

**EXHIBIT 1**  
**CONDITIONAL USE STANDARDS**

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

Petitioner is seeking a conditional use to locate a daycare center and preschool and its supporting uses (KLA School) on a vacant lot located in the B2 Community Shopping Center District at the southeast corner of Route 59 and 75<sup>th</sup> Street. The establishment, maintenance and operation of the KLA School on the Subject Property will not be detrimental to or endanger the public health, safety or general welfare. In fact, the establishment of the KLA School will promote the public health, safety, and welfare of the community by providing childcare services to the community and additional educational alternatives for children. The proposed KLA School will enhance the viability of the commercial center, the fitness center, and other commercial uses within the vicinity by providing consumers who will frequent the commercial center daily. The vacant lot is part of Lot 2 in the original Brach Brodie planned development platted in 2002 and later subdivided in 2005 in what is known as the Bradford Commons subdivision. Even though this lot has been a part of this commercial development for a number of years, it has not developed. The proposed conditional use will allow underperforming land to be utilized as a daycare center and preschool, which, in turn, will support the adjacent commercial development and enhance the City's retail and property tax base. Lastly, there is an appreciable need for daycare facilities and preschools in the area.

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

The KLA School will not be injurious to the other property in the immediate area for purposes already permitted. The surrounding properties are completely built out with commercial uses, except Lots 1 and 2 of the Resubdivision, which remain vacant, and the Forest Preserve property to the South. As stated above, the proposed conditional use will allow underperforming land to be utilized as a daycare center and preschool, which, in turn, will support the adjacent commercial development. Therefore, the KLA School will

enhance the use and enjoyment of the other property in the area for the uses permitted, including retail, fitness, restaurant, and shopping uses. Further, by utilizing an underperforming lot, property values in the vicinity will not be diminished or impaired but will be enhanced by the support of these surrounding uses by the increase in consumer traffic to the commercial development.

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

There is little, if any, unimproved property in the vicinity that would be affected by the establishment of the KLA School on the Subject Property, except the vacant lot to the north (Lot 2 of the Resubdivision). Most cars entering Beebe Drive off of 75<sup>th</sup> Street and Route 59, turn off of Beebe Drive into Costco, XSport Fitness, Walmart or the commercial center to the north prior to reaching the Subject Property. It is unlikely that the Subject Property will develop as a retail commercial use where high visibility is crucial to retail viability. The KLA School will be a destination for parents dropping off their children so high visibility from 75<sup>th</sup> Street or Route 59 is not required for the success of the KLA School, as is borne out by the Tuthill KLA School located off of Ogden Avenue on Tuthill. Even with future development and redevelopment, the proposed KLA School would be in harmony with any future development by providing childcare and proven alternative educational opportunities to workers, neighbors, and future residents in the area. The establishment of the KLA School will not impede the orderly development and improvement of the adjacent property but will enhance development of adjacent properties permitted in the district.

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

The adopted comprehensive master plan shows this property is in the Southwest Sector Plan. The Subject Property is identified as Commercial Retail/Service/Entertainment which emphasizes commercial development to serve various needs within the community area. The provision for daycare and educational opportunities certainly fulfills various needs in the community, including service uses. The Comprehensive Plan details community-oriented commercial uses along Route 59 and other major street corridors, like 75<sup>th</sup> Street, to serve the Southwest Community Area, the City of Naperville and

beyond. It also mentions Neighborhood-Oriented Commercial uses that allow commuters to utilize on the way to and from work, which would include daycare services and educational opportunities. Route 59 and 75<sup>th</sup> Street are major commuter hubs, providing access to I-355, I-55, I-88 and the Route 59 train station. The proposed KLA School location is a perfect location to provide daycare and educational opportunities for commuting parents. The proposed KLA School is not in conflict with the adopted Master Plan but in harmony with it.

