**

The subject property includes 14.39 acres located on the east side of 248<sup>th</sup> Avenue between 95<sup>th</sup> Street and 103<sup>rd</sup> Street. The site is improved with a single family home surrounded by farmland. It is currently zoned R-1 (Single Family Residential) in Will County. Permitted uses under the Will County R-1 zoning district include: single family homes, group care home (with no more than six (6) residents), governmental buildings and facilities and religious institutions.

**CONTROLLING AGREEMENTS AND ORDINANCES:**

Date	Agenda Item No.	Action
None		

**RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE:**

The future land use of the subject property is designated as “Community Facility” in the 2002 Southwest Community Area Plan, which reflects church ownership of the site. No specific community facility (e.g. school, fire station, health care or utility facility) has ever been identified for the subject site. The long-term intent of the petitioner to develop the site with a religious facility is consistent with the planned community facility use.

**ACTIVITIES SINCE OCTOBER 5, 2011 PUBLIC HEARING**

The petitioner attended a meeting of the Penncross Knolls Homeowners Association Board to answer questions about the requests before the Planning and Zoning Commission on October 9, 2011. The petitioner and city staff attended a meeting of the Tall Grass Homeowners Association Board on October 19, 2011 to answer resident questions about the petition. At both meetings, residents asked questions about plans for the immediate use of the property and future use. Residents expressed many of the same concerns raised at the Planning and Zoning Commission hearing on October 5, 2011, but were appreciative of the time the petitioner and staff spent meeting to answer questions.

**PLANNING SERVICES TEAM REVIEW:**

*Annexation*

The petitioner is seeking annexation and zoning to R1 (Low Density Residential District). During the October 5, 2011 public hearing, the petitioner indicated they desire to annex the land at this time in order to:

- Benefit from the inherent value of having a property that is within the City of Naperville; and
- Accommodate future growth, which would include sewer and water utilities.

The property is contiguous to the City of Naperville on all sides; as such, it is eligible for annexation. It also lies within the City of Naperville Planning Boundary. Annexation of the property will allow the city to apply its landscape, setback, lighting, building design, and other zoning code requirements that are more restrictive than those currently in effect in Will County.

*Islamic Center of Naperville (PC 11-1-128)*

*October 5, 2011*

*Page 3 of 3*

### *Zoning*

The requested zoning, R1, is the default zoning assigned to parcels upon annexation as defined in Section 6-5-3 of the Municipal Code, which states: *Whenever any parcel of land is hereafter annexed to the City, in any manner whatsoever, such territory, upon annexation, shall be classified or zoned under this Title as an R1 district.* The requested R1 zoning is consistent with the zoning of surrounding properties and the recommendation of the *Southwest Community Area Plan* as the district permits religious facilities as a conditional use. The property complies with the minimum area and frontage requirements of the R1 zoning district.

### *Subdivision*

A preliminary/final plat of subdivision is requested in order to establish the property as a single legal lot of record and dedicate additional right-of-way along 248<sup>th</sup> Avenue. The subdivision plat complies with all technical requirements of the zoning and subdivision ordinances; thus, staff has no concerns or objections to the subdivision plat as proposed.

### *Land Use*

At this time, the petitioner intends to use the existing structure for administrative offices and limited worship purposes. No signage will be placed on-site. The temporary, limited use of the existing structure will be further regulated by the provisions of the annexation agreement to be reviewed and approved by City Council. The nature and extent of the use planned is similar to that of Hope Church, a previous property owner that used the structure for many years.

In the long term (the petitioner does not have a specific timeline, estimates between 5 and 20 years were mentioned during the October 5, 2011 public hearing), the petitioner intends to construct a new religious facility on the subject property, which will require Planning and Zoning Commission review and City Council approval of a conditional use with associated site, landscaping, signage, building elevation plans.

### *Summary*

Staff recommends approval of the petitioner's request for annexation, zoning and subdivision. The requests comply with all technical requirements of the municipal code, are consistent with the future land use plan, and will subject the property to City of Naperville development and maintenance standards.

### **ATTACHMENTS:**

1. Islamic Center of Naperville - Minutes from October 5, 2011 Meeting – PC 11-1-082
2. Islamic Center of Naperville – Development Petition – PC 11-1-082
3. Islamic Center of Naperville – Location Map Aerial – PC 11-1-082
4. Islamic Center of Naperville – Subdivision Plat – PC 11-1-082
5. Islamic Center of Naperville – Annexation Plat – PC 11-1-082
6. Islamic Center of Naperville – Resident Correspondence – PC 11-1-082



**NAPERVILLE PLANNING AND ZONING COMMISSION  
DRAFT MINUTES OF OCTOBER 5, 2011**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bruno, Coyne, Messer, Gustin, Herzog, Williams  
Absent: Edmonds, Trowbridge, Meyer  
Staff Present: Planning Team – Emery, Liu, Thorsen

**B. Minutes**

**C. Old Business**

**D. Public Hearings**

**D1. Case #11-1-128  
Islamic Center of  
Naperville**

The petitioner requests annexation, zoning upon annexation to R1 (Low Density Single Family Residential) and preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot-of-record.

Amy Emery, Planning Services Team, gave an overview of the request.

- Request for annexation and zoning upon annexation for 14 acres located on 248<sup>th</sup> between 95<sup>th</sup> and 103<sup>rd</sup>. Purpose of the request is to become part of the City of Naperville jurisdiction.
- Southwest Sector Plan identifies the land for annexation and use as a community facility. R1 (Low Density Residential) is the default zoning upon annexation.
- The petitioner only intends to occupy the property as-is and in the same manner as Hope Church (current owner), to include limited administrative uses and some small meetings.
- Many comments have been received from the surrounding areas. Most express concerns about construction of a new religious facility; however, these concerns are not ripe for discussion as the petitioner has not submitted plans to develop the site.
- If the annexation and zoning is approved, future construction of the site will require a conditional use and submittal of detailed site and development plans, available for public review and a public hearing before the Planning and Zoning Commission. Annexation and zoning does not grant entitlements for a religious facility.
- Information provided to neighborhood residents included incorrect information regarding the nature of the proposal. Future construction of facility will require compliance with city zoning standards. The petitioner is not affiliated with a separate project on 75<sup>th</sup> Street that was

reviewed by DuPage County.

- Current Will County zoning of the property allows construction of a church or religious facility by right. Additional uses that are permitted under Will County zoning include single-family, group home, public, quasi-public, governmental buildings and religious facilities.
- Planning and Zoning Commission is not being asked to consider a change to the existing use of the property, construction of a new religious facility, or a conditional use at this time.

Len Monson, Kuhn, Heap and Monson, 552 S. Washington Street, Suite 100, attorney on behalf of the petitioner

- Islamic Center of Naperville (ICN) is contract purchaser of the property.
- The petitioner does not propose any physical changes to the property.
- For the past 11 years the property has been zoned R1 with a religious use in the Will County jurisdiction. The previous owner fully intended to build a religious facility on the site.
- Existing home will be used as administrative office or building. The adjacent outbuilding will be a meeting area for about 3 to 20 people.
- Islamic Center has been in the City of Naperville for over 20 years and has been a great neighbor.
- Reason for annexation request is to accommodate future growth, which includes sewer and water utilities, and to be a part of Naperville.
- Petitioner is the contract purchaser, subjecting itself to more stringent requirements of City of Naperville Zoning and Building codes.
- Future plans for the site are to build a religious facility. The timeframe is 5 to 20 years from now. The intended use is consistent with the city's master plan.
- Petition includes subdivision into a single lot-of-record. Any future subdivision will require city approval.
- Majority of members are City of Naperville residents.
- Annexation of the property is financially neutral to the City of Naperville.
- In accordance with city requirements, proper notice was sent to property owners and were mailed within 15-30 days in advance of the public hearing.

Planning and Zoning Commission inquired about

- What is permitted under current Will County zoning, specifically if a religious facility is currently permitted on the property.
- The reasons why a PUD was not proposed with the annexation request.
- Location of existing Islamic Center locations in the community.
- The basis for the annexation request, given that the requirements of the county are less stringent than the City of Naperville.
- The size of a future structure in relation to the size of the site.
- Compliance of the public notice with the requirements of the zoning ordinance.

**Public Testimony:**

Acting Chairman Herzog noted that the purview of the request is the annexation and zoning and does not include site development. Requested that speakers limit comments to the case in front of the commission.

David Prokop, 3727 Mistflower Lane: Inquired about the nature of ICN and noted the tax-exempt status of the petitioner. Notice of the meeting was inadequate. Would like to see a meeting between the homeowners associations and the petitioner. Would prefer to see annexation denied so that the petitioner does not purchase the property.

Beth Gulliver, 3335 Hollis Circle: Does not enjoy the location of her neighborhood and has lost approximately \$250,000 on her home. Was told that the subject property is agriculture/park district property.

David Hunt, 3903 Landsdown Ave.: Strongly opposes the request for annexation and zoning to R1. The petitioner has stated the intent for the property. Feels the religious facility will negatively impact the value of homes and does not wish to see this process go on.

Chuck Raucci, 3715 Mistflower Lane: Does not agree with the land use designated on the master plan. Referenced Mandalay Club (2006) which was a proposal to construct 33 homes on the subject property, and associated financial impact. Opposes annexation of the property. Would prefer to see single-family homes on the property. Noted financial impacts of school district, rail line, and recession on the Tall Grass neighborhood.

Tom Lawrence, 3603 Grassmere Road: Does not believe that the petitioner has no plans for the future and opposes the annexation. Takes issue with the vagueness of the proposal.

Laura Coppola, 3608 Landsdown Ave.: Agrees with previous speakers. The only reason for wanting water and sewer from Naperville is to build a large structure. Concerned for safety of children. Does not want to see any large structures in the area.

Renata Slive, 3608 Mistflower Lane: Churches and houses of worship have traditionally been built around communities and is curious as to how many Muslims live in the area. They deserve to have a place of worship. Would prefer to see a smaller scale mosque as opposed to a regional facility.

William Paulson, 3708 Tall Grass Drive: Questioned the timing of the proposal and the implications of annexation to the community. Strongly opposes the request.

Brad Knell, 3552 Tall Grass: Notice was given to landowners in a limited area and the notice is vague. Residents should be afforded the opportunity to retain counsel. Williams noted that the right to a lawyer is not afforded in this case, but stated that he will support continuance of the case in order to evaluate the notice. Speaker conceded that he does not have the legal right to notice but requested continuance of the matter. The Hope Church pre-existed the neighborhood itself. Opposes annexation as he believes it is a Trojan horse for future construction of a large structure and will result in a waste of resources.

Sheri Holt, 3615 Mistflower: Strongly supports rights of religious freedoms but expressed concern about the nature of the process, which have been amplified during the course of hearing, particularly the importance of water and sewer utilities to support development of any type. Expressed concern about the vagueness of the proposal. Opposes the annexation and zoning request and would like to see continued agricultural use of the property.

Richard Wilye, 3443 Redwing: Inquired about traffic impact to 248<sup>th</sup> Avenue from any individual use. Opposes the annexation and zoning request. Would prefer a trailer park to a large structure due to the congestion and traffic that results from religious use.

Sheleigh Bishop, 3635 Mistflower: Opposes the annexation and would not like to see a large building of any sort in the area.

Mary Ann Geraci, 3411 Goldfinch: Opposes the petitioner's request. There should be a reason why the city would want to annex and the city has a right to deny the annexation. Expresses suspicion about the petitioner's intentions; however, the petitioner has stated that they intend to build a mosque. Does not see any benefit to annex property that will not contribute any revenue and potentially reduce home values.

