

a downtown environment. The proposed development would create a beneficial use of the Subject Property that will provide an underserved segment of the housing market and also provide a boost to the existing commercial uses.

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 vision for the Main Street Promenade development and is consistent with the overall objectives of the City's 2030 plan as it enhances the City's downtown commercial core and also enhances the City's housing stock.

REQUEST TO REVOKE MAIN STREET PROMENADE ADDITION PLANNED UNIT DEVELOPMENT ORDINANCES 08-221& 08-223

The Main Street Promenade Addition PUD was approved in 2008 as Ordinances 08-221 and 08-223 at the request of the former owner/developer of the Subject Property ("Prior PUD Approval"). The Prior PUD Approval anticipated a mixed use building consisting of retail on the first floor and office uses on the upper floors. Subsequent to the Prior PUD Approval being granted no final plat of subdivision was ever approved, no plat of subdivision was recorded, no development fees were paid and no further activity took place on the Subject Property. The failure of the project to move forward is indicative of the current office market and availability of office space in the downtown leaving the Subject Property dormant for the past 10+ years. City Code recognizes instances such as this and expressly authorizes the City Council to revoke an existing Planned Unit Development under certain circumstances including, but not limited to the owner's failure to commence construction. Consistent therewith the Petitioner is seeking revocation of the Prior PUD Approvals so that it may commence with a clean slate and move forward with its mixed use residential and retail development which more appropriately addresses the needs in the downtown.

DEVIATION TO REDUCE THE REQUIRED OFF-STREET PARKING

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

The proposed deviation to reduce the required off-street parking is consistent with the purpose and intent of the zoning regulations. 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 City of Naperville code does not consider the nature of residential developments but instead states two (2) spaces per unit regardless of how many bedrooms, the specific use or the location of the development. With respect to the proposed residential unit there will be a total of fifty-seven (57) parking spaces all located adjacent to the building and all dedicated to the residential component along with an additional nine (9) guest parking spaces located at the adjacent Main Street Promenade East. The parking study submitted herewith by Kimley-Horn, attached hereto as Exhibit "B" evidences that the parking supply is more than adequate. Kimley-Horn's conclusion was based on industry research, census data on vehicle ownership and a detailed field study of similarly situated projects. The field study of similar communities evidences that the proposed parking for the Subject Property is consistent with the average parking supply provided at six (6) other similar communities with regard to both parking provided per unit and per bedroom. As a result, the proposed deviation does not undermine the intent and purpose of the underlying requirement because sufficient parking is provided to meet the specific demand anticipated to be generated by the development. As a result, the requested deviation contributes to a planned unit development which offers a superior level of design, amenity enhancement, and environmental benefit.

- b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.*

Great care was taken in site and building design. All resident parking will be regulated by the Petitioner's on-site management team to ensure the parking supply is adequate at all times. Strict

enforcement of this parking requirement would require the Petitioner to install and maintain excess parking areas that will not be used. As a result, the proposed parking deviation will contribute to a development that both offers a superior design and provides environmental benefit by maximizing open space. Absent the proposed deviation, Petitioner would be required to both reduce unit count and provide additional on-site parking. The loss of units will negatively affect the Petitioner's project and thereby affect the ability to provide the level of recreational amenity that is presently contemplated for the community. This diminution in service will negatively impact future residents of the community. The construction of additional parking spaces would, according to the aforementioned parking needs analysis, provide no benefit to the residents of the development but would negatively impact the overall design and amenity presently programmed for the community.

- 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 free housing.*

This deviation would be virtually undetectable. In addition, the parking study clearly shows that the development will be fully parked. Lastly, to further facilitate the efficient use of the Subject Property, the Petitioner has designed the proposed development to facilitate pedestrian and bicycle access to and from the retail, employment and entertainment options located in close proximity to the Subject Property.

**DEVIATION TO INCREASE THE PERMITTED B-4 ZONING DISTRICT SETBACK
FROM A MAXIMUM OF 6'**

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

The Subject Property is located in the City's downtown B-4 core which restricts setbacks to a maximum of six feet (6'). As the proposed building is adjacent to the Benton Terrace Condominiums along the west property line, Petitioner is seeking a deviation to increase the setback up to one hundred and thirty feet (130'). Petitioner's request for a setback deviation to incorporate a larger setback than

what is permitted will not alter the essential character of the neighborhood and will actually be a benefit to the adjacent property.

- b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.*

The requested deviation will have no effect on the provisions of municipal service or infrastructure.

The proposed mixed use building is located in the City's downtown core and will enhance the City's retail sales tax base, support the vibrancy of the downtown core, enhance the city's workforce and enhance the city's housing stock.

- 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 free housing.*

The deviation, if granted, will help pave the way for a mixed use development in harmony with adjacent uses and will be the highest and best use of the property with a development that offers superior level of architecture and amenity. The deviation will provide for a building designed with a superior level of amenity and design with uses complimentary to the surrounding area and consistent with the City's 2030 vision for the B-4 Downtown Core.

DEVIATION TO PERMIT PARKING IN THE SIDE YARD

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

The requested deviation will not undermine the intent and purpose of the underlying zoning district. The requested deviation to permit parking in the side yard arises from the Petitioner's reconfiguration of the site plan which was done to accommodate the adjacent Benton Terrace residents concern about building separation. Utilizing the interior side yard as parking will allow for approximately 130' feet of building separation. Additionally, as the intent to require parking be in the rear yard in the B-4 zoning district is to insure a dense street wall for retail purposes, this request is consistent with the intent of the zoning district because the area of the Subject Property along Benton is not retail, but

instead residential in nature. Additionally, the Petitioner will provide for enhanced aesthetics of the parking area through both hardscape and landscape materials.

b. The requested deviation will not be a detriment to the provision of municipal services and infrastructure.

The requested deviation will have no effect on the provisions of municipal service or infrastructure. The proposed mixed use building is located in the City's downtown core and will enhance the City's retail sales tax base, support the vibrancy of the downtown core, enhance the city's workforce and enhance the city's housing stock.

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 free housing.

The deviation, if granted, will help pave the way for a mixed use development in harmony with adjacent uses and will be the highest and best use of the property with a development that offers superior level of architecture and amenity. The deviation will provide for a building designed with a superior level of amenity and design with uses complimentary to the surrounding area and consistent with the City's 2030 vision for the B-4 Downtown Core. The deviation will also provide for increased building to building separation between Benton Terrace and the Main Street Promenade Addition.

CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT IN THE B-4

DOWNTOWN CORE ZONING DISTRICT

a. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.

The proposed conditional use will not be detrimental to or endanger public health, safety or the general welfare. The use provides for needed commercial uses and desirable living options that help create enhanced living opportunities and compliment the surrounding area. Petitioner's proposed development is situated solely within the downtown core and will include unique features specifically targeted to the needs and desires of the anticipated resident population. Given the resident profile and