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City. In addition, the Petitioner has designed the site in a manner which takes the concerns of the adjacent property including providing extensive landscaping, enclosing the dumpsters and providing the majority of parking interior to the building. The proposed residential use will also serve as a buffer for the residences from the traffic and public transportation along Diehl Road and I-88.

DEVIATION TO REDUCE THE REQUIRED OFF-STREET PARKING FROM 2.25 SPACES PER UNIT TO 1.75 SPACES PER UNIT

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

There will be a total of 304 parking spaces provided with 233 of those spaces being inside parking and the remaining 71 being outdoor spaces. Of the total 304 spaces, 44 spaces will be dedicated to guest parking and the remaining 260 spaces will be assigned. The proposed deviation to reduce the required off-street parking from 2.25 to 1.75 spaces per unit 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 2.25 spaces per unit regardless of how many bedrooms, the specific use or the location of the development.

Furthermore, the recently approved Avenida age restricted development parking needs analysis submitted with that project detailed that the age-restricted nature of the project dictates significantly different parking needs. The Avenida parking needs analysis concluded that 1.13 spaces per unit would be sufficient parking for the proposed project which was approved in 2017. This conclusion was based on both secondary research and a detailed field study of similarly situated projects. Professional publications reviewed for purposes of the Avenida parking needs analysis recommended parking ratios of 1 space per unit, 0.5 spaces per unit and 0.6 spaces per unit. The detailed field study

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found a maximum utilization rate among 12 surveyed communities of 0.98 spaces per unit. Avenida's development plans showed a parking ratio of 1.42 spaces per unit. Petitioner's development plans show 1.75 spaces per unit which exceeds what is actually required and what Avenida was recently approved for. 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.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

Great care was taken in site and building design. The majority of parking areas have been placed internal to the site (233 spaces) and will be regulated. 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. Similarly, additional parking would increase development costs, reduce open space, increase storm water requirements and may cause additional tree removals. 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.

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This deviation would be virtually undetectable. Someone would have to enter the locked parking area to count the spaces. In addition, the parking study clearly shows that the development will be fully parked.

DEVIATION TO INCREASE THE PERMITTED HEIGHT IN THE OCI ZONING DISTRICT FROM 43' TO 54'8"

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

The Subject Property is currently zoned ORI which permits industrial uses along with heights of up to one hundred feet (100'). Upon rezoning to OCI, the Petitioner is proposing a five (5) story building with a maximum height of 54'8" which is considerably less than the 100' tall building Petitioner could currently build in the existing ORI zoning district. As a result Petitioner's request for a height deviation to 54'8" will not alter the essential character of the neighborhood and will actually be a benefit to the adjacent property (Tabor Hills) which will enjoy the benefit of a complimentary adjacent residential use.

b. The requested deviation will 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. To the contrary, strict enforcement of this requirement would cause the Subject Property not to be developed in conformance with the highest and best use of the land, but instead with a possible incompatible industrial use. In addition, this situation is unique in that the Subject Property has a unique triangular configuration, is occupied by wetland areas, and is zoned for ORI uses with height allowances of up to one hundred feet (100') while being adjacent to existing residential uses and forest preserve uses not compatible with the existing zoning designation.

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 residential development in harmony with

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adjacent residential uses and will be the highest and best use of the property with a development that offers superior level of architecture and amenity. Additionally, as the Subject Property is occupied by wetland areas, the requested height deviation will allow the Petitioner to construct the building in a manner that will allow for preservation of the wetland area and enhancement of the environment. To the contrary, if the deviation were not granted the Petitioner may be forced to utilize the property for less desirable commercial or industrial uses which would have a negative effect on the adjacent uses.

DEVIATION TO EXCEED ONE UNIT FOR EVERY 2,600 SQUARE FEET OF LAND AREA

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

The lot area requirement is a measurement of density establishing how many dwelling units are permitted on a per acre basis. Density limitations ensure that public facilities, be it utilities, schools, parks, or roadway infrastructure, are not overwhelmed by the number of people output from a development. However, an age-restricted residential development has a substantially different impact on community facilities than would a standard market-rate residential project. This has been widely recognized by the City, the Park District and the School District in the negotiation of impact fees applicable to a development. However, the zoning code has never been updated to reflect the reduced impact an age-restricted development has on the City. For density purposes, the City's zoning ordinance treats a 4-bedroom attached single-family dwelling unit the same as a 1-bedroom age-restricted apartment despite the fact that the impact of these units is disparate.

Petitioner proposes to construct one hundred and seventy four (174) age-restrict multi-family dwelling units on the approximately 8.26 acre Property. Of the 174 units, 90 of the units will be 1-bedroom units, 74 of the units will be 2-bedroom units and 10 will be 3-bedroom units. The selection between 1-bedroom and 2-bedroom units is less indicative of population/unit, but more

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indicative of capacity to afford additional space and desire to accommodate a guest room. Because of the unique population and impacts associated with an age-restricted community, the proposed lot area deviation does not undermine the intent and purpose of the underlying zoning district. The proposed lot area deviation will have no negative impact on the provision of municipal services or infrastructure.

The requested deviation is essential to the overall concept of the project. Without a minimum density threshold, the overall concept of the project and the delivery of a cost-effective yet high-quality living environment starts to unravel. Indoor parking is removed from the plan. The clubhouse shrinks. The rooftop courtyard is eliminated. The density of the project is the mechanism that allows the cost of the unique and creative components of the project to be spread across a sufficient number of residential units and that the cost does not negatively affect the viability of the development.

b. The requested deviation will be a detriment to the provision of municipal services and infrastructure.

The requested deviation will have no detriment to municipal services or infrastructure. The property has a unique configuration, is encumbered by wetland areas and is adjacent to two major roadways all of which add additional development challenges and costs. Strict enforcement of this title would cause the property to not be redeveloped.

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 residential development in harmony with adjacent residential uses which will be the highest and best use of the property. To the contrary, if the deviation were not granted the Petitioner would be forced to utilize the property for less desirable uses which would have a negative effect on the adjacent uses.