Len Monson clarified the petitioner's intentions. The petitioner has not decided what options will be pursued if annexation is denied. The petition for annexation is presented for the following reasons:

- Due diligence period is short and the petitioner wants to get a sense of how the city will act on annexation.

Lara Brummell, 3431 Redwing: Inquired about the tax status of the property owner.

Vic Des Laurier, 3408 Breitwieser: Requests that the Planning and Zoning Commission allow the surrounding property owners time to consider the proposal.

Jeremy Sentman, 3512 Redwing: The predominant concern is that residents don't know what is going on. On a straight annexation, the city is better

served by having the property in its jurisdiction; however, there is no certainty as to the future of the property. Requests that the annexation agreement allow for approval of any future conditional uses by both adjacent HOA's.

Kirsten Mullinax, 3419 Sunnyside: Opposes the petitioner's request but understands the controls provided by annexation. Stated that the absence of sewer and water facilities controls what can be placed on the subject property. Religious use of the site would pre-empt future residential use of the site, due to concerns about traffic associated with a large religious use.

Tim Dever, 3804 Tallgrass: Annexation of the property without knowledge of the true intent is a mistake and a disservice to the city residents. Does not believe that the petitioner is sincere in their true intent for the property. Property should be developed with homes. City is under no obligation to annex the site. Opposes annexation. The city should take into consideration the wishes of the majority, who would like to see homes constructed on this site.

Delaura Sayeed, 23365 Pelham Ct: Purchased in Naperville due to the school district. Supports annexation of the property because it gives citizens a chance to ask question. Feels that Naperville's zoning laws are strict and clear and will help to guide development of the property in the future. Supports annexation of the property.

Paula Strick, 3827 Looking Post Ct: Believes that the case should be continued so that neighbors have a chance to meet with the petitioner. The attorney should clarify the petitioner's intentions for how many people will use the existing home and garage. Believes there is a strong likelihood that the three locations could consolidate on the subject property and requests clarification from the petitioner. Opposes the annexation as she believes a religious use should be in a different location, on a corner with a larger property and better road access.

Herzog clarified that the petitioner is not obligated to discuss future plans due to the nature of the petition, and it is not a factor in the PZC's recommendation.

Catherine Strahan, 3439 Redwing: Is not averse to change, but questions what benefit would be provided to the community through annexation. Opposes the annexation as there has been no compelling reason given for approval.

Mike Strick, 3827 Looking Post Ct: Noted that the Planning and Zoning Commission's actions are a recommendation only. Does not want the city to be deterred from making land use decisions on the threat of litigation. This matter should be tabled to allow for wider notification and community organization. Annexation of the property will generate revenue for the city

through various fees. Opposes annexation.

Mike Valek, 3228 Lapp Lane: Requested a continuance of the matter in order to learn more about the proposal and potential impacts.

Peter Jameson, 3911 Mistflower Lane: Inquired about the current membership of ICN. Would be supportive of an attractive facility for religious purposes but would like to know more prior to annexation. Believes that denial of annexation will end the petitioner's interest in the subject property. The annexation request should be accompanied by site development plans. Would like to hear from neighbors of other ICN facilities. Opposes annexation due to the absence of detailed information about site intentions.

Tim Rhodes, 1918 Coach Drive: Served as Hope United Church of Christ Pastor until 2007. The land was owned and designated for religious use prior to the homes that surround it; however, when it was purchased there were no specific. Hope Church had intended to build a large facility on the site to meet intended needs, but did not encourage the neighbors to design the property for them. During the previous eleven years it was never suggested that the religious use was inappropriate. The sewer and water is in great need of support and the site should be brought onto city utilities. Naperville has responded to emergency requests for the site in the past. People came from many close and far communities to attend Hope Church services. The property was initially acquired as an investment and was sold in 2006 but the deal fell through when the economy collapsed. Some of the initial land purchase was sold to Tall Grass developers and they knew that a church would be developed in the location of the subject property. All neighbors had the opportunity to know that a church would be constructed on the site. ICN has always been a good neighbor and a cooperative agent in the community. Supports the annexation.

Larry Cross, 3819 Sunburst Lane: Disagrees with annexing the land. Knew that a church was located on the subject property and subsequent single-family plans. Does not want a two-story garage or a two-story building in the back yard due to impact on property values. Questions the timing of the annexation request and would like to know more information prior to approval of the annexation.

Gluri Parulekar, 3416 Lapp Lane: requested a continuance in order to better understand the proposal, as the subject property directly abuts her lot.

Robert Strahan, 3439 Redwing: Proposal should be tabled in order to allow time for the residents to become more educated.

Beth Gulliver, 3335 Hollis: Understands that the petitioner completed statutory notice but more people should have been informed about the

proposal. Feels that the rights of the neighbor should be considered in forming a recommendation on the annexation and zoning proposal.

Petitioner responded to testimony

- Petitioner has completed all required notification and attended the Tall Grass board meeting on September 12. A meeting is scheduled with Penncross Knoll HOA on Sunday October 9.
- In the future the petitioner would like to build a religious facility on the property. No other details are known.
- Petitioner agrees to continue the public hearing to November 2, but would prefer not to extend deliberations any longer than that.
- The petitioner has no financing in place for construction on the site.
- Litigation is not relevant to the conversation at hand.
- ICN has about 400 registered families in their membership who are accommodated in existing facilities, with intentions to grow.
- There are no intentions to consolidate facilities due to proximity of existing facilities to current membership.
- Property was converted from agricultural to R1 in Will County in 2000, which required three public hearings at the time. At that time there were no objections to the religious use.
- In 2002 the Southwest Community Area Plan was completed. There were no objections to the religious use/community facility at that time.
- January 2006-March 2007, there were eight public hearings on a petition to convert the property to residential use. Stiff resistance from the neighbors who wanted it to remain in religious use.
- People have consistently wanted the property used for religious purposes in the past.

Planning and Zoning Commission inquired about

- The petitioner's intentions to develop the site in the future.
- Petitioner is trying to respect the neighbors that are there, but the site has been in religious use for a very long period of time.
- The size of the ICN facility on Ogden Avenue (4 acres).
- The reason for annexing at this time, without plans or financing.

**Plan Commission Discussion:**

- Bruno – noted that the development of the property will be constrained by parking, landscaping and other factors and opportunities for input that would be provided by future conditional use process.
- Williams – the present owner is a religious organization that has contractually obligated to sell to a religious organization. The PZC empathizes with the residents of Tall Grass; however, if the contract purchaser chooses to develop in Will County the outcome may be less desirable than developing in the city. The petitioner has the right to petition for annexation and is not required to have a plan in order to purchase the property.

Naperville Planning and Zoning Commission  
October 5, 2011  
Page 8 of 8

- Gustin – residents have been very vocal and the petitioner understands the concerns expressed. The parcel is controversial and everyone is not likely to agree. The petitioner and residents should work together prior to the next public hearing.
- Herzog – landowner has the right to petition the city of annexation or development. The request for annexation fits with zoning of surrounding property and gives the community control over how it is developed. Recommended that the petitioner reach out again to the neighboring residential groups.

Planning and Zoning Commission continued the matter to November 2, 2011.

**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP  
PETITION FOR DEVELOPMENT APPROVAL**

Development Name (should be consistent with plat): Islamic Center of Naperville, 248<sup>th</sup> Avenue Project

Development Address: 9931 South 248<sup>th</sup> Avenue, Naperville, IL

Date of Submission: September 14, 2011

**I. APPLICANT:**

Islamic Center of Naperville

Name

Corporation

450 Olesen Drive

Street

Naperville

City

Illinois

State

60540-6709

Zip Code

Len Monson

Primary Contact Person

Attorney

Relationship to Applicant

630.420.8228 x6

Telephone Number

630.420.9137

Fax Number

len@kuhnheap.com

E-Mail Address

**II. OWNER OF THE PROPERTY:**

Local Church Ministries Church Building & Loan Fund

Name

700 Prospect Ave., East, Cleveland, OH 44115

Address

**III. APPLICANT'S/PETITIONER'S STAFF:**

Attorney: Kuhn, Heap & Monson

Telephone Number: 630.420.8228 x6

Email Address: len@kuhnheap.com

Fax Number: 630.420.9137

Address: 552 S. Washington, Suite #100, Naperville, IL 60540

Engineer: Intech Consultants

Telephone Number: 630.964.5656

**IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Annexation (see Section V below)  | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line<br>(Complete Exhibit 4) |
| <input checked="" type="checkbox"/> Rezoning from <input type="checkbox"/> To <u>R1</u><br>(Complete Exhibit 1) | <input type="checkbox"/> Zoning Variance<br>(Complete Exhibit 5)  |
| <input type="checkbox"/> Preliminary PUD Plat<br>(Complete Exhibit 2)   | <input type="checkbox"/> Final PUD Plat<br>(Complete Exhibit 2)   |
| <input type="checkbox"/> Major Change to a Planned Unit Development<br>(Complete Exhibit 2)                     | <input type="checkbox"/> Minor Change to a Planned Unit Development<br>(Complete Exhibit 2)             |
| <input checked="" type="checkbox"/> Preliminary/Final Plat of Subdivision                                       | <input type="checkbox"/> Final Plat of Subdivision  |
| <input type="checkbox"/> Conditional Use<br>(Complete Exhibit 3)  | <input type="checkbox"/> Major Change to a Conditional Use<br>(Complete Exhibit 3)                      |
| <input type="checkbox"/> Minor Change to a Conditional Use<br>(Complete Exhibit 3)                              | <input type="checkbox"/> Landscape Variance<br>(Complete Exhibit 6)                                     |
| <input type="checkbox"/> Site Plan Review   | <input type="checkbox"/> Plat of Easement / Vacation / Dedication<br>(circle all that apply)            |
| <input type="checkbox"/> Sign Variance<br>(Complete Exhibit 5)  |   |

**V. ANNEXATION**

Is this development within the City limits?

- Yes.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

No, **requesting annexation**

Are there electors living on the property:

- Yes       No
- If yes, did they sign the Petition for Annexation?     Yes     No

**VI. SITE DATA**

- 1. General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

The site currently has a single family residence and detached garage.

- 2. Existing Utility Services (water, sewer, electricity): All utilities and services are currently in the area, subject property.

- 3. Existing zoning on the site: R1, with a Conditional Use for Religious Facility.

- 4. Existing Land Use: Religious institution.

- 5. Acreage & Square Footage of the site: 14.5 acres

- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

N/A

**VII. PROPOSED DEVELOPMENT:**

- 1. Type of Development (check all that apply):

Residential                       Commercial                       Office  
 Industrial                               Other: \_\_\_\_\_

- 2. Proposed Zoning: "R1"

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see **Page 2, Section IV** for Exhibit information)– attach additional pages if necessary):

No changes are planned for the property. The single family residence shall continue to be used as an administrative office and ancillary uses for a religious institution.

- 3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

No new building is proposed.

- 4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** – attach additional pages if necessary:

None

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5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) **NOTE:** Complete this section as well as **Exhibit 4** – attach additional pages if necessary:

None

---

6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** – attach additional pages if necessary:

None

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7. General Land Use Data:

	Residntl.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres	14.5									
% of Total	100%									

\*Please explain:

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8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size
Single-Family	1 existing SF resid.	14.5	NA	14.5	14.5	2,500	14.5	14.5
Townhome								
Duplex								
Apartment								
Comrcl.								

