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

*Re: Responses to Standards for Variance for Proposed Off-Street Parking Variance
Property: 1931 Glacier Avenue; P.I.N.07-15-302-011
Petitioner: ABDH Partners, LLC
Proposed End-User: Freddy's Frozen Custard and Steakburger Restaurant*

Dear Ms. Venard:

The following responses to the standards for a Zoning Ordinance variance are submitted by the Petitioner in support its request for a variance from the strict application of the off-street parking requirements.

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 Freddy's Frozen Custard and Steakburger Restaurant ("Freddy's") meets the purposes and intent of the 2022 Land Use Master Plan (the "Plan"). Petitioner proposes to establish this restaurant use on an existing, but never developed outlot, within a shopping center that is underutilized and partially vacant. The Plan identifies the area where the property is located as an Urban Center, and establishes the following goals for properties within an Urban Center:

- Encourages infill development on underutilized lots.
- Allows for more intense levels of commercial activities.
- Acknowledges that development is more auto-oriented in design, and less pedestrian-friendly, due to the need to accommodate significant parking.
- Properties should seek to attract restaurants and entertainment uses.

- Recommends internal cross access between uses.
- Encourages outlot development.

The proposed Freddy's meets all of these goals, objectives, and recommendations. The shopping center contains existing cross access and shared parking easements. This outlot has remained undeveloped since its creation in Year 2007, and this infill development is for a use that the Plan encourages. Although this proposed use falls short of meeting the off-street parking requirements of the Zoning Ordinance, the KLOA parking study demonstrates that there is more than sufficient off-street parking on-site to accommodate this use and the other existing and potential uses within this shopping center. The KLOA parking study was submitted to the City and is incorporated herein by this reference.

The proposed Freddy's also meets the goals and objectives of the Zoning Ordinance. The property is zoned B-2 Community Shopping Center District. This District is intended to accommodate the needs of a much larger consumer population through a wide range of uses and structure sizes in the form of a shopping center. Here, the Freddy's is proposed to be located in an existing shopping center along Route 59, a major arterial road. This restaurant use is a permitted use in the District. It meets the general purposes and intent of the Zoning Ordinance, which seeks, in part, to encourage the most appropriate use of land. This restaurant with shared parking is the most appropriate use of this existing outlot. With retail uses suffering in most areas and typically unwilling to locate on a stand-alone outlot, this proposed restaurant use is the highest and best use of the property.

Given the small lot size of this outlot, it is impossible to provide the required off-street parking for the proposed Freddy's solely on this outlot. Fortunately, the shopping center contains very large, shared off-street parking lots to accommodate this use and the other uses within the shopping center. According to the KLOA traffic study, even with this proposed restaurant use, there will be a surplus of available and unused parking spaces within the shopping center, even during peak weekend hours. As a result, this proposed use will protect and promote the safety, welfare, comfort, and convenience of consumers visiting this restaurant and otherwise visiting this shopping center.

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 was previously created through a resubdivision of the shopping center property, with the approval of the City. The Petitioner did not create this outlot. The outlot currently consists of 10,800 square feet, and the Petitioner seeks to expand the size of this outlot to 14,910 square feet to accommodate this restaurant, drive-through lane, drive aisles, landscaping, and trash enclosure, along with as many off-street parking spaces as the outlot will accommodate. It would be virtually impossible to erect any type of retail, restaurant, service, or entertainment structure on this outlot and provide the required off-street parking for such use. The shopping center owner acknowledged this fact by allowing for cross access amongst the various uses within this shopping center, and by allowing for shared off-street parking in the existing parking lots for the various users within this shopping center.

With the development of this proposed Freddy's, if approved, the shopping center will provide a total of 706 parking spaces for all uses. Per the KLOA parking study, this number of parking spaces is more than sufficient to accommodate the Freddy's and other existing and potential uses within this shopping center. 70 parking spaces are located immediately adjacent to this proposed site to accommodate this proposed use. If the Freddy's or any other potential user of this outlot were forced to strictly comply with the off-street parking requirements of the Zoning Ordinance, development of the outlot would be impossible as there is no undeveloped land within this shopping center upon which to add additional parking, and there is no adjacent vacant land upon which to expand this shopping center.

The City previously acknowledged this hardship and acknowledged the abundance of available parking in Year 2018 when it granted a variance for off-street parking for Urban Air Adventure Park. Despite the granting of this variance and the existence of this entertainment use within the shopping center, there is still a surplus of available parking within the shopping center to accommodate the Freddy's and 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 located along a major arterial road (Rte. 59). This area is characterized by urban-like, dense commercial development, served by nearby residential development. The proposed restaurant use is compatible with the uses in the immediately-surrounding area, which include other restaurants, shopping centers, entertainment uses, and various retail and service uses. There is no residential development near to the property.

Granting this variance for off-street parking will not alter the essential character of the area and will not be a detriment to adjacent property. There is more than sufficient available parking within this shopping center, even during peak weekend hours, despite the fact that the existing parking falls short of the Zoning Ordinance requirements. This is partially the result of this shopping center being historically underutilized and underdeveloped. There will be no spillage of excess parking onto adjacent properties. Due to the lack of adjacent residential development, this shopping center does not contain even moderate pedestrian traffic. Therefore, the granting of this parking variance will not impede or endanger pedestrians crossing onto this shopping center site. This proposed restaurant and the existing parking facilities are harmonious and consistent with the surrounding area and will not impact nearby properties.