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Responses to Standards for Variance for Proposed Off-Street Parking Variance

Property: 1923 Glacier Park Avenue, Naperville; PIN: 07-15-302-012 and 07-15-302-019

Petitioner: SCORILLO LLC

Proposed End-User: Scooter's Coffee

We are a Naperville based small business and our distinctive business concept, which we are seeking building approval for, SCOOTER'S COFFEE is a renowned coffeehouse franchise operating nationwide. What sets us apart is the fusion of top-notch coffeehouse quality with the exclusive convenience of a drive-thru format. Our coffee shop occupies a compact space of approximately 670 sq. ft. and solely caters to drive-thru customers. We specialize in serving a wide range of hot and cold beverages, along with pre-packaged breakfast food items prepared off-site. Given the kiosk's limited size and exclusive focus on drive-thru operations, customer parking is not necessary for this use.

We hereby present the following responses to the standards for a Zoning Ordinance variance, in support of our plea for a variance from the rigid enforcement of the off-street parking regulations pursuant to Section 6-9-1 of the Naperville Code of Ordinances (the "Code") to allow 331 spaces in lieu of the required 412 spaces.

EXHIBIT E

Standard No. 1: The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

Response: The proposed Scooter's Coffee ("Scooter's") aligns with the objectives and vision outlined in the Land Use Master Plan (referred to as the "Plan"). We intend to establish a drive-thru-only coffee kiosk on a currently undeveloped outlot situated within a shopping center that is partly vacant and underutilized. According to the Plan, the property's location falls within an Urban Center, which sets forth the following objectives for properties within such areas:

1. Facilitates infill development on underutilized lots.
2. Permits higher levels of commercial activities.
3. Acknowledges the predominant auto-oriented design of developments, prioritizing parking requirements.
4. Encourages the attraction of restaurants and entertainment establishments.
5. Recommends the establishment of internal cross-access between different land uses.
6. Promotes the development of outlots.

The proposed Scooter's Coffee establishment fully aligns with the goals, objectives, and recommendations outlined in the Plan. The shopping center in question already features cross access and shared parking easements, further enhancing its suitability for development. The outlot, which has remained undeveloped since its creation, presents an ideal opportunity for infill development, as encouraged by the Plan.

While the proposed use falls short of meeting the off-street parking requirements specified in the Zoning Ordinance, the KLOA parking study provides conclusive evidence that there is an abundance of off-street parking available on-site to accommodate not only Scooter's Coffee but also the existing and potential uses within the shopping center. The KLOA parking study has been submitted to the City and is referenced as part of this submission.

Moreover, Scooter's Coffee adheres to the goals and objectives set forth in the Zoning Ordinance. The property is appropriately zoned as B-2 Community Shopping Center District, which is specifically designed to cater to the needs

of a larger consumer population through various uses and structures within a shopping center format. The proposed Scooter's Coffee, located within an existing shopping center along Route 59, a major arterial road, complies with the regulations of the District. As a drive-thru-only kiosk, it embodies the general purpose and intent of the Zoning Ordinance, which strives to encourage the optimal use of land. Given its lack of customer lobby, the Scooter's Coffee kiosk does not require dedicated customer parking even with shared parking arrangements, which are highly suitable for this existing outlot. The parking facilities provided will primarily serve the employees of Scooter's Coffee.

Considering the challenges faced by standalone outlots in attracting retail businesses, the proposed drive-thru-only kiosk use for Scooter's Coffee represents the highest and best use of the property, given the prevailing circumstances in the retail industry.

Due to the limited size of the outlot, it is infeasible to provide the mandatory off-street parking exclusively for the proposed Scooter's Coffee establishment on that specific lot. Moreover, since the Scooter's drive-thru-only kiosk does not include a customer lobby, there is no need for dedicated customer parking. The KLOA traffic study confirms that even with the implementation of this drive-thru kiosk, there will be an excess of available and unutilized parking spaces within the shopping center, even during peak hours on weekends. Consequently, this proposed use will ensure and enhance the safety, well-being, comfort, and convenience of customers visiting the drive-thru kiosk and the overall shopping center.

Moreover, the purpose and intent 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 district. 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.” Approval of the deviation will not undermine the intent of the B2 District. In fact, the nature of the High Grove Shopping Center will remain unchanged and the core users such as Urban Air Adventure Park and Marshall's will continue to thrive in line with the purpose and intent of the district. Parking requirements are put in

place to ensure there is adequate parking to serve the land use for which it is designated. Under the current conditions, 409 spaces are required to serve all tenants located within the High Grove Shopping Center as depicted on Table 1 of the Parking Study. However, only 373 spaces are available today without the proposed development. Under the current conditions, the High Grove Shopping Center experiences success and is not deficient in parking given the Reciprocal Easement Agreement (“REA”) in place. The REA provides a mechanism by which all tenants benefit from shared parking amongst the whole shopping center.