Office								
Industrial								

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.
- Modified Gross Density = number of units divided by modified gross acres.

**VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):**

1. Required School Donation of  N/A  acres will be met by a \_\_\_\_\_  
\_\_\_\_\_
2. Required Park Donation of  N/A  acres will be met by a \_\_\_\_\_  
\_\_\_\_\_

**IX. PRIVATE FACILITIES**

1. Private open space and recreational facilities include:  
 N/A   
Which will be maintained by: \_\_\_\_\_ The City of Naperville  
\_\_\_\_\_ Homeowners Association  
\_\_\_\_\_ Other ( \_\_\_\_\_ )

2. Outlots and/or detention/retention facilities include (size, number and location)  
 None required.   
Which will be maintained by: \_\_\_\_\_ The City of Naperville  
\_\_\_\_\_ Homeowners Association  
\_\_\_\_\_ Other ( the Petitioner )

3. Detention, retention, open space/recreation and school uses within the development:

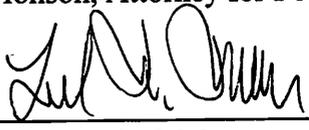
	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common Areas*				

c. Private Facility*				
Sub-total				
School Site				
Total				

\*Please Explain:

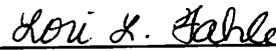
*Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)*

Respectfully Submitted,  
Leonard M. Monson, Attorney for Petitioner

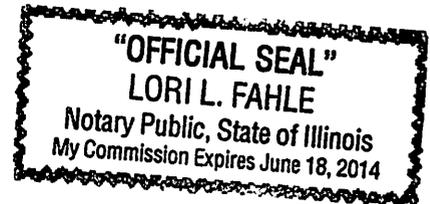
By:   
Leonard M. Monson  
Attorney for Petitioner

STATE OF ILLINOIS     )  
COUNTY OF DUPAGE    )  
CITY OF NAPERVILLE   )

The foregoing petition was acknowledged before me by Leonard M. Monson on the 14th day of September, 2011 A.D.

By: 

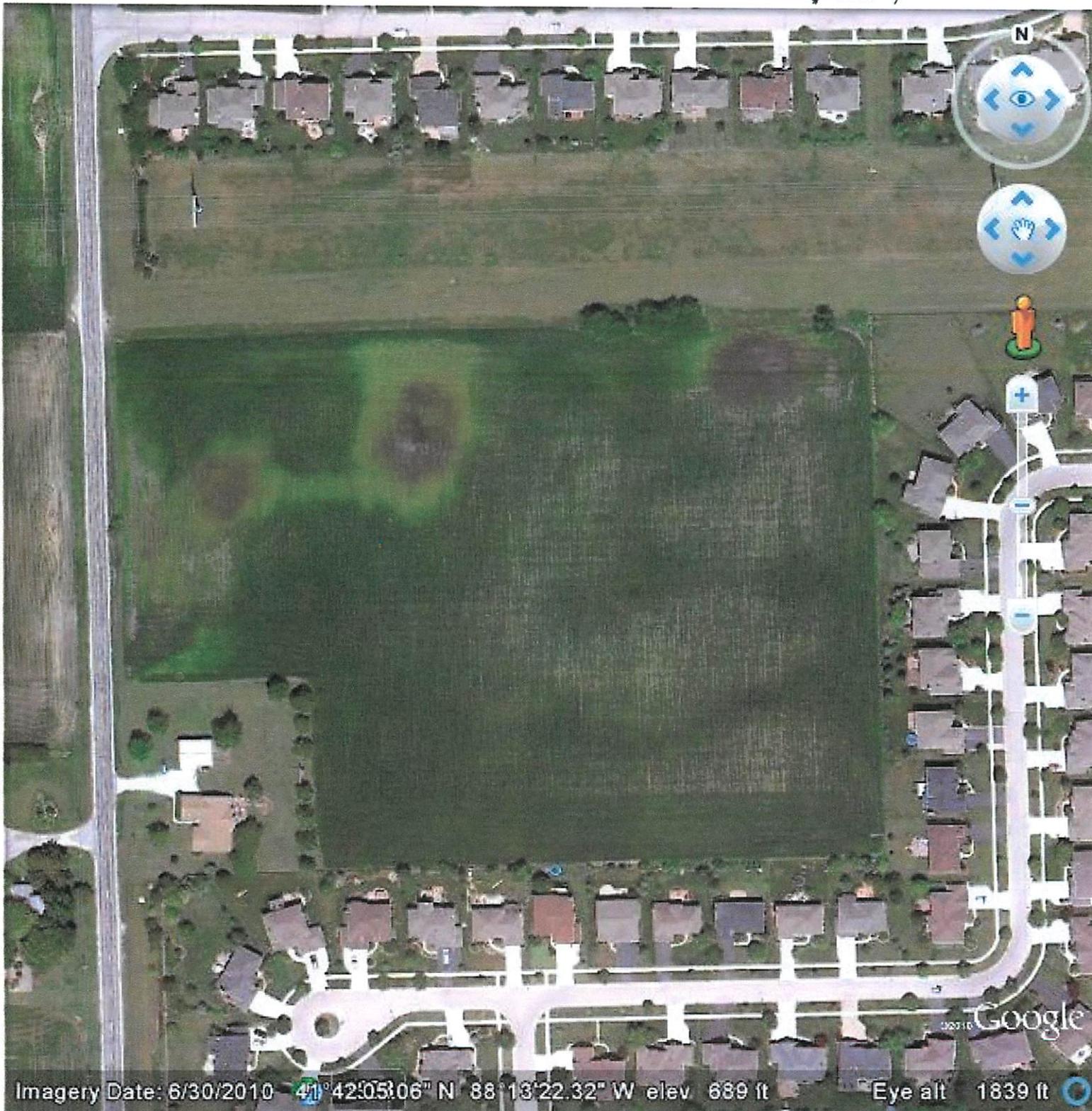
Notary Public



LEARNING CENTER

ZONING MAP

↓ RLB ↓



↑ RLB ↑

**Islamic Center of Naperville**

Legal Description:

THE NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ (EXCEPTING THEREFROM THE EASTERLY 375 FEET, AS MEASURED AT RIGHT ANGLES TO THE EAST LINE THEREOF) OF SECTION 9, TOWNSHIP 37 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS

PIN: 07-01-09-300-010-0000

Common Address:

9931 South 248<sup>th</sup> Avenue  
Naperville, IL

**CITY OF NAPERVILLE  
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: Islamic Center of Naperville  
Address: 450 Olesen Drive/2844 Ogden Ave.  
Naperville, IL 60564

2. Nature of Benefit sought: Major change to a conditional use.

3. Nature of Applicant (Please check one):  
a. Natural Person  d. Trust/Trustee   
b. Corporation  e. Partnership   
c. Land Trust/ Trustee  f. Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:  
An Illinois Not-For-Profit Corporation

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_

6. Name, address and capacity of person making this disclosure on behalf of the applicant:  
Leonard M. Monson, Kuhn, Heap & Monson, 552 S. Washington, #100, Naperville, IL 60540

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

**VERIFICATION**

I, Leonard M. Monson, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 14<sup>th</sup> day of September, 2011.

Lori L. Fahle  
Notary Public



City of Naperville  
**ISLAMIC CENTER - 9931 S. 248TH AV.**



Transportation, Engineering and  
 Development Business Group  
 Questions Contact (630) 420-6719  
[www.naperville.il.us](http://www.naperville.il.us)  
 September 2011



This map should be used for reference only.  
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 City of Naperville assumes no liability in the use  
 or application of the data. Reproduction or redistribution is  
 forbidden without expressed written consent from the City of Naperville.







Re: Plan Commission Case #11-1-128, 9931 248<sup>th</sup> Avenue

Dear Mr. George Pradel,

Last week we received a certified letter at our home from the law firm of Kuhn, Heap & Monson. This letter referred to an upcoming hearing for ..."annexation, rezoning to R1 and approval of a preliminary/final plat of subdivision to establish a single lot of record for the subject property". It is apparent a religious organization wants to build a large building on the farm field between and next to the Tall Grass and Pencross Knolls subdivisions. There are four points I would like you to consider.

1. The farm field is on a two lane road that is lightly traveled. A road such as this cannot accommodate the heavy volume of traffic that will occur with this building. Please remember this is a residential neighborhood.
2. It is my understanding the City of Naperville did not approve the construction of another building for a religious organization recently due to traffic congestion concerns. This building was to be constructed on the West side of 248<sup>th</sup> Avenue immediately South of Wolf's Crossing. Placing a building on the East side of 248<sup>th</sup> Avenue would be much more devastating.
3. While the housing market in most of the country has been in a recession the last 3 years, Tall Grass and Pencross Knolls are in a depression. This was not helped by the change in high school boundaries and the purchase of the train line west of 248<sup>th</sup> Avenue by Canadian National. Property values have dropped over 35% in the last 3 years. How much more can we take? This is not going to help the value of our neighborhood and Naperville.
4. We have been informed this same organization was denied a request to purchase land off of 75<sup>th</sup> street due to traffic, noise and privacy concerns. Please remember, this is a relatively small piece of land and our properties touch this farm field. Some of the homes are only 40-50 feet from the farm field.

We ask that you deny this request of at 9931 248<sup>th</sup> Avenue for the sake of our community.

Sincerely,

Chuck Raucci  
3715 Mistflower Lane  
Naperville, IL 60564

**From:** KRISTIN HAMMES [mailto:tkhammes@wowway.com]

**Sent:** Wednesday, October 05, 2011 10:44 AM

**To:** Planning

**Subject:** Opposition to re-zoning property at 9931 248th Ave.  
Naperville Planning Commission ,

I am a resident of the Tall Grass subdivision and am writing to oppose the re-zoning of the 14.32 acres of land located at 9931 248th Ave.

I understand that the re-zoning will allow the petitioner to build an extremely large structure on this piece of land, along with a very large parking lot to accommodate the anticipated volume of cars coming to/from this building. The building would be surrounded by private residences. This is not appropriate in a residential community. Allowing this type of structure to be built adjacent to our neighborhood will significantly increase traffic and noise, decrease the privacy of the homeowners, and jeopardize the safety of our many children. Cars will certainly begin cutting through our residential streets in order to avoid the heavy traffic that is inevitable on a 2-lane street such as 248th Ave. Children playing will be in danger as drivers use our residential streets in their rush to avoid being late to their event.

I strongly urge you to protect the privacy of our residential subdivision and to protect the safety of our children by denying this petition.

Sincerely,

Kristin Hammes

3555 Stackinghay Dr.

**From:** Griebel2603 [mailto:griebel2603@comcast.net]

**Sent:** Wednesday, October 05, 2011 10:05 AM

**To:** Planning

**Subject:** Rezoning for Mosque

To the City of Naperville Planning Commission:

My husband and I recently moved from Chicago and live in Carillon Club in Naperville. We built a home there because it was a quiet, private community away from the hustle and bustle of the city. We just learned that a group wants the land on 248th by the Tall Grass community to be rezoned in order to construct a Mosque.

Our concern is the increased traffic a building/community center of this size will generate with nightly events especially during the months of October and November (Ramadan), not to mention the noise and lack of privacy. This large building will be built on a parcel of land surrounded on 3 sides by private residences. We **strongly oppose the rezoning of this land.**

Sincerely,

Mr. and Mrs. Garry Griebel

2603 Camberley Circle

Naperville, IL 60564

**From:** Dave Wear [mailto:dwear1@att.net]  
**Sent:** Wednesday, October 05, 2011 9:20 AM  
**To:** Planning  
**Subject:** October 5th meeting

Dear City of Naperville Planning Commission,

I am writing in regards to the meeting that is taking place this evening. I am unable to attend due to previous commitments and due to the short notice of being able to change those commitments.

