

Via email to: Venard, Erin <VenardE@naperville.il.us>

December 4, 2020

Erin Venard
Project Manager – DRT
City of Naperville
400 S. Eagle St.
Naperville, IL 60540

RE: City Gate West (20-1-022)

Dear Erin:

This is in response to your email dated November 19, 2020 following up on the November 18, 2020 PZC meeting and inquiring as to certain matters. With this letter I am resubmitting the Petition along with a redlined version of Exhibit 6 (Standards and Deviations) showing changes that are also noted in this letter. I'm also submitting an updated Phasing Plan, another copy of the Lot 15 multi-use event center floor plans, a revised density exhibit for the area referred to as Lots 4 and 5, and building calculation sheets for the two mixed-use/residential buildings.

Staff Inquiry/Comment #1. At last night's meeting, there was discussion of senior/age restricted housing. Please confirm if you are planning on placing an age restriction covenant on the residential units?

Response: No, City Gate West ("CGW") has stated that its residential use will be marketed to seniors and singles and couples, and the design of the units and amenities will reflect that buyer profile. However, CGW is not and has not been presented as age restricted housing.

Staff Inquiry/Comment #2. Staff recommends that the final plat cover the entire subject property (instead of a separate final plat for each individual lot). This will give staff and the PZC/City Council increased confidence that you are committing to the uses as approved by the preliminary plat.

Response: The CGW development will be final platted in phases. Staff can take confidence that the uses approved with the preliminary plat will be the uses committed to by Petitioner and constructed. Section 6-4-4.3.1 of the City Code states:

“A planned unit development may be final platted in phases. The final plat or plats of the planned unit development shall conform substantially to the preliminary plat of planned unit development as approved. While the preliminary plat of planned unit development shall generally specify uses of land and locations of buildings, the final plat of planned unit development shall designate with particularity the uses of land and the location of buildings.”

Petitioner intends to final plat the project in the phases identified in the Phasing Plan submitted to the City and made part of the PZC portal for the November 18, 2020 PZC public hearing. We recognize that each of the final plats will have to conform substantially to the approved preliminary plat (Section 6-4-4:2.6), otherwise the final plats would be subject to reprocessing and recommendation by the PZC, and change, approval or disapproval by the City Council. (Section 6-4-4:3.2, 6-4-4:3.5)

Staff Inquiry/Comment #3 Prior to the 12/16 PZC meeting, staff requests the submittal of the following documents/information:

1. *A detailed phasing plan for the entire PUD, committing to a development sequence that ensures a mix of land uses is maintained. Staff requests specific details on the order of the phasing (are the phases to occur one at a time? will any phases be concurrent?), the estimated timeframe of each phase, the estimated timing between phases, and the estimated total build-out time.*

2. *A phasing plan specific to the full-service hotels proposed that includes commitments that the hotel and banquet facilities/entertainment venues will be constructed and operated concurrently. Staff asks that you prepare a letter/agreement detailing that the hotel will not open until the banquet facility on Lot 15 is also open.*

Response: As to phasing, the City Code states at Section 6-4-5.1.3.7 that:

“If the development is to be constructed in phases, the design schedule shall include ***a designation of the phase components.***”

Again, the CGW Petition for preliminary plat approval includes a Phasing Plan that designates six phase components. Neither conditional uses nor PUDs (much less preliminary PUD plats) are required to include a detailed schedule of phasing, sequencing, and other timing limitations beyond the designation required in Section 6-4-5. Of course, there are sensible reasons for that.

Nevertheless, my client has been proactive in addressing the scheduling and sequencing of the CGW project as much as possible at this point. To be sure, Petitioner may or may not construct the various phases simultaneously, as the market demands, and at this time there is no specific order or sequence for the phasing. But final platting will be required to occur as to all phases, and construction will be required to commence and be completed as Petitioner has presented in its Petition and updated Phasing Plan. First, the Petitioner, in recognition of the ongoing pandemic and resulting economic climate, has been upfront with the City in requesting approval of a development schedule that (i) limits to five years the time for final platting for ***all*** phases to be approved; (ii) requires construction of each phase to commence within three years of final platting; and (iii) sets forth in the Phasing Plan a schedule for construction of the entirety of each

phase. The City Code provides for the enforcement of these deadlines. Second, as we have emphasized, the City requires a development agreement as a condition of final plat approval, through which details can be agreed to by Petitioner and the City.

As to the request for a commitment that the Lot 15 hotel and banquet facilities/entertainment venues will be constructed and operated concurrently, we have no objection to that. As you know, the multi-purpose, mixed use event center building servicing the full-service hotel on Lot 15 is an existing building. Staff's request for a letter/agreement detailing that the hotel will not open until that facility is open is more appropriately a subject for the development agreement to be entered into by the parties.

To the extent that staff requests completion of construction of the 7,200 S.F. event center on Lot 15 at the same time as the hotel on Lot 15, again, Petitioner looks forward to memorializing terms in an agreement with the City, thereby satisfying any concerns the City Council may have in this regard. Of course, the 7,200 S.F. event facility is not needed to satisfy the event center/meeting room requirement for full-service hotels, but will be constructed as business demands.

Finally, in this regard, Petitioner requests that staff detail its position on our full-service hotel deviation requests, as it relates to the standards for deviations that are addressed in the Petition. Having the benefit of knowing staff's position would certainly be helpful in working through this process.

Staff Inquiry/Comment #4. Colored building elevations and a floor plan for the proposed event facility on Lot 15.

Response: Colored elevations for the 7,200 S.F. event center on Lot 15 will be delivered to the City by December 9, 2020 at the latest. Floor plans are not required for either preliminary platting or final platting. Nevertheless, floor plans were provided to the City and made part of the PZC portal for the November 18, 2020 PZC public hearing for the multi-use event center on Lot 15. An additional copy is enclosed with this letter for your convenience. As for elevations for the multi-use event center on Lot 15, the building is existing (the Odyssey Fun World building). There will be significant improvements to the exterior of that building that tie that facility together with the principal hotel. These elevations will also be provided to the City by December 9th.

Staff Inquiry/Comment #5. Revised plans and documents reflecting a reduced residential density and reduced overall building height of 66'. Please note that staff continues to recommend a reduction of 70 units.

Response: See the attached, revised Petition reducing the height deviation request for Lot 4 (now combined with Lot 5) to 66'.

With regard to staff's recommendation that the lot area per dwelling unit on Lots 4 (634 S.F.) and 5 (615 S.f.) shall be each increased to 750 S.F. by reducing the total number of dwelling units by 70, we have achieved and exceeded staff's 750 S.F. target by combining Lots 4 and 5 and adding adjacent private areas - thereby increasing the total lot area per dwelling unit to **760** S.F. Please see the enclosed, revised density exhibit.

Finally, please note that this lot redrawing eliminates Lot 5, and the deviations that were requested for that Lot. The redrawing also results in the elimination of our request for a deviation from the 1.5 FAR requirement for Lot 4. The building calculation sheet enclosed provides the data resulting in a floor area ratio of only 1.28.

Very truly yours,

ICE MILLER LLP



Michael M Roth

Encl.