By way of developing the proposed Scooter’s Coffee Shop, the parking for the overall shopping center will be reduced from 373 spaces to 331 parking spaces. The High Grove Shopping Center has continuously proven the need for code compliant parking is neither practical nor necessary based upon today’s market trends and demands. The High Grove Shopping Center was initially subdivided in the 1990’s, which predated the surge of e-commerce. At that time, large surface parking was provided for shopping centers to meet the needs and demands of in-person shopping. Since that time, e-commerce sales have risen and users within the High Grove Shopping Center have evolved over time. Today, the four tenants whose parking requirements that are taken into consideration are all very different. Marshall’s is a department store who experiences its peak occupancy during the daytime hours on the weekdays and weekend. Freddy’s Frozen Custard experiences heavier occupancy around lunchtime and early evenings on the weekends. Urban Adventure Park experiences heavier occupancy on the weekends. Given range of time of when parking will be utilized at the center, the tenants within the High Grove Shopping Center do not experience a deficiency in parking. In addition, the proposed use will be exclusively drive-thru only. Accordingly, establishing a Scooter’s coffee shop will not negatively affect the use of parking pursuant to the purpose of the REA. In addition, the parking study submitted herewith indicates the total projected occupancy for the High Grove Shopping Center at its busiest hour is not expected to exceed 288 parking spaces. Under the proposed conditions, there will be a surplus of parking even at the center’s highest occupancy. Accordingly, the requested variance will not undermine the intent of the B2 district nor the intent of the parking requirements under the City’s Code.

Standard No. 2: 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.

Response: The outlot in question was established as a result of a previous resubdivision of the shopping center property, with approval from the City. We did not create the outlot but seek to use its current size to accommodate the Scooter's drive through coffee kiosk, drive-through lane (with escape lane), drive aisles, landscaping, trash enclosure. Given the limitations of the outlot's size, it would be extremely challenging to construct a retail,

restaurant, service, or entertainment structure while simultaneously providing the required off-street parking. Recognizing this predicament, the shopping center owner has facilitated cross access among different uses within the shopping center and permitted shared off-street parking in the existing parking lots for all users.

Upon the proposed development of Scooter's, if approved, the shopping center will collectively offer a total of 331 parking spaces to cater to all tenants of the High Grove Shopping Center. According to the KLOA parking study, this number of parking spaces is more than sufficient to accommodate each tenant in post-development conditions.

If Scooter's or any other potential user of the outlot were strictly compelled to comply with the off-street parking requirements stipulated in the Zoning Ordinance, it would render development of the outlot unviable, as there is no remaining undeveloped land within the shopping center to accommodate additional parking, and no adjacent vacant land to facilitate expansion of the shopping center.

The City has previously acknowledged the hardship posed by this situation and recognized the surplus of available parking in 2018 when granting a variance for off-street parking for Urban Air Adventure Park within the shopping center. Despite the variance and the presence of this entertainment use, there remains an excess of parking spaces within the shopping center to effectively accommodate Scooter's and any other potential users within the shopping center.

Standard No. 3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Response: The shopping center is strategically positioned along a prominent arterial road, Route 59, and is characterized by dense urban-like commercial development. It is conveniently served by nearby residential areas. The proposed Scooter's Coffee drive through kiosk use is entirely compatible with the surrounding area, which includes a variety of restaurants, shopping centers, entertainment venues, and diverse retail and service establishments. It's important to note that there is no nearby residential development in proximity to the property.

Granting the requested variance for off-street parking will not alter the fundamental character of the area nor prove detrimental to adjacent properties. Despite the existing parking falling short of the requirements set forth in the Zoning Ordinance, there is an abundant supply of available parking within the shopping center, even during peak hours on weekends as set forth in the parking study. This can be attributed, in part, to the historical underutilization and underdevelopment of the shopping center. Furthermore, due to the absence of nearby residential development, pedestrian traffic within the shopping center is minimal. Therefore, granting the parking variance will complement the overall High Grove Shopping Center and will assist in developing underutilized parking area in accordance with the property's highest and best use. In addition, the parking provided in post development conditions will still support the shopping center during its peak occupancy times on the weekends as referenced in the parking study. Accordingly, the variance will not alter the essential character of the neighborhood given the proposed restaurant and the existing parking facilities are harmonious and consistent with the surrounding area, and they will not have any adverse impact on nearby properties.