It states on your website;

**Notification Requirements**

The City of Naperville Zoning Code requires the following notification for Planning and Zoning Commission public hearing cases that involve rezoning, a variance, a conditional use or a planned unit development (PUD):

- **All owners of record (as determined by the appropriate Township Assessors Office) of properties within 250 feet must receive written notice within at least 15 days, but not more than 30 days before the public hearing;**
- A sign must be posted on the property which tells the date, time, and location of the hearing;
- Notification of the public hearing must be published in the Naperville Sun at least 15 days prior to the public hearing.

Public hearings for amendments to the Municipal Code (including Comprehensive Plan and Zoning Regulations) require publication in the Naperville Sun prior to the hearing.

I did not receive written notice at least 15 days prior to the hearing. I did not receive my certified letter until September 22nd.

Due to the fact that I will not be able to attend, I wanted my opposition to the rezoning request from Islamic Center of Naperville to be on record, and to urge the planning commission to deny the requests due to various concerns.

- Traffic concerns getting into and out of the neighborhood during busy times of events on a one lane road without any traffic lights.
- Noise concerns
- Lighting concerns
- Property value concerns, as this 14.32 acre lot is bordered on 3 sides by residential land
- Possible drainage issues that will arise from turning farmland into a parking lot and structure
- Possible architectural issues

Thank you,  
Dave Wear  
dwear1@att.net  
3820 Mistflower Lane  
Naperville, IL. 60564



**From:** David & Janet [mailto:jdnikrant@gmail.com]  
**Sent:** Tuesday, October 04, 2011 10:50 PM  
**To:** Planning  
**Subject:** Plan Commission Case #11-1-128 (9931 248th Avenue)  
**Importance:** High

Dear City of Naperville Plan Commission:

I have received a Public Notice (signed for on 9/28/2011) that a hearing will be held with the city of Naperville Plan Commission, 400 South Eagle Street, Naperville, Illinois, 60540, to consider a request by the petitioner, Islamic Center of Naperville, whose address is 450 Olesen Drive, Naperville, IL 60540 for annexation, rezoning to R1, and approval of preliminary/final plat of subdivision to establish a single lot of record for the subject property. The subject property is located at 9931 248<sup>th</sup> Avenue and consists of approximately 14.32 acres.

As a resident of Tallgrass (3731 Mistflower Lane) I am writing this note to express my views on the subject - which **I strongly oppose!**

The major concern is that if the property is rezoned to remove the agriculture portion, then a larger structure along with expanded parking lot will be constructed on the property which could end up right at my backyard. Building a community center of this size will no doubt generate significant noise and traffic, thus causing disruption of a peaceful private neighborhood. Much of that traffic may inevitably cut through our neighborhood to avoid long traffic lines on the one lane 248<sup>th</sup> Avenue. This then leads to safety for our children! In any case, whether it is a church, mosque or other commercial proposals, we shall strive to keep this residential!

I really do not understand the logic of putting a commercial structure on a parcel of land surrounded by private residences on three sides or embedded into an existing neighborhood. I have attached three photos so you can see first hand that this proposal does not make sense. The group can find a more appropriate place and suitable lot to build a structure of this magnitude that will be satisfied by the entire community, thus a win-win situation with no conflict.

Another major concern is the lack of awareness of Tallgrass/Penncross community. I understand that **ONLY** the residences that back up to the captioned property have been notified. This is certainly not fair and does not give fellow neighbors the proper time to be informed, complete a petition and prepare for this hearing.

If something of this magnitude is erected, we will also risk further diminishing home values to the already suppressed housing market. Reduced value means reduced taxes back to Will County/Naperville.

I ask the City of Naperville Planning Commission to **REJECT** the proposed annexation and rezoning to R1 located 9931 248<sup>th</sup> Avenue. Naperville is a wonderful place to live and we need to support the people who reside, pay taxes and make up the city.

Thanks in advance for your support!

David and Janet Nikrant  
3731 Mistflower Lane  
Naperville, IL 60564  
(630) 428-7821

**From:** Tony Kennard [mailto:tkennard@hotmail.com]  
**Sent:** Tuesday, October 04, 2011 8:31 PM  
**To:** Planning; kijmkennard@hotmail.com  
**Subject:** Proposed Rezoning for 9931 248th Avenue

To the Planning Services Team -

As a resident of the Tall Grass subdivision, we are writing to you to express our absolute concern regarding re-zoning of the above mentioned property for the purposes of building a Mosque virtually in the heart of our community.

Our concern is not related to the religious aspect of the proposed building or re-zoning - but very specifically to the objectionable size, volume of traffic that will surely increase, as well as late night activities that will disrupt a very peaceful and quiet community. Route 248, 103rd Street and 95th Street certainly are not equipped to handle the volume of traffic - and will drive traffic through our neighborhood. Very disruptive and dangerous for our family bike rides and walking our dogs in a relaxing setting. We also have small children that we feel will be jeopardized by this increased traffic.

We are also concerned that based on typical size and heights of Mosques, the construction will likely tower over the residences, detracting from the view. This will certainly have an effect on the property values in our subdivision, which will result in tax appeals driving revenue down for the city.

Our family strongly opposes the re-zoning of the parcel of land, and will contribute with all our might, along with our neighbors to stop this rezoning whether through class action suit or simply by applying our votes to elect new members to city council.

We respectfully request your vote to turn down the proposed annexation and rezoning of this site to avoid what will surely become an overbearing fight to keep our neighborhood a pleasant place to live. There are plenty of other parcels of land in this area that don't infringe on surrounding subdivisions - and the Islamic Center of Naperville should consider alternatives that won't so significantly disrupt a community,

Respectfully,

Anthony and Karen Kennard  
3408 Sunnyside Court  
Naperville, IL 60564

**From:** Chris Coultrip [mailto:Christine.L.Coultrip@gsk.com]  
**Sent:** Tuesday, October 04, 2011 9:30 PM  
**To:** Planning  
**Subject:** Islamic Center of Naperville Rezoning Request

To the City of Naperville Plan Commission, Planning Services Team Department:

I am opposed to the rezoning request by the Islamic Center of Naperville to place a Mosque on 248<sup>th</sup> Street behind Tall Grass. The size of the structure, the parking, and the increased traffic would have a very negative impact on our neighborhoods and living environment. I do not believe this area should be rezoned for any building of this size that would dramatically change the area landscape. Please respect the requests of the residents who have been living in this neighborhood for many years. I have been a taxpayer here since 1994. This is not just about traffic, this type of structure is just too large to blend in!

Christine L. Coultrip  
Sr. Executive Sales Representative  
Respiratory  
Voicemail 800-496-3772 x 88445  
Mobile 630-805-0649

**From:** John Chesny [mailto:dr544@yahoo.com]  
**Sent:** Tuesday, October 04, 2011 7:27 PM  
**To:** Planning  
**Subject:** Proposed zoning change for 9931 248th Ave

Dear Zoning Commission Members:

I wanted to email you to urge you to please not allow the zoning request change. The amount of additional traffic, and noise will be a great detriment to our quiet residential community.

This is a very serious matter, and I appreciate your consideration to my email.

Sincerely,

John Chesny  
3720 Tall Grass Dr.  
Naperville, IL 60564

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**From:** patmanzo@comcast.net [mailto:patmanzo@comcast.net]  
**Sent:** Tuesday, October 04, 2011 7:09 PM  
**To:** Planning  
**Subject:** opposed to mosque at 248th St rezoning

Dear Sirs:

I am a resident of Carillon Club on 95th St. Naperville IL.  
My address is 2817 Normandy Circle.

Please add my plea to oppose the rezoning at 248th St. to build a mosque.  
We already suffer a large industrial park and a major railroad line on our borders.  
Our only good sides are the residential areas to our south and east.  
Please don't take away what peace we have left.

Sincerely,  
Patricia M. Manzo

**From:** Michelle Ingal [mailto:mingal@wowway.com]  
**Sent:** Tuesday, October 04, 2011 4:34 PM  
**To:** Planning  
**Subject:** Rezoning Hearing

Dear Naperville Planning Commission,

I am writing in regards to an upcoming hearing regarding the possible rezoning of the property located at 9931 248<sup>th</sup> Avenue. I live in the adjacent neighborhood, Tall Grass, and I have serious concerns regarding this issue.

I understand that this rezoning would mean a large structure (a Mosque) would be built at that location. This means an IMMENSE building that will generate a huge amount of traffic. This will affect our entire neighborhood. The open land on 248 between Pencross Knoll and Tall Grass at the power lines is currently zoned for a small church and part agriculture so the structure and parking lot would not have been close to homes. This revision would mean a larger structure and bigger parking lot closer to our backyards.

My concerns for this include increased traffic, noise and a decrease of privacy. In addition, this structure will generate even more traffic with nightly events, especially during the months of October and November (Ramadan). Much of that traffic may inevitably cut through our neighborhood to avoid long traffic lines on the one-lane 248th Street.

Changing the zoning would, in effect, be allowing a large mosque to be built in the middle of the neighborhood! They need to find a more appropriate place to build a building of this magnitude than on a parcel of land surrounded on 3 sides by private residences.

Sincerely,  
Michelle Ingal  
3620 Mistflower Drive

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From: [wgore63@aol.com](mailto:wgore63@aol.com) [mailto:wgore63@aol.com]  
Sent: Tuesday, October 04, 2011 3:08 PM  
To: Planning  
Subject: Public Notice - Hearing On Rezoning Property At 9931 248th Avenue

To Whom It May Concern,

I have just been notified of a hearing at the City Council Meeting on October 5th, pertaining to Rezoning the parcel of land located at 9931 248th Street Rezoning to R1. I am not in favor of rezoning this property from the current zoning for a small church and part agriculture since the parcel is surrounded by homes.

thank you for considering this email,  
Bill Gore  
3527 Stackinohay Drive  
Naperville, IL. 60564

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**From:** Mary Ann Geraci [<mailto:medcoimaging@aol.com>]  
**Sent:** Tuesday, October 04, 2011 2:10 PM  
**To:** Planning  
**Subject:** Rezoning property located at 9931 248th Avenue

I am a citizen and resident of Naperville and strongly oppose annexation and rezoning of the property located at 9931 248th street to to R1. As of now, the agricultural portion of the land is the only portion of land that backs up to residential property. If this is rezoned to a exclude the agricultural portion, this will allow a nonresidential structure to back up right to a private residential home. This nonresidential structure to be erected is large, and can accommodate a very large capacity, which will in turn result in increased noise, increased traffic and decreased privacy for the residents who occupy these homes as well as surrounding residential communities and neighborhoods. Any large public building planning for this property is inappropriate at best. The main arteries [103rd, 95th and 248th] cannot accommodate traffic for a building this vast and will surely result in residential streets being uses as pass through's, this would compromise the integrity of our streets, it will effect our home value, and a constant transient flow through and around private property is also a huge safety concern. The city of Naperville needs to be mindful of the impact on it's residents when considering such proposals. I plead with you to consider these concerns when making your decision regarding this property.

