

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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR ENTITLEMENTS REGARDING THE PROPERTY COMMONLY KNOWN AS 5TH AVENUE STATION A/K/A THE KROEHLER COMPLEX

THE UNDERSIGNED Petitioner, McAllister Pierce Partners LP (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to approve a major change to the 5th Avenue Station Planned Unit Development allowing for interior renovations to the Kroehler building consisting of reclaiming 2,300 square feet of usable office space and adding 8 apartment units, grant a deviation from the City’s off-street parking requirements to allow for existing three hundred and ninety seven (397) parking spaces to continue to serve the Subject Property and such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), and as depicted on the floor plans submitted herewith 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, McAllister Pierce Partners LP, a California limited partnership, is the Petitioner and one of the owners of the Subject Property. The other owners of the Subject Property are: 5th Ave. GD LLC, a California limited liability company, FRG 5th Avenue I LLC, an Illinois limited liability company, and FRG 5th Avenue II LLC, an Illinois limited liability company.

2. The Subject Property is known as the 5th Avenue Station and consists of an approximately two hundred and ninety thousand (290,000) square foot mixed used building located at 200 E. 5th Avenue in Naperville, Illinois.

3. The existing land uses surrounding the Subject Property are as follows:
 - a. North: R-2 Zoning – Single Family Residential
 - b. East: Industrial Zoning for a city owned commuter parking lot
 - c. South: Industrial & R-2 Zoning for railroad tracks and single-family homes.
 - d. West: Industrial zoning for city owned property and commuter parking lots.

4. The Subject Property is located in DuPage County, Illinois, and is improved with a mixed-use residential and commercial building known as the 5th Avenue Station.

5. The Petitioner seeks approval of a Major Change to existing Planned Unit Development and approval of a parking deviation to provide for improvements to the Subject Property including reclaiming approximately 2,300 square feet of commercial space and the addition of eight (8) apartment units all within the existing building envelope.

6. All proposed improvements will be internal to the existing building and no changes to the exterior of the building or parking areas are proposed or anticipated.

7. The proposed changes will be virtually undetectable to anyone outside of the building.

8. The Petitioner seeks approval of a deviation from the City's off-street loading requirements so that the existing parking deviation granted to the Subject Property in accordance with the existing Planned Unit Development continues in full force and effect upon completion of the proposed improvements.

9. The proposed major change and parking deviation are in conformance with the original PUD approval ordinances 84-26 (Ordinance Approving 5th Avenue PUD) and 85-135 (Ordinance Granting a Prior Major Change).

10. The original PUD allowed for a total of 290,000 useable square feet in the 5th Avenue Station Building and upon undertaking the proposed improvements, the Petitioner anticipates a total of 290,000 square feet as the only proposed renovations are internal to the building.

Original PUD Approval

78,000 square feet of retail area
52,000 square feet of office area
160,000 square feet of residential area
290,000 square feet total

Current PUD Uses

110,000 square feet of office area
20,000 square feet of retail area
160,000 square feet of residential area
290,000 square feet total

11. The current commercial uses of the building which are predominantly office in nature have significantly less parking demand than the uses approved as part of the original 5th Avenue Station PUD.

12. The proposed additional 8 apartment units are located on the second floor over a portion of the first floor that has no ceiling and looks up to the third floor; and the proposed additional office area is located on the first floor in an area that looks up to the second floor of the building.

13. The requested Major Change to the existing Planned Unit Development meets the requirements for a Major Change under the Naperville Municipal Code and is appropriate based upon the following factors:

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

The Fifth Avenue Station was an innovative and creative repurposing of the Kroehler Manufacturing Building which is an integral part of our Naperville heritage. Converting the building to an innovative mixed-use development back in the late 1980's has allowed us to preserve this significant structure. Over the past 30+ years 5th Avenue Station has complimented the surrounding area while providing for housing options, professional service, convenience uses and employment. Over the years the higher parking demand uses such as restaurants and retail uses have left and those spaces have been replaced by a predominance of office users which has a significantly lesser parking demand.

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

The proposed Major Change to the Planned Unit Development will allow the Petitioner to continue to utilize the Subject Property to an extent that is compatible with the surrounding environment and to its highest and best use. The existing planned unit development meets all applicable PUD standards.

- c. 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.*

There are no existing natural features on the site. 5th Avenue Station has fit in harmoniously within the surrounding neighborhood and has been a focal point for over 30 years now. The proposed renovations are exclusively internal to the building and will help support the viability of the overall development for many years to follow. Overall, the proposed

improvements efficiently utilize the residential and commercial areas within the building, which areas have been vacant and underperforming for many years. The adjacent Metra Station will continue to attract both residents and workers to the planned unit development which is optimally located to provide for future sustainability of this important mixed-use building.

d. Open Space, outdoor common area, and recreational facilities are provided.

Common areas and recreational facilities have been incorporated as part of the overall 5th Avenue Station PUD.

e. 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 repurposing of the Kroehler building was pioneering and has allowed us to preserve this important structure. Other than to keep the parking deviation in place, the Petitioner is not requesting any waivers from bulk regulations.

