

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4c

Title:

Plan Commission recommendation to approve an Amendment to Special Use for Planned Unit Development for Saddlebrook Executive Offices, St. Charles Commercial Center PUD

Presenter:

Ellen Johnson

Meeting: Planning &amp; Development Committee

Date: October 8, 2018

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

The subject property is the site of Saddlebrook Executive Offices, now known as Vanderbilt Professional Center, located at 1400-1700 Lincoln Hwy., behind CVS and adjacent to S. 14<sup>th</sup> St.

The property is Lot 2 of the St. Charles Commercial Center PUD, approved under Ordinance 1982-Z-6.

Justin Heinz of Shodeen Group, representing owners Vanderbilt Professional Center, LLC, has filed an application for Special Use requesting an amendment to the St. Charles Commercial Center PUD to add "Personal Services" as a permitted use on the subject property. No modifications to the site plan or building exterior are proposed.

**Plan Commission Review**

Plan Commission held a public hearing on 10/2/18 and recommended approval by a vote of 7-0.

**Attachments** *(please list):*

Plan Commission Resolution, Staff Memo, Application, PUD Ordinance Excerpt

Plan Commission recommendation to approve an Amendment to Special Use for Planned Unit Development for Saddlebrook Executive Offices, St. Charles Commercial Center PUD.

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 19-2018**

**A Resolution Recommending Approval of an Application for Special Use to Amend PUD Ordinance 1982-Z-6 for Saddlebrook Executive Offices, St. Charles Commercial Center PUD (Justin Heinz)**

**Passed by Plan Commission on October