Joe and Mary Ann Geraci

**Sent:** Tuesday, October 04, 2011 1:55 PM  
**To:** Planning  
**Subject:** Proposed Mosque on 248 street

Hi,

I am writing to express my opposition to a mosque being built on 248<sup>th</sup> Street in Naperville. I live in Tall Grass and am concerned about the amount of traffic that will be coming through our neighborhood. My primary concern is the safety of my children and the children of this neighborhood. We have enough trouble with people speeding in the neighborhood, with two children hit by cars in our development just this summer. I feel that it is unfair to the residents that would surround this large mosque. There is a difference between a small church the size of a little house a large structure that would bring huge amounts of traffic. There is a reason it was zoned part church and part agricultural...to protect the neighborhood around it. There should be no businesses, churches or mosques built there PERIOD! Please do not let money stand in the way of doing what is good and right. We all must answer for our actions. I feel my first and primary responsibility is to protect our children. If we don't...who will?

Thank you for your time,  
Jeannette Simios

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**From:** NANCY HUNT [mailto:huntnancy@sbcglobal.net]

**Sent:** Tuesday, October 04, 2011 2:22 PM

**To:** Planning

**Subject:** \*\*\*Concerns\*\*\* RE: 10/5/11 rezoning meeting @ 7pm (City of Naperville Council Chambers)

To: City of Naperville Plan Commission

I'm writing today to express my concerns regarding the Islamic Center of Naperville attempting to put a Mosque in our Neighborhood. This immense structure will generate a huge amount of traffic and effect our entire neighborhood. The open land on 248 between Pencross Knoll and Tall Grass at the power lines is currently zoned for "small" church and part agriculture so the structure and parking lot would not have been close to homes.

The Islamic Center of Naperville is attempting to have the property rezoned and the agriculture portion removed so that a bigger Mosque and bigger parking lot can be constructed on that property. This project could end up right at our back yards and possibly be seen throughout the neighborhood due to the high dome and towers.

My concern as well is for the increased traffic a building/community center of this size will generate. Much of that traffic may inevitable cut through our neighborhood to avoid long traffic lines on the one-lane 248th street. This center tried to build on 75th street but it was stopped due to the surrounding community strong show at the rezoning and complaining about traffic, noise, and privacy. If something of this magnitude is erected, we also could run the risk of further diminishing home values to the already suppressed housing market.

Any large public building planning for this property should be strongly opposed. I appreciate your consideration.

David C. Hunt  
3903 Landsdown Ave.  
Naperville, IL 60564

(630) 718-1179

**From:** chelsea irving [mailto:chelseairving@yahoo.com]  
**Sent:** Tuesday, October 04, 2011 1:05 PM  
**To:** Planning  
**Subject:** PC 11-1-128

I am writing to express my serious concern with an issue the planning commission is considering on Wed Oct5 - the annexing of an area of land of 248th St in south Naperville. I am a resident of the area, I live in the Tall Grass subdivision on Tall Grass Dr. I realize the current proposal only calls for annexing of the land, not for any structure to be built. But it is the intention of the group asking for the annex to build a large Mosque on that land. This would have an enormously negative impact on our neighborhood. Traffic concerns alone are enough to stop this. I have a 3-year-old and a 5-year old and chose to live in an area that is not congested or high-traffic. That is exactly what would happen in hundreds of people start flocking to our neighborhood for evening religious services. Plus, we value living in a family-focused neighborhood, with 2 schools and 2 parks. We do not want to become just the houses that border a giant mosque and its huge parking lot.

It should go without saying, but I will just for complete clarity--- My opposition is not at all based on religious beliefs. I would have exactly the same feelings if it were a large Catholic or Jewish group hoping to build a big church or synagogue on the land.

Please let us keep our neighborhood the way it is.

Sincerely,  
Chelsea LaRocco

**From:** Amy Clavey [mailto:amy.clavey@yahoo.com]  
**Sent:** Tuesday, October 04, 2011 11:46 AM  
**To:** Planning  
**Subject:**

Mark and Amy Clavey  
3912 Mistflower Ct  
Naperville,il 60564

Re: Re-Zoning for Mosque on 248

To whom it may concern:

We just purchased our house two years ago. I have concerns for my property value as a new owner in Tall Grass. The large building that they are planning to build will be a huge mistake in our opinion. Our house will look over a large building and parking lot on 248th st.

Not only, will it be an a traffic inconvenience, but I assure you no one in my cultisac will want to look at such a large building!

Please take note of our concerns as matters go further-

Thank You

Amy and Mark Clavey

**From:** Paul Starks [[mailto:Starks\\_Paul@cat.com](mailto:Starks_Paul@cat.com)]  
**Sent:** Tuesday, October 04, 2011 7:24 AM  
**To:** Planning  
**Subject:** Rezoning 9931 248th Avenue - Naperville, Illinois

Greetings,

I am the owner of a home in the Ashwood Park subdivision located off 248th Street. I am traveling abroad at the moment and unable to attend the October 5 rezoning meeting. I am writing to oppose the rezoning of a parcel of land off 248th Street for the purposes of building a large Islamic center. Building this structure, when on three sides it is surrounded by private residences, will bring increased traffic and noise to the immediately surrounding neighborhoods. This places our children in increased danger (from traffic) . Certainly there is a more suitable location than one that infringes on the quiet nature of our well developed Naperville neighborhoods.

Thank you for allowing the opportunity to voice my opposition to this rezoning request.

Paul Starks, CPA  
4612 Chinaberry Lane  
Naperville, IL 60564

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**From:** Rich Hussey [<mailto:RHussey@lai-ltd.com>]  
**Sent:** Tuesday, October 04, 2011 7:36 AM  
**To:** Planning  
**Subject:** Rezoning Property 9931 248th Avenue

Planning Commission,

Writing you to express my concern with a potential rezoning of the property located on 9931 248<sup>th</sup> Avenue to allow a large building and parking area/structure. We recently built a home in Ashwood Park for the privacy and the residential feel of the area. If the property is rezoned to allow increased traffic and noise believe it is against the current zoning that Naperville has allocated in the area with it being highly residential with varying school zones. There are a number of walking and bike paths that residents utilize including children, so I would hope that Naperville Planning Commission can certainly see the concern of nearby residents as traffic will increase significantly on 248th Street, 95th Street, and 103rd Street. I will be out of town during the meeting on October 5, 2011 but thought it was important to relay my concern for the meeting.

*Richard Hussey*  
4240 Chaparral Dr  
Naperville, IL 60564

**From:** NICOLLE FRANCE [<mailto:snfrance@wowway.com>]  
**Sent:** Tuesday, October 04, 2011 8:33 AM  
**To:** Planning  
**Subject:** Opposition to Naperville Planning Commission #11-1-128  
**Importance:** High

Dear Naperville Planning Commission,

We are writing to state our opposition to plan #11-1-128 at 9931 248th Avenue to re-zone an area surrounded on three sides by homes in our neighborhood from small church and agriculture to a plan removing the agricultural component which could accommodate a very large church/mosque. The issues are as follows:

1. The structure and parking, which we understand would be allowed to cover as much of that area as desired, would greatly disrupt a quiet residential area.
2. Traffic on 248th Avenue would be increased many-fold, which would undoubtedly spill over into patrons cutting through and increasing traffic along quiet neighborhood streets with many small children.
3. Having a large church/mosque in this location would greatly decrease the privacy that the residents of homes along all three sides of this land currently appreciate.

In a city as large as Naperville, there are surely many other more appropriate locations for building such a structure than directly in a quiet neighborhood. Please oppose this plan!

Thank you for allowing us to share our thoughts. We have lived here for nine years, and we love Naperville!

Sincerely,  
Steve and Nicolle France

City of Naperville Planning Commission  
Planning Services Team Department  
400 South Eagle Street  
Naperville, IL 60540  
RE Plan Commission#11-1-128

October 3<sup>rd</sup>, 2011

Dear Naperville Planning Commission,

I would like to oppose the rezoning of the property at 9931 248<sup>th</sup> Avenue! My home backs up to that land and I would like the agriculture portion of the zoning to remain intact in order to protect the privacy of my home and respect the property of the other homeowners whose land is connected to that open field. The original plan for that land when we purchased our home was to build a small worship center and enhance and maintain the natural land around that. The rezoning of this land does not give us that courtesy and that is NOT what we bought into when we purchased our homes!

If the agricultural portion of the zoning is removed, that gives The Islamic Center of Naperville freedom to build a very large structure and parking lot. As one of the families with a home that backs to that property, I can't help but be concerned about the noise, traffic and proximity of what is built there. Changing the agricultural portion of the zoning allows whatever is built to back up closer to my property.

Large evening gatherings and rituals will surely cause noise and traffic lights to shine into the back of our home. Our bedrooms back up to this property. I do not want a large building or a parking lot for this new facility *right* behind my home and I know many neighbors share my concern and strongly object to this rezoning as well. This would be extremely loud and dangerous and there would be the constant glow of lights from the parking lot streetlights and cars.

A large building on this property will result in considerable traffic. This causes concerns for safety with increased traffic and activity behind my home. Not to mention our lack of privacy. 248<sup>th</sup> Street is already very busy and will not be able to handle this added traffic- traffic that will probably end up shortcutting through our neighborhood streets, further endangering our children and residents.

We did not agree to this or buy into this situation. Please do not allow the rezoning of this property and allow the buyer to build a large structure or parking lot right up to our property. This is why I STRONGLY oppose the Zone change petition for the property at 9931 248<sup>th</sup> Avenue in Naperville, IL. and ask that you do not allow this for the sake of all the surrounding homeowners. Surely there is a more fitting place for this center to be built that is not surrounded on three sides by private residences. We are willing to join forces and fight this rezoning further, but hope you have the good sense to see that the middle of a quiet neighborhood is not the appropriate place for a large public building.

Sincerely,

Vince Santoro  
3915 Mistflower Court  
Naperville, IL. 60564

October 3<sup>rd</sup>, 2011

Honorable Mayor and City Council Members

On October 5<sup>th</sup>, 2011 Naperville Planning and Zoning commission will be holding a meeting and one of the agenda items is public hearing on **PC Case #11-1-128**. I am writing to oppose the approval of the same along with all of the home owners in the neighborhood.

I recently bought the home and live in Ash wood Park Sub division on 248<sup>th</sup> and 103<sup>rd</sup> Streets. The peaceful surroundings and dense residential community were key criteria while deciding on the location.

I am writing to express my concern over the petition for 'annexation and zoning' of the property at 9931 S 248<sup>th</sup> Avenue, Naperville, Illinois of my neighborhood.

It is my understanding that approving the petition will be a severe inconvenience to the residents

due to -

- a. Increased traffic and congestion considering the size of the community center
- b. Loud noise during regular community events and festivities during specific months of the year
- c. Loss of privacy for families

Given the current housing market conditions with depressed property values any non-residential developments in the neighborhood would further contribute to reduce the 'Quite Residential' factor thus hurting homeowners.

The value of my house is its value as life insurance for my children and my retirement fund. If it declines in value, so does the security of my family. In addition, heavy traffic, noise would be extremely upsetting to all residents in the neighborhood.

You have been sensitive to the preservation of the unique character of our neighborhood and maintaining the family strengths of our community and I urge you to vote against this zoning issue.

I am opposing keeping in mind the facts and the inconvenience that would be caused as a result of this proposal and not with any biases. Those wishing to build large community centers, have many alternatives more appropriate than this from which to choose and need not have to build in the heart of residential neighborhood.

If I can help in any way to defeat this proposal, let me know. Thank you.

