



808 S Rte 59

Rev. 10.27.2020

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 existing building is currently vacant. The proposed uses will activate the building and the activities related to the use, will create pedestrian and user activities that will enhance public safety and general public welfare.

The proposed mixed use includes 1,200 seat banquet hall, 250 seat restaurant, 200 seat live theater, arts academy and sports center. The complex will operate 7 days a week with operation hours listed in enclosed 808 S. ROUTE 59 USE OPERATION HOURS_06 16 2020 table.

The mixed use of this development will bring to the commercial corridor huge potential of widening the customer base and revenues not just locally, but also from tristate and out of the state areas. Due to the mixed uses the development will serve locally all age groups as well as will bring multicultural venues and events. We do not believe there will be any negative impact on public health.

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 proposed uses should have a positive impact on the immediate areas. The added users of the current building will also generate added customers to nearby businesses. This in turn will enhance property values in the area.

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 establishment of the conditional use will complement the normal and orderly development of the adjacent properties by creating a vibrant and active destination for all users in the area and the City as a whole



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

We don't believe there is any conflict with the adapted comprehensive master plan. The proposal adaptively reuses the anchor tenant space that the entire shopping center PUD was originally developed around. The proposed uses will compliment the existing businesses in a commercial corridor and proposed uses adjacent to the project site. The proposed mixed use development will become a destination for locals and adjacent business in a commercial corridor as well as tristate and out of state travelers.



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EXHIBIT 2:

Section 6-4-7:1: Standards for Granting or Amending a Planned Unit Development

1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.

The current big box vacant building is no longer viable for this use. The proposed uses make the maximum utilization of the existing building and repurpose it to uses that are desired by the community as a whole. This is very innovative approach because it does not replace same use, but it introduces a use that will have longevity and will be used by all ages throughout the day and evening hours

2. The planned unit development meets the requirements and standards of the planned unit development regulations.

The proposed use meets the requirements and standards of the planned unit development regulations. The proposed development is under single ownership. All lot, yards, and bulk are existing. The proposed exterior work includes:

1. *replacement of portion of entry wall with transparent glazing and Trespa panels*
2. *stucco, Trespa panel and perforated metal screen at existing CMU wall*
3. *repainting of existing stucco and CMU walls*
4. *removal of existing stucco canopy at entries*
5. *glass canopy installation*
6. *removal of existing concrete bollards at entries*
7. *replacement at entry sidewalk*
8. *removal of existing cart corrals*
9. *restriping of existing ADA parking spaces and landscape island adjustment to accommodate revisions to ADA spaces*
10. *new ADA parking signage installation*
11. *new parking spaces and landscape island installation along building north side*
12. *new walk-in cooler / freezer wood screen fence*

3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.

We believe that the physical design is efficient utilization of the land and services. It does not increase in size and reduce the availability of service, transportation, and access.



4. Open space, outdoor common area, and recreational facilities are provided.

None. Consistent with previous site occupancy.

5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

We believe the modification fulfil the intent of the regulations.

6. The planned unit development is compatible with the adjacent properties and nearby land uses.

The proposed uses are a Sports Center which provides recreational activities for public and Matrix Club / Room provides hospitality services to the community. Those uses are both similar to other public oriented uses in the area. The proposed development adds diverse mixes uses to the existing businesses in a commercial corridor and provide additional customer services.

7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

We believe the planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.



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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

The variance is primarily related to parking. The parking supply of 527 parking spaces will not be sufficient for proposed use. However, the overall existing parking supply in the shopping center is adequate for the proposed use. Enclosed is parking study prepared by KLOA, traffic engineer. The above mentioned allows us to state that variance is in harmony with general purpose and intent of this Title and the adopted comprehensive master plan.

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

The current building and the site are completely improved. Both the parking and the building exists. The proposed uses are specific destination uses and are not recurrent use. Therefore, the hardship is due to special condition mentioned above. It is not generally found on other properties in the same zoning district

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 the character of the neighborhood, the improvements are within the existing building. The only exterior improvements are the enhance of the exterior façade to increase the visibility of the building and improve the physical condition of the building. The improvement should also enhance the adjacent properties.

If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking on the Subject Property as depicted on Exhibit 7 and parking study by KLOA, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of leasable units, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.