

**EXHIBIT 1:** Section 6-3-8:2: Standards for Granting or Amending a Conditional Use

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;
  - The general welfare of the community is enhanced by the educational child care use proposed which will provide a much-needed service for the area. This use will not be detrimental to, or endanger the public health, safety and general welfare.
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 property is currently a medical office and retail development. The proposed educational child care will not impact 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 use is both compatible with the existing uses on the property – it complements surrounding uses. We have added landscaping along Alice so that the expanded parking area will be screened from the existing residences.
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; and
  - The educational child care facility will be one tenant in an existing multi-tenant building; the play area will be in front of the facility and properly fenced. The facility will face Rt. 59 and will replace a liquor store, pizza store, and accounting, plus vacant units. The adjacent properties are residential across Alice to the south; office building, animal hospital and garage door company to the west. Immediately east and across Rt. 59 is vacant land to be developed potentially as residential. The conditional use will not impede the normal and orderly development and improvement of adjacent property for uses permitted in the district.

A Zoning Variance for is requested for the new parking lot being built to the west of the existing Shopping Center. Parking is not permitted within the 30' front yard setback on Alice Lane per Section 6-9-2:4.3.1 (Off Street Parking Facilities: Yard Requirements For Off Street Parking Facilities) of the Naperville Municipal Code. Responses to Exhibit 7 for this required variance are below.

**EXHIBIT 7:** Section 6-3-6:2: Standards for Granting a Zoning Variance

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and

This variance is in harmony with the general purpose and intent of this Title – the development plan adds an additional parking lot on vacant land contiguous to the existing shopping center. As a requirement of this application, the center has been created a plat of subdivision which includes the vacant land. As a consequence, the interior drive and parking are a continuation of the existing site circulation.

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; and

The parking lot and interior circulation drive are a continuation added to the existing Center's plan. The 30' setback required, would not permit a straight pathway from the existing center to the parking lot which will service the center. Legitimate concerns for circulation safety would occur. Landscape will serve as a buffer for this parking lot .

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The variance will not alter or impact the essential character of the neighborhood, not be detrimental to adjacent property. This parking lot will be used predominantly for employees of the center and practically speaking by the Daycare employees. The 10 parking spaces will be screened from Alice Street. The other neighboring property is the Architect building to the west – their concern has always been height of any structure on the vacant land plus adequate distance from their building for any structure. Consequently, the parking space variance will not cause a change in the character nor be a substantial detriment to adjacent property. Finally, the center is currently the closest surrounding property. This variance is consistent with the current parking and interior drive lanes for the center.

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

- Both the overall intent of the Zoning code and the comprehensive master plan are being maintained with the requested educational child care conditional.

The property's sole modification is the addition of parking lot to replace and increase the existing parking. Parking is provided for Educational Child Care per zoning requirement. An assumption was made for the remainder of the retail/office center that 5 cars per 1,000 sf would be provided- which meets both the medical office and retail zoning requirement.

The conditional use will enable the exterior building elevation changes, creating a more attractive office and retail center on Rt. 59. Since the retail center exists, there is already an established relationship pattern between residential and business in this district which benefits all.