Sincerely,

Vanka Sastry, 4059 Teak Circle, Naperville, IL

October 2, 2011

City of Naperville Plan Commission  
Planning Services Team Department  
400 South Eagle Street  
Naperville, IL 60540  
Via email: [planning@naperville.il.us](mailto:planning@naperville.il.us)

Re: [PC Case # PC 11-1-128 Islamic Center of Naperville - 9931 South 248th Avenue.](#) Public Hearing scheduled October 5, 2011 regarding Islamic Center of Naperville purchase of land and requested rezoning at 9931 248<sup>th</sup> Street; near Tall Grass and Pencross Knoll subdivisions

Dear Sirs/Madams:

We understand that the Islamic Center of Naperville is attempting to have the aforementioned property rezoned for the purposes of building a Mosque. We strongly oppose such approval (as do many of the residents in Tall Grass and Pencross Knoll subdivisions) for many reasons, including the following:

1. A Mosque structure and parking facility are much too large to be "sandwiched" into the proposed residential area and surrounded on (3) sides by private residences.
2. The proposed facility (building and community center) would be visually-inconsistent and out-of-place as compared to the surrounding residential area.
3. It will affect the privacy of existing residential homes in the immediate vicinity, especially with late-night rituals during Ramadan and other times and parking lot lighting.
4. The current roadways are insufficient to handle the associated, resulting traffic.
5. Traffic congestion on limited (or even on future built-out, sufficient) roadways will create new, non-residential traffic patterns throughout the (2) adjacent subdivisions; Tallgrass and Pencross Knoll. (We happen to live on one of two major east/west routes to 248<sup>th</sup> street through the subdivisions).
6. Such traffic will inevitably cause unnecessary safety risks and traffic enforcement costs to residents and families from heavy utilization of the subdivision streets to access the new facility.
7. If rezoning/building is allowed and the above-mentioned strains result, local property values will be negatively affected; something that should be particularly avoided in the current real estate environment.

This is not a religious issue to us. It is about the placement of a building/facility in a very impractical location. Our appeal is for the Naperville Plan Commission to carefully consider our position/considerations and deter from approving the zoning that would make the undesirable use of this property possible.

Respectfully,

Andrew & Laura Coppola

3608 Landsdown Ave  
Naperville, IL 60564  
Email: [avcoppola@comcast.net](mailto:avcoppola@comcast.net)  
Phone: 630-995-3185

cc:

Congresswoman Judy Biggert  
13<sup>th</sup> District of Illinois  
6262 South Route 83, Suite 305  
Willowbrook, IL 60527  
Phone: 630-655-2052

Via email at the site: <http://biggert.house.gov//index.cfm?sectionid=81>

**From:** jill.schlappy@comcast.net [mailto:jill.schlappy@comcast.net]  
**Sent:** Sunday, October 02, 2011 8:47 PM  
**To:** Planning  
**Subject:** Mosque on 248th

To the Naperville Planning Board:

I am writing you to formally protest the Islamic Center of Naperville's attempt to have a parcel of land on 248th street rezoned and the agriculture portion removed so that a bigger structure (Mosque) and bigger parking lot can be constructed on that property. This structure would be in our backyards and could possibly be seen throughout the neighborhood due to the high dome and Minaret/s (tower/s).

Our concern as well is for the increased traffic a building/community center of this size will generate with nightly events especially during the months of October and November (Ramadan). Much of that traffic may inevitably cut through our neighborhood to avoid long traffic lines on the one-lane 248th Street . I understand that this center tried to build on 75th street but it was stopped due to the surrounding community's strong protest in regard to traffic, noise and privacy. Why would it then be okay to allow it to be built in another neighborhood area. Our property values in these neighborhoods around here have already taken a large hit. We really don't need something else to plummet them even further.

My issue is not that it is a mosque. I don't feel that this location is the proper place for any large structure. They can find a more appropriate place to build a building of this magnitude than on a parcel of land surrounded on 3 sides by private residences. Please do not allow this to happen to this neighborhood or this area.

Sincerely,  
Jill Schlappy  
3520 Redwing Court

Copy sent to Rep. Judy Biggert

**From:** McCammon, David L [mailto:david.l.mccammon@pfizer.com]  
**Sent:** Monday, October 03, 2011 8:58 AM  
**To:** Planning  
**Subject:** Islamic Center on 248

Hello,

I am writing to express my extreme concern about the proposal to build a large Islamic center on 248<sup>th</sup> street, literally in the Tall Grass neighborhood. This is a quiet residential area. A large religious complex of any type is incongruous with the neighborhood. Traffic, noise and congestion will negatively impact the residents on Tall Grass and Pencross Knoll. This location is simply not suitable for a building of this type. The property should not be rezoned as it will very negatively impact both neighborhoods that are adjacent to this property. The Islamic center should be in an area that allows easy access with negatively impacting residences with light, noise and congestion. Please do not allow this rezoning. Thank you for your consideration.

**Dave McCammon**

3736 Mistflower Lane, Naperville, IL 60564  
Cell: 847 778 9237 | Email: david.l.mccammon@pfizer.com

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**From:** Mark & Michele Rullo [mailto:rullommmcv@wowway.com]  
**Sent:** Monday, October 03, 2011 11:54 AM  
**To:** Planning  
**Subject:** South Naperville Islamic Center  
**Importance:** High

Dear Planning Commission,

I have had many concerns in the past regarding the city's "non-existence" when it comes issues in the South. My latest concern is that of the Islamic Center plans. I, of course, am receiving many emails from the neighborhood but would like to get the facts.

Is there a place online or are there documents you can share that have the FACTS?

My concern for this latest issue is the traffic, but I would like to know what the numbers are regarding church members, parking spaces, etc. 248th is a horrible road. To pull out onto this road from Grassmere is dangerous without the alleged traffic this center will bring. The 4 way stop sign at 103rd and 248th is dangerous as well, with many lanes confusing the right of way. In the winter, 248th is a sheet of ice due to the winds coming from the west, over the corn fields. And at all times cars travel at high speeds. More traffic on this road would be hazardous.

We have roads connecting to nowhere in this area. It seems to me that these roads should be first opened up before more traffic is added to the area.

We need you, the Naperville Planning and Zoning Commission, to consider the public safety issues when it comes to rezoning this piece of property.

Please feel free to call or email me about this issue.

Michele Rullo  
3748 Highknob Circle  
630.922.0348

**From:** Mike Wesling [mailto:mikewes@cdw.com]

**Sent:** Monday, October 03, 2011 12:48 PM

**To:** Planning

**Cc:** Melissa Wesling

**Subject:** Rezoning for Mosque

I am highly concerned with the meeting that is taking place on 10/5 for the potential rezoning of land on 248<sup>th</sup> ave in Naperville. I live in the Penncross Knoll subdivision which is directly adjacent to the property and I see this proposed building to cause numerous issues including:

1. The traffic flow on 248<sup>th</sup> is going to be highly increased on what is an already a very busy 2 lane road. This is going to create a situation where people both attending the church and living in surrounding areas will begin to utilize the neighborhoods of Penncross Knoll and Tall Grass to avoid such traffic. This is highly concerning considering there are two schools in the neighborhood. Along with that, there are countless children playing in yards, on sidewalks and at various sports practices that take place in the parks. This increased traffic puts all of our children in danger of accidents.
2. Many of these Mosque's are beautiful structures but if this rezoning is approved then the facility should be limited to a certain height. Property values in these neighborhoods have been in free fall for a few years and adding a large structure will continue to drive both home prices and subsequently property taxes down even further.
3. This area already suffers from traffic congestion on Rt 59 and this will just create further bottlenecks in this area. Especially considering there is already an enormous church only a few miles away at Rt59 and 83<sup>rd</sup>. I understand they are different religious affiliations but my point being that traffic is already at a standstill on days of worship and adding another large facility will only continue to create more traffic headaches for everyone.
4. The land is already zoned for a small church and part agriculture. I find it perfectly acceptable if the Mosque leaders want to build a smaller facility with a smaller parking that will fit within the designated land. However, it is unfair to the hundreds of families that live in the area to accommodate an enormous facility that is going to increase traffic and cause for a decline in property values. Mosque leaders need to work with the land that is currently zoned correctly or choose another area of land it is a better fit for their requirements.

I appreciate your consideration.

**Mike Wesling | CDW | Executive Account Manager- DC Metro**

120 S. Riverside Plaza | Chicago, IL | 60606

[mikewes@cdw.com](mailto:mikewes@cdw.com) | Office 866.239.4394 | Fax 312.705.4745

**From:** Mary Ellen Santoro [mailto:melsantoro@aol.com]  
**Sent:** Monday, October 03, 2011 12:57 PM  
**To:** Planning  
**Subject:** the rezoning of the property on 9931 248th Ave

City of Naperville Planning Commission

RE the rezoning of the property on 9931 248th Ave. per request of The Islamic Center of Naperville.  
Plan Commission#11-1-128

Dear Planning Commission,

I would like to vehemently oppose the rezoning of the property at 9931 248th Avenue! That parcel of land is zoned part agriculture for a reason – to protect the privacy and respect the property of the homeowners whose land is connected to that open field. According to reverend Tim of Hope Church, and previous owner of that land, the structure he planned to build there was to be considerable smaller and no lot or structure would back to adjunct property and disturb their privacy. Much of the land is zoned agriculture. (Thus, not encroaching on the land of the adjoining homeowners). The rezoning of this land does not give us that courtesy and that is NOT what we bought into when we purchased our homes!

If the agricultural portion of the zoning is removed, that gives The Islamic Center of Naperville freedom to build a very large structure and parking lot. As one of the families with a home that backs to that property, I can't help but be concerned about the noise, traffic and proximity of what is built there. Changing the agricultural portion of the zoning allows whatever is built there to back up directly to my property. It also opens the property buyer up to building a large building that will cause considerable traffic. I have three children and a pet and I have to worry about their safety with increased traffic and activity behind my home. Not to mention our lack of privacy.

Also, our bedrooms back up to this property. Night time gatherings and rituals will surely cause noise and traffic lights to shine into the back of our home. My biggest fear is a parking lot for this new facility right behind my home. This would be extremely loud and dangerous and there would be the constant glow of lights from the lot streetlights and cars.

This is why I STRONGLY oppose the Zone change petition for the property at 9931 248th Avenue in Naperville, IL. and ask that you do not allow this for the sake of all the surrounding homeowners. Surely there is a more fitting place for this center to be built that is not surrounded on three sides by private residences. I hope we have your support in this matter.

Sincerely,

Mary Ellen Santoro  
3915 Mistflower Court  
Naperville, IL. 60564

**From:** melsantoro@aol.com [mailto:melsantoro@aol.com]  
**Sent:** Monday, October 03, 2011 1:00 PM  
**To:** Planning  
**Subject:** rezoning of the property on 9931 248th Ave

City of Naperville Planning Commission

RE: rezoning of the property on 9931 248th Ave. per request of The Islamic Center of Naperville.  
Plan Commission#11-1-128

Dear Naperville Planning Commission,

I would like to vehemently oppose the rezoning of the property at 9931 248th Avenue! That parcel of land is zoned part agriculture for a reason – to protect the privacy and respect the property of the homeowners whose land is connected to that open field. According to reverend Tim of Hope Church, and previous owner of that land, the structure he planned to build there was to be considerable smaller and no lot or structure would back to adjunct property and disturb their privacy. Much of the land is zoned agriculture. (Thus, not encroaching on the land of the adjoining homeowners). The rezoning of this land does not give us that courtesy and that is NOT what we bought into when we purchased our homes!