In addition, the Draft Comprehensive Plan designates the Subject Property as Urban Center. The Draft Land Use Master Plan states the Vision of Naperville in 2040, and as part of that vision it talks about Naperville being one of the best places to raise a family and open a business. It also talks about having convenient access to education. One of the guiding principles relative to Urban Centers is to reinforce the vitality of the commercial areas by offering various goods and services. It stresses a creative approach to reinvent their commercial spaces to meet the challenges of vacant spaces due to the growth of on-line shopping. The proposed KLA School offers another way to creatively deal with vacant land in this commercial area, which in turn will bring consumers to this commercial center on a daily basis. The proposed use is surrounded by commercial uses and is a designated conditional use under the City Code. Further, the Subject Property is less suitable for retail, as stated above, due to its low visibility location in the Bradford PUD. Additionally, there are several properties in the vicinity with superior frontage and access to support retail and commercial uses. Finally, the property has been vacant and underperforming which is why Petitioner is seeking a conditional use to allow for a daycare center, preschools, and their supporting uses on the Subject Property. Therefore, the proposed KLA School is in harmony with the Draft Master Land Use Plan and not in conflict with the Draft Master Plan.

## EXHIBIT 2

### STANDARDS FOR A MAJOR CHANGE TO A PUD

#### Section 6-4-7:1: Standards for Granting or Amending a Planned Unit Development:

1. *The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.*

The Bradford PUD was re-platted in 2006 from the original Lot 2 of the Brach Brodie PUD platted in 2002. The development of the PUD is largely completed with the exception of 2 lots, Lot 5 and Lot 6 of the Bradford Commons PUD. The owner of Lots 5 and 6 are seeking to re-subdivide Lots 5 and 6 creating 2 new lots, Lots 1 and 2. Petitioner is the contract purchaser of Lot 1 of the Re-subdivision. The PUD has underlying zoning of B2, Community Shopping Center District. Petitioner is seeking a conditional use to locate a daycare center and preschool in the B2 District on the 1.2-acre re-subdivided Lot 1. The new Lot 2 parcel will remain undeveloped. The owner's requested re-subdivision and Petitioner's requested conditional use for a KLA School are minimal changes that will have little impact to the existing PUD, except the requests will provide for the development of a parcel that has remained undeveloped for over 15 years. The proposed architecture for the site will complement the existing and varying architecture of the existing buildings in the PUD.

2. *The planned unit development meets the requirements and standards of the planned unit development regulations.*

The Brach Brodie PUD was approved in 2002 and the Bradford Commons PUD was approved in 2006, in compliance with the City's PUD regulations. Re-subdividing Lots 5 and 6 will not have any effect on the requirements or standards of the existing PUD and will meet the PUD standards. Granting the conditional use for a daycare center and preschool, which is a designated conditional use in the underlying B2 District will meet the planned unit development regulations in the Code.

3. *The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.*

The existing Brach Brodie PUD and the Bradford Commons PUD were designed in conformance with planned unit development regulations. Re-subdividing Lots 5 and 6

and locating the KLA School on the new Lot 1 of the Resubdivision is an efficient use of the Subject Property, which has remained vacant for more than fifteen (15) years. The proposed KLA School will have access onto Beebe Drive and the drive aisle immediately west of the Subject Property for easy ingress and egress to the development. There are a number of easements and drive aisles on the Brach Brodie PUD and the Bradford Commons PUD, providing for the efficient circulation and flow of traffic, including right-in/right-out ingress and egress to the development off of 75<sup>th</sup> Street and Route 59, as well as lighted intersections on Beebe Drive at 75<sup>th</sup> Street and Route 59 for easy ingress and egress to the PUD and the Subject Property. Utilities are on site, and the stormwater facility is a large, naturalized area, adjacent to the DuPage County Forest Preserve, providing for a natural feature in the urban center.

4. *Open space, outdoor common area, and recreational facilities are provided.*

The naturalized detention area is a large open space area, adjacent to the forest preserve to the South of the Subject Property. The proposed KLA School will have a large open space area for a playground and its associated equipment and a garden center.

5. *The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.*

The proposed KLA School is not seeking and modifications to the City's subdivision control regulations or waivers from the City's bulk regulations. Petitioner is only seeking deviations from parking requirements, stacking, and sign location, and the standards for those deviations are below at **Exhibit 6**.

6. *The planned unit development is compatible with the adjacent properties and nearby land uses.*

The proposed KLA School is compatible with the adjacent properties, which are commercial and recreational in nature. The KLA School will have a positive impact on the commercial center by providing for consumers who will be dropping and picking up their children from the school and utilizing the retail, recreational, restaurant, and other commercial uses in the development and those commercial centers to the north and west.

7. *The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the City.*

As stated above, the re-subdivision of Lots 5 and 6 and the conditional use for the KLA School are in conformance with the objectives of the existing Comprehensive Plan and the Draft Master Land Use Plan. The Subject Property is identified as Commercial Retail/Service/Entertainment which emphasizes commercial development to serve various needs within the community area. The provision for daycare and educational opportunities certainly fulfills various needs in the community, including service uses. The Comprehensive Plan details community-oriented commercial uses along Route 59 and other major street corridors, like 75<sup>th</sup> Street, to serve the Southwest Community Area, the City of Naperville and beyond. The Comprehensive Plan also mentions Neighborhood-Oriented Commercial uses that allow commuters to utilize on the way to and from work, which would include daycare services and educational opportunities. Route 59 and 75<sup>th</sup> Street are major commuter hubs, providing access to I-355, I-55, I-88 and the Route 59 train station. The proposed KLA School location is a perfect location to provide daycare and educational opportunities for commuting parents. In addition, the Draft Comprehensive Plan designates the Subject Property as Urban Center. The Vision of Naperville 2040 under the Draft Land Use Master Plan is for Naperville to be one of the best places to raise a family and open a business. It also addresses having convenient access to education. One of the guiding principles relative to Urban Centers is to reinforce the vitality of the commercial areas by offering various goods and services. It stresses a creative approach to reinvent their commercial spaces to meet the challenges of vacant spaces due to the growth of on-line shopping. The proposed KLA School offers another means to creatively deal with vacant commercial land by bringing consumers to this commercial center on a daily basis. Utilizing vacant and underperforming property to allow for a daycare center, preschool, and their supporting uses on the Subject Property is in keeping with the planning objectives on the Draft Master Land Use Plan. Therefore, the proposed KLA School is in harmony with the planning objectives of the Existing and Draft Master Land Use Plans.

## EXHIBIT 6

### STANDARDS FOR APPROVING A PUD DEVIATION

Section 6-4-3:12.1: Standards for Approving a PUD Deviation:

1. *Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The intent and purpose of the B2, Community Shopping Center District, is to accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping center district, which is designed to provide convenience shopping for adjacent residential areas. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center. The proposed use as a daycare center is a delineated conditional use in the B2 District, which calls for a wide range of uses and structure sizes. The current shopping center has a number of divergent uses, including retail uses, restaurants, and a gym/health club. The requested daycare center use will add to this divergent mix of uses and support the B2 district. The request for deviations from the parking and stacking requirements will have no effect on the stated intent and purpose of the B2 District.

Petitioner is seeking a deviation from Section 6-9-3:6 to permit 40 spaces on the Subject Property instead of 51 spaces (4 spaces per 1,000 square feet of building), and a deviation from the ten (10) car stacking requirement. While the Subject Property only provides for 40 parking spaces due to the realignment of the driveway with the parking aisles on the adjacent parking lot, the owner of the Subject Property was able to obtain the right to use off-site parking spaces via an easement for fifty (50) non-exclusive parking spaces from the owner of XSport Fitness lot on the parking lot immediately West of the Subject Property. The easement for parking in the fifty (50) parking spaces will be in favor of Lots 1 and 2 of the Resubdivision, with the XSport Fitness facility also having the right to park in the fifty (50) parking spaces. Most of the fifty (50) off-site parking spaces provided are within 300 feet of the proposed building as required for off-site parking spaces. While the spaces are not exclusive to the Subject Property, these fifty (50) spaces are far in excess of the required eleven (11) spaces needed for the Subject Property to

meet the fifty-one (51) parking space requirement. If needed, Petitioner will have staff utilize the off-site parking spaces, leaving parking spaces open for parents dropping off/picking up children.

In further support of the requested parking deviation, my client conducted a parking study at its two (2) existing KLA Schools in Naperville and Plainfield. My client performed a parking study as depicted on **Exhibit C** for the two schools. On January 6, 8, 11, and 12, 2021, Petitioner did a parking study at its Naperville and Plainfield locations. Over the four days, Petitioner recorded the numbers of cars in the parking lots of the two (2) locations as shown on **Exhibit C**, attached hereto and incorporated herein. The Plainfield campus is currently at 70% capacity, and the Naperville campus is currently at 60% capacity. The highest number of cars at the Plainfield campus was 28 cars at 70%, which at 100% capacity, would equate to 40 cars. At the Naperville campus, the highest number of cars was 20, which at 100% capacity, would equate to 34 cars. Based on this study, the 40 parking spaces would be sufficient at either existing location at 100% capacity. The Code seeks to ensure that sufficient parking is provided for each use on the Subject Property. While the 40 parking spaces on the Subject Property are sufficient to provide parking for the KLA School, an additional fifty (50) off-site parking spaces are being made available on the adjacent parking lot that will far exceed the parking required, which is the intent of the parking requirement. Therefore, this requested parking space deviation will not undermine the purpose and intent of the B2 District.

KLA School is seeking a deviation from the ten (10) car stacking requirement under Section 6-9-3:6 because no stacking will be required. KLA's standard policy is that parents are required to park, accompany their children into/out of the building, and sign their children in/out. The current drop off and pick up policy is the same at Petitioner's other Naperville location and the Plainfield location, and there have been no issues resulting from this policy. Please note that during the pandemic, KLA has limited parent access to the building to prevent multiple means of exposure to the Covid-19 virus. Parents are still required to park and bring their children to the door, but not enter the building. Therefore, this requested stacking deviation will not undermine the intent and purpose of the B2 District because no stacking is required based on KLA's policy



requiring children be escorted in and out of school with no dropping off or picking up of students allowed.

Finally, KLA School is seeking a deviation from Section 6-16-5:2.2.5.3 to permit a monument sign located less than 40' from an interior property line. The interior property line is adjacent to an access drive which is then adjacent to a large parking lot. There are no adjacent buildings or uses that would be impacted in any way by the location of this sign. Since this access drive is utilized by a number of cars that want to avoid the traffic in front of Costco and XSport Fitness, this is an ideal location for the KLA Sign. Therefore, this requested sign location deviation will not undermine the intent and purpose of the B2 District because the sign will not impact any adjacent uses.

2. *Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*

The requested 40 car parking deviation, stacking deviation, and sign location deviation will have no effect on the provision of municipal services and infrastructure. As part of the Brach/Brodie PUD and the Bradford Commons PUD, the provision of municipal services and infrastructure for the Subject Property was formulated. There will be no increase in the necessity for municipal services and infrastructure as a result of the parking deviation, stacking deviation or sign location deviation. Therefore, the parking space deviation, stacking deviation and sign location deviation will not be a detriment to the provision of municipal services and infrastructure.

3. *Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The Subject Property as part of the Brach/Brodie PUD and subsequent Bradford Commons PUD, which were intended to be improved with B2 uses to accommodate the needs of a much larger consumer population. The PUD is almost fully improved, with the

exception of Lots 1 and 2 of the Re-subdivision of Lots 5 and 6 of the Bradford Commons PUD. As part of the amenities provided for the PUD, a large stormwater detention facility adjacent to the DuPage County Forest Preserve property, improved with natural vegetation provided an environmental benefit to the PUD and the surrounding area. Interesting architectural elements and traffic patterns for ease of ingress and egress to the overall PUD also provide superior design elements. The PUD, with its prime location on the corner of 75<sup>th</sup> Street and Route 59, is being operated exactly as intended by the City - as a major commercial center. The last two lots remaining in the PUD are not in high traffic/high visibility areas off of 75<sup>th</sup> Street or Route 59 as are the other properties in this PUD, but still generate substantial drive-by traffic for consumers utilizing the other businesses. Petitioner's proposed use is the perfect destination use for the Subject Property, and the day care center use will provide a valuable amenity for customers and employees of the surrounding businesses located on this high visibility corner of 75<sup>th</sup> Street and Route 59. Therefore, the requested deviations will allow for the Petitioner's day care center to be located on the Subject Property, providing an amenity for the Naperville community in the southwestern portion of the City.