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

The proposed use of the Subject Property is consistent with and has fit well into the surrounding neighborhood for over 30 years providing residential options, convenience uses and employment. 5th Avenue Station was conceptualized as a mixed-use development with a combination of retail, office and residential uses. The retail and restaurant component has stalled over the years which has left the building predominantly office and residential. In the early 1990's there were three restaurants operating in the 5th Avenue Station which included Motparnasse, Buenaro's & Taylor Brewing Company all of which closed by 2015 and which were not replaced. As a result the higher parking demand uses such as restaurants (10 spaces per 1,000 square feet) and retail (4.5 spaces per 1,000 square feet) have been replaced predominantly with office users (3.3 spaces per 1,000 square feet). Considering the current mix of

approximately 110,000 square feet of office users and only 20,000 square feet of retail users vs. the prior approved 78,000 square feet of retail uses and 52,000 square feet of office users represents a considerable reduction in parking demand which approaches 25% total.

Lastly, the proposed interior enhancements would create a beneficial use of the Subject Property that will provide more housing and office opportunity and a boost to the overall health of the planned unit development, which will be consistent with the character and intent of the planned unit development.

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

The proposed development is consistent with the overall 5th Avenue Station Planned Unit Development, which anticipated a mixed-use development, and is consistent with the approved total square footages allowed for the Subject Property. The proposed development will allow for underperforming portions of the building to be utilized for its highest and best use which will in turn support the adjacent area and enhance the City's property tax bases. The proposed amendment is also in conformance with the City's official plans as an intended mixed-use development.

13. The requested deviation to reduce the required number of off-street parking spaces meets the requirements for a deviation under the Naperville Municipal Code and is appropriate based upon the following factors:

a. The requested deviation would not undermine the intent and purpose of the underlying zoning district.

The purpose of the off-street parking requirement is to ensure that adequate parking is provided to meet the demand. Accordingly, the Code provides that each property must provide on-site parking to meet the anticipated parking demand based on the use of the individual

property. The proposed deviation to reduce the required off-street parking is consistent with the purpose and intent of the zoning regulations. Under Section 6-9-3 of the Code, parking requirements are calculated based on both the square footage and the type of use of an establishment. The proposed parking deviation is keeping with the parking deviation that was granted to the 5th Avenue Station as part of the original PUD approved in 1984 and takes into account the various synergies of having a mixed-use building in relation to peak parking demands. Accordingly, the Petitioner has submitted a parking study prepared by KLOA, dated November 19, 2020, last revised December 3, 2020, attached hereto as Exhibit B which concludes that the existing 397 spaces will be more than sufficient to accommodate the peak parking demand. Of particular note is that:

- The peak parking demand is estimated to be 274 spaces. 397 spaces are available leaving a 123 spaces surplus.
- 5th Avenue Station is a transit-oriented development with an abundance of transportation options in the immediate vicinity thereby reducing the need for vehicle ownership and parking demand.
- All parking lots associated with 5th Avenue Station are signed for permit parking only and are regulated by the professional property management company.
- No commuter parking is allowed in any of the 5th Avenue Station parking lots.

Not included in the said parking study, but very important to note is the fact that the original PUD anticipated a much higher concentration of retail uses within 5th Avenue Station up to approximately 78,000 square feet of retail which has a much higher parking demand than office uses. Today, in the commercial portions of the building, the current tenant roster is almost all office users (85% office and 15% commercial uses) which office uses have a significantly less

parking demand than the retail which was originally anticipated. The original PUD anticipated 78,000 square feet of commercial, 52,000 square feet of office and 160,000 square feet of residential along with 415 parking spaces. The original PUD also anticipated up to 122 apartments within the 160,000 square foot residential area. Currently there are 118 apartments located within 5th Avenue Station. Upon reuse of the vacant areas within the building and consistent with the original PUD there will still be less than 160,000 square feet of residential uses which is consistent with what the original PUD had anticipated. Lastly, as the 5th Avenue Station is professionally managed, all parking is regulated through leasing and any illegal parking situations are immediately rectified so that the parking supply is preserved. Therefore, strict enforcement of the parking requirement would require the Petitioner to construct and maintain parking areas that are not required or in the alternative to not be able to utilize the interior of the building to its highest and best use and potential.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

Great care was taken in site and building design. Granting a variance to Section 6-9-3 will not alter the essential character of the neighborhood or create a substantial detriment to adjacent property. The variance would actually improve the overall functioning of the mixed-use character of the 5th Avenue Station. Increasing the number of parking spaces to meet code would not alter the manner of operations but would only cause inefficiencies in the layout of the development and require parking areas that would not be utilized.

c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier fee housing.

This variance would be virtually undetectable. In addition, the parking study along with over 30 years of operational history shows that the development will be adequately parked.

Lastly, when evaluating potential for guest parking, it is important to point out that there are approximately 1,600 commuter parking spaces available in the immediate area at times when visitors are most common (nights and weekends) which will allow for an additional opportunity for guest parking.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve a major change to the 5th Avenue Station Planned Unit Development, grant a deviation from the City's off-street parking requirements and grant such other variances, departures, deviations or other relief which is deemed necessary to approve the development of the Subject Property as depicted on the plans submitted herewith.

RESPECTFULLY RESUBMITTED this _____ day of December 2020.

PETITIONER:

McAllister Pierce Partners LP, a California limited partnership

Rosanova & Whitaker, Ltd.
Attorney for the Petitioner