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Sincerely,

Mary Ellen Santoro  
3915 Mistflower Court  
Naperville, IL. 60564

From: joan vitro [mailto:tomandjoan@msn.com]  
Sent: Monday, October 03, 2011 1:05 PM  
To: Planning  
Subject: Naperville plan commission #11-1-128

We strongly oppose the rezoning of 248th street between 95th and 103rd. This is a residential area. There are many, many houses that back directly up to the planned area. In addition, 248th street cannot handle additional traffic of that neighborhood. This seems like a very poor decision and certainly there is better land for a large structure that generates heavy traffic then in the middle of a neighborhood.

This very negatively impacts the neighborhood in terms of privacy, noise and traffic.

Thank you,  
Joan and Tom Vitro  
3447 Redwing Drive  
Naperville

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-----Original Message-----

From: catherinestrahan@aol.com [mailto:catherinestrahan@aol.com]  
Sent: Monday, October 03, 2011 1:06 PM  
To: Planning  
Subject: Mosque on 248

As a Naperville resident that lives in the area for the proposed development of a Mosque on 248, I would like to voice my opposition on the grounds of traffic increases that will not be able to be handled with the existing roads and infrastructure, parking limitations, and finally negative property value implications. I am certain there is a more appropriate spot for a Mosque than being wrapped on 3 sides by residential homes.

Catherine Strahan  
Sent on the Sprint® Now Network from my BlackBerry®

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From: JoAnn [mailto:rothfamily5@wowway.com]  
Sent: Monday, October 03, 2011 1:33 PM  
To: Planning  
Subject: Naperville plan commission #11-1-128

To whom it may concern-

I wanted to voice my opinion concerning plan #11-1-128 rezoning residential land on 248th street in Naperville to have an Islamic center built. I OPPOSE this plan. I live in the Tall Grass Subdivision where there are two schools and therefore a lot of children. Having this center built would increase traffic through our subdivision and also increase noise. This would be a safety concern for my children as well as others. It is also my understanding a majority of the centers activities occur in the evenings to night which would increase noise levels and brightness throughout the neighborhood.

Secondly the size of the structure would overwhelm our neighborhood. There are three sides of homes on this land. This land was zoned residential. To change that would be a huge mistake due to increased traffic, noise, and safety concerns. There are other properties zoned commercial that would be better suited for this project in Naperville. This does not need to be put in the middle of a subdivision. Other smaller plans to build have been turned down. My hope is that you will oppose this plan also as it is a much larger project.

Thank you,  
Jon and JoAnn Roth  
Naperville Residents

Sent from my iPhone

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From: Kris Payne [mailto:payne5@wowway.com]  
Sent: Monday, October 03, 2011 1:36 PM  
To: Planning  
Subject: OPPOSE Naperville plan commission # 11-1-128

I strongly OPPOSE Naperville plan commission #11-1-128. The property should not be rezoned to remove the agriculture component. It would create a safety issue with the increased traffic and noise in our residential neighborhood. Thank you.

Kristine Payne  
630-904-7544

From: joan vitro [mailto:tomandjoan@msn.com]  
Sent: Monday, October 03, 2011 1:05 PM  
To: Planning  
Subject: Naperville plan commission #11-1-128

We strongly oppose the rezoning of 248th street between 95th and 103rd. This is a residential area. There are many, many houses that back directly up to the planned area. In addition, 248th street cannot handle additional traffic of that neighborhood. This seems like a very poor decision and certainly there is better land for a large structure that generates heavy traffic then in the middle of a neighborhood.

This very negatively impacts the neighborhood in terms of privacy, noise and traffic.

Thank you,  
Joan and Tom Vitro  
3447 Redwing Drive

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**From:** Laura Stocco [mailto:les@illinoislawgroup.com]  
**Sent:** Monday, October 03, 2011 3:46 PM  
**To:** Planning  
**Cc:** gms@illinoislawgroup.com  
**Subject:** Rezoning Request for Islamic Center on 248th Street

Dear City of Naperville Plan Commission, Planning Service Team Department:

We own a home in the Tall Grass Subdivision in south Naperville. I have just learned that the Islamic Center is trying to have the land on 248 Street between Tall Grass and Penncross Knoll rezoned for a mosque. That land is way too small and it is surrounded on three side by residential homes. I am deeply concerned and opposed to a structure this large that would have tons of traffic to my neighborhood. My concern is for the increased traffic that a building and community center of this size will generate with nightly events especially during the months of October and November (Ramadan). I have seen the traffic that is generated at the Islamic Center on Ogden Avenue just west of Fort Hill Drive and on 95th street at the Christian church. The traffic is so heavy that police officers must direct traffic on a regular basis and both those streets have many lanes with turn lanes. Tall Grass and Penncross Knoll are residential communities with one and two lane roads. Traffic from a mosque will surely cut through our neighborhood to avoid long traffic lines on the one-lane 248th Street. Children routinely play and ride their bikes in the neighborhood. This kind of traffic in the community will negatively impact every home owner in the area. Traffic on this corner of 248th, Wolf's Crossing and 95th street is already very heavy. My home backs up right to all three streets as I live on Highknob Circle. The additional noise and lack of privacy will surely impact our home values and privacy immensely.

I am pleading for the board to deny the rezoning request by the Islamic Center. Surely a larger piece of land that can accommodate the heavy traffic is more suitable than a quiet residential neighborhood - surrounded on three side by homes. Thank you for your consideration.

Laura and Gerard Stocco  
3907 Highknob Circle Naperville, Il. 60564  
630 355-8873

THE FOLLOWING  
WERE  
RECEIVED AFTER  
THE PUBLIC  
HEARING ON  
OCTOBER 5, 2011

From: Renata Sliva [<mailto:slivarena@gmail.com>]  
Sent: Thursday, October 06, 2011 10:40 AM  
To: Planning  
Subject: Islamic Center

Dear Commission:

I have been at the hearing meeting yesterday night but I feel a need with a follow up.

I am a resident of Tall Grass since 2000.

As I have heard yesterday that if IC of Naperville would buy the property on 248th they could do and build anything they want. And that is the problem.

The property they are seeking is surrounded by residential area and thus should serve the residents living close to the area only.

As I mentioned at the meeting traditionally the houses of worship follow when people of certain faith move in the area and there is nothing close by so they build something. This does not seem to be the case. There are not that many Muslims in the Tall Grass and surrounding area to support a huge center. So in my opinion they are doing process in reverse and want to build a mosque and other buildings first in a place where not many of them live. That will bring Muslims into the area in the future but not without bringing the value of the homes down first.

In short while I would support a small mosque just for worship serving our local residents (I believe the membership would be 100-150 people) I strongly oppose a large center ever being built in the residential area. A large center is more fitting to be built on a major road such as 75th or 59th but not in residential area. This area is much less suitable than the first one they originally sought on 75th.

Sincerely,

Renata Sliva

From: [Planning@naperville.il.us](mailto:Planning@naperville.il.us)  
To: [simki74@hotmail.com](mailto:simki74@hotmail.com)  
Date: Wed, 5 Oct 2011 22:58:17 -0500  
Subject: RE: Concern over Public Service Hearing for rezoning property on 248th st, naperville

This correspondence will become part of the public record. The case has been continued to November 2, 2011 at 7pm.

**From:** Simki Patel [<mailto:simki74@hotmail.com>]  
**Sent:** Wednesday, October 05, 2011 10:33 PM  
**To:** Planning  
**Subject:** Concern over Public Service Hearing for rezoning property on 248th st, naperville

To Whom It May Concern,

I am a Naperville resident and am deeply concerned about the rezoning of the parcel located on 248th st. between 95th St. and 103rd St. As I understand it, this property is zoned for a small church and part agriculture. I understand that rezoning to build a large structure with a large parking lot will greatly affect the surrounding residential community in a negative way. Tall Grass and Pencross subdivisions are greatly populated with children and 2 schools. If a large church is built here, the traffic will surely increase and place our children in danger. Due to the limited lanes on 248th St., 103rd St., and 95th St., cars will be cutting through these subdivisions to access the new structure and therefore placing more cars driving throughout the streets that our kids are constantly walking through and playing on. THIS IS A HUGE SAFETY CONCERN FOR OUR COMMUNITY and the rezoning should not be passed. Please keep our children's safety first and DO NOT pass the re-zoning bill.

I was not able to make it to the public hearing today due to a work conflict but this is of great concern to my family and my neighborhood.

Thank you for taking the time to read my email and I hope that you can see through our eyes how wrong approving this re-zoning is and how negatively it will impact the surrounding community.

Simki, Utkarsh, Aria (age 4) and Karissa (age 2) Patel  
Tall Grass Resident

From: Sandy Mccoy [<mailto:Sandy.Mccoy@aonhewitt.com>]  
Sent: Thursday, October 06, 2011 7:12 AM  
To: Planning  
Subject: Property at 9931 248th

Plan Commission-

I understand that the property at 9931 248th is being considered for rezoning. I live at 3328 Lapp Lane, very close to the land under consideration.

I am opposed to re-zoning the land for a large structure.

I am concerned that traffic would significantly increase on my street. My house at the end of a curve on Lapp Lane that can be very dangerous if heavy traffic were to start using my street. I want to keep the area as residential as possible for the safety of my two children, ages 6 and 9, who I worry about when crossing the street.

Please consider the safety of our kids and do not rezone this land for a large structure and parking lot.

Thank you,  
Sandy McCoy

**From:** Chris Hansen [<mailto:Chris.Hansen@conradhotels.com>]  
**Sent:** Thursday, October 06, 2011 4:46 PM  
**To:** Planning  
**Cc:** Chris Hansen; howard lu; Stephen Lohman  
**Subject:** Islamic Center of Naperville proposed 248th st site

To: City of Naperville Plan Commission

I am writing as a resident of Tallgrass subdivision situated on 248<sup>th</sup> st to express my DISAPPROVAL of building on the proposed site of 9931 28<sup>th</sup> street. My reasons are as follows:

1. Congestion due to traffic from worshipers . This road is already too small to handle the load.
2. My house looks directly upon the proposed site and the noise and destruction of farmland this far off the main road (rt 59) is poor at best.
3. WE already have cars cutting thru our streets and this will only increase.
4. Thanks to the rezoning of my kids to Wabansi and not Nequa this will be the route for their bussing to school each morning.
5. Light from this complex and the surrounding parking lots will be unblock able to our neighborhood.
6. This area needs to be kept residential!!!

I am asking you to STOP this project!!!

**From:** Bobby Mano [<mailto:manobobby@hotmail.com>]  
**Sent:** Friday, October 07, 2011 9:11 AM  
**To:** Planning  
**Subject:** Rezoning of location 9931 248th Avenue.

Hello,

I live in Tall grass community and I strongly OPPOSE the construction of the mosque at 248th street. The main reason is the huge traffic which will be diverted in my community on the same road as the Elementary School is located. Also the value of our house will definitely go down.

Thanks  
*-Bobby*

**From:** [srigovinda9@gmail.com](mailto:srigovinda9@gmail.com) [<mailto:srigovinda9@gmail.com>] **On**  
**Behalf Of** venu kothuri  
**Sent:** Thursday, October 06, 2011 9:43 PM  
**To:** Planning  
**Subject:** 9931 248th avenue - rezoning

Dear Sir:

I kindly request you **NOT TO APPROVE** the rezoning and construction of Mosque in our neighborhood (address 9931 248th Ave, naperville). This will generate huge amount of traffic in our peaceful neighborhood and decrease privacy in our neighborhood. This will be huge problem for our residents and our properties. So we strongly oppose this rezoning and construction of Mosque in our neighborhood.

Regards  
Venu Kothuri  
3824 Mistflower Ln  
Naperville, IL 60564

From: Patricia Connon [<mailto:pcwonkie@gmail.com>]  
Sent: Thursday, October 06, 2011 8:19 PM  
To: Planning  
Subject: Rezoning for Mosque

The notice regarding rezoning request for 248th street, arrived today, October 6th. Obviously, we missed the rezoning meeting held last evening at the City of Naperville Council Chambers. Having just read the notice, I am "over the moon" with questions and disgust that you would even consider such a structure on this street. The traffic is increasing weekly, and during "rush hour", it has a LOT of traffic.

The speed limit is often ignored, which makes it often dangerous- as it is just a two-lane road. This is a residential area and cannot bear the additional traffic this would attract.

PLEASE do not grant re-zoning for such a huge structure. I cannot even imagine the impossibility of using our road with the added traffic. And to have a building of the magnitude of a mosque would totally destroy the privacy of our neighborhood.

PLEASE deny rezoning for this area.

Thank you.

Mr and Mrs Charles (Pat) Connon

995 6 S 248th Ave

Naperville, Il 60564

**From:** Mano Sivashanmugam [\[mailto:mano2k2@yahoo.com\]](mailto:mano2k2@yahoo.com)  
**Sent:** Friday, October 07, 2011 9:41 AM  
**To:** Planning  
**Subject:** Annexation for ICN - Mosque purpose

Dear Sir/Madam,

This is in regards to the request for annexation of a property on 248th street for the purpose of building a mosque. I live right behind the subject property and I heavily oppose this annexation by the city of Naperville. The main reason is that the value of my property will be heavily affected due to this annexation. Already all of our houses have lost more than 30% of their house values due to the recession. We can afford to take anymore hits on our property.

Additionally the property is currently surrounded by houses and is right in the middle of a residential community. I am failing to understand the reason behind this move by the city of Naperville. Based on all these I oppose this move.

Thanks  
Mano Sivashanmugam  
3331 Tall Grass Dr  
Naperville, IL

On 10/7/2011 2:37:24 PM, Amy Emery-Graunke wrote:

Ms. Lipkin-

Thank you for taking the time to provide comment on PC Case 11-1-128. Your comment will be forwarded to the Planning and Zoning Commission and added to the case file. Your thoughtful remarks are appreciated.

Amy Emery, AICP  
Community Planner  
630-420-4179  
[emerya@naperville.il.us](mailto:emerya@naperville.il.us)

On 10/7/2011 1:36:21 PM, Barbara Lipkin wrote:

I attended the meeting of the Plan Commission Wednesday evening, and was appalled by the opposition to annexation of the site on 148th St. adjacent to the Tall Grass subdivision. Even though it was very clearly stated that the issue at hand was annexation only, and that further development of the site, if and when proposed, would require careful review of detailed plans, the residents of the Tall Grass subdivision chose to address their opposition to the theoretical future development of a "huge" Mosque. This parcel of land has long been open to development of a church, and there are many very large churches in Naperville, yet I have never heard of any opposition to those buildings. Yet when the possibility of building a mosque comes up, suddenly there is opposition. I restrained myself from speaking during the meeting, because my only standing on this issue is that of a concerned Naperville resident. But it was really hard not to stand up and answer the people who did speak, albeit foolishly and not to the point at all. (Of course, the real point, unstated, is anti-Muslim prejudice.) I will not be able to attend the Nov. 2nd meeting, so I am writing to go on record as being in favor of annexation of this parcel of land. I would also like to go on record as hoping that the residents of Tallgrass who spoke on Wednesday evening are not representative of the kind of people who live in this city. Thank you for your consideration

**From:** howard lu [<mailto:hao.howe.lu@gmail.com>]  
**Sent:** Saturday, October 08, 2011 10:37 AM  
**To:** Planning  
**Cc:** 'Stephen Lohman'; 'Chris Hansen'  
**Subject:** RE: Islamic Center of Naperville proposed 248th st site

Dear Sir/Madam,

As a Tallgrass resident myself, I completely agree with Mr. Chris Hansen. But I want to reiterate one point: if this project is allowed, it'll exacerbate the traffic situation in and around this area, and deteriorate the community in many fronts. In the long run this might not be good for the revenue generation of the city.

Please stop this project, and let this area remain residential for the benefit of the residents, and the city!!!

Thank you very much for your attention!

Sincerely,

Hao Lu

Dear Sirs:

I live in the Tall Grass subdivision and I'm very concerned about the proposed construction of the religious center that will be situated on 248th St. I want to make it very clear that my comments have nothing to do with religion or ethnicity, we are in fact a very diversified neighborhood. My concern is directly related to how this large center will impact our quality of life. It's reasonable to expect that the neighborhood will be subjected to increased traffic, noise and light pollution. I was listening to NPR this evening and learned that Dupage County has just recently passed new zoning codes pertaining to businesses, including religious institutions that attract large numbers of customers or congregants. The code speaks specifically to protecting the integrity of residential neighborhoods. I realize that we're in Will County, but this project requires Naperville utilities and this provides the zoning board with an opportunity to protect the interests of several thousand Naperville residents. Please do the right thing.

Sincerely,

Erik Benson

On 10/13/2011 1:37:56 PM, Laurie Jerue wrote:

To Chair and all Plan Commission members:

After watching a recording of recent Plan Commission Mtg with public input from neighbors re: the Islamic Center annexation request in southwest Naperville.

- 1) We were appalled at the veiled bigotry and ignorance as demonstrated by so many of the speakers and
- 2) We were IMPRESSED and grateful to the Chair for his unflagging diplomacy and to everyone on the Commission for their thoughtful regard of this matter.

THANK YOU for your efforts in the face of such opposition. Keep standing up for what's right! By the way, we also live in sw Naperville, are not current or future members of this faith community, but do firmly support their right to request annexation and have their request be considered just as any other faith communities would be considered.

Take care.

City of Naperville Plan Commission

I can't believe you people  
are planning to let a mosque  
be built on 248. I live  
in that area and do not want  
something like that near me.  
The traffic would be awful.  
That area is residential not  
a place to put a mosque.

I hope you will think before  
you approve that plan  
I am very upset over this plan

Ms. Patricia  
Notzen

Carroll Club Resident



# Naperville

## PLANNING & ZONING COMMISSION AGENDA ITEM

**AGENDA DATE:** 11/2/2011

**SUBJECT:** Multi-Tenant Ground Signs

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Correspondence      New Business      Old Business      Public Hearing

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**BACKGROUND:**

At the September 21, 2011, Planning & Zoning Commission meeting, the PZC expressed concern that the Street Graphics Control Ordinance (Sign Code) seems “lenient” with respect to changing out face panels on existing nonconforming multi-tenant ground signs and that it would be a very long time before these types of signs would be replaced. Based on these concerns, staff wanted to provide the PZC with information as to why multi-tenant ground signs are treated differently than single-tenant ground signs.

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

No action required.

**PREPARED BY:** Trude B. Terreberry, Code Enforcement Officer

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**STAFF’S RESPONSE:**

Section 5-4-12:1 (Permit Process; Application) of the Naperville Municipal Code states, “Any person or activity proposing to erect, display or replace a sign, with the exception of individual panels on a multiple-tenant sign, shall file an application on a form provided by the City of Naperville.”

While the commission’s comments were not directed specifically to Ogden Avenue, that is where the large majority of existing, nonconforming signs are in the city and it is also where there have been two recent variance requests (Metropolitan Asian Family Services and National Tire & Battery). Therefore, staff counted the number of existing nonconforming ground signs on Ogden Avenue between Washington Street and Naper Boulevard and the breakdown is as follows:

- Multi-tenant signs – 22
- Single-tenant signs – 54

When the current sign code was being drafted, there was a consensus among City Council, staff and the business community that tenant panels on multi-tenant signs can be changed without the need of a permit or a variance (for nonconforming signs) for the following reasons:

- One tenant panel change should not cause for the remaining tenants within a shopping center to change their signage

*Multi-Tenant Panel Signs – Staff PZC Memo - Correspondence*

*November 2, 2011*

*Page 2 of 2*

- Business turnover within shopping centers is commonplace and all concerned parties wanted to allow face-panel swaps to occur with as little bureaucracy as possible
- Tenant-panel changes do not affect the size, height, or shape of an existing multi-tenant sign

Staff understands the PZC's concern about the length of time it will take to bring the multi-tenant signs along Ogden Avenue into agreement with the Ogden Avenue Corridor Enhancement Initiative (OACEI) objectives of lower-profile monuments signs in order to reduce clutter and improve navigation along the corridor. However, staff hopes that the PZC finds the above information helpful as to why a distinction is made between multi-tenant ground signs and single-tenant ground signs.

**ACTION REQUESTED:**

No action required.



# Naperville

## NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

**AGENDA DATE:** 11/2/2011

**SUBJECT:** Accessory Structures

Correspondence      New Business      Old Business      Public Hearing

**SYNOPSIS:**

This is follow-up information to the Planning and Zoning Commission regarding the City of Naperville's zoning requirements for accessory structures

**PLAN COMMISSION ACTION PREVIOUSLY TAKEN:**

Date	Item No.	Action
9/21/2011		PZC directed staff to prepare a report.

**ACTION REQUESTED/RECOMMENDED THIS MEETING:**

Direct staff to initiate an amendment to the Zoning Ordinance pertaining to accessory structures.

**PREPARED BY:** Suzanne Thorsen, AICP, Community Planner

**BACKGROUND:**

On September 21, 2011 the Planning and Zoning Commission considered a request for a zoning variance at 2443 Warm Springs Lane. During the course of the hearing, it was acknowledged by the petitioner and staff that the variance request was required only because the requested improvement was attached, and that a similar improvement could be constructed as a detached accessory structure by right.

Following the public hearing, the Planning and Zoning Commission requested that staff provide follow-up information about accessory structures for the commission's review.

**DISCUSSION:**

The Accessory Structure regulations are contained in Section 6-2-10 of the Naperville Municipal Code (common accessory structures include decks, patios, sheds, pools and game courts). The regulations provide guidance for both detached and attached structures, which are distinguished from one another by the presence of a physical connection to the principal building or structure.

The nature of yard improvements have evolved since the early 1980's when this ordinance was drafted, due in part to the increased integration of landscape and "hardscape" features, such as brick or stone pavers, and the stronger emphasis on outdoor living areas.

*Correspondence Item: Accessory Structures*

*November 2, 2011*

*Page 2 of 2*

*Revisions to Standards Recommended*

Staff concurs with the comments put forth at the Planning and Zoning Commission that there is an unclear distinction between attached and detached accessory structures. Further, the distinction does not serve the presumed purpose of preserving the yard, as a structure may simply be detached and constructed by right. Interactions with residents, architects and contractors alike have revealed that the community struggles with the intricacies of the ordinance. Therefore, a simpler format and application is warranted.

If an amendment to the Accessory Structure Regulations is to be made, staff recommends that it be simplified to include the following standards applicable to all accessory structures:

1. Accessory structures will not collectively occupy more than 25% of the required rear or interior side setback area;
2. Accessory structures will not exceed 18' in height;
3. Accessory structures will be set back at least 5' from the interior and rear property lines;
4. Front porches or patios shall be allowed to encroach into the required front yard<sup>1</sup>.

The scope of the proposed amendment would also include a review of applicable definitions and development of illustrations that may be provided to add clarity. In drafting the amendment, staff will review previous zoning requests, consult with local architects and landscape designers, and correspond with the Naperville Homeowners Confederation and other interested stakeholders.

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<sup>1</sup> This proposal to be further evaluated and refined through development of the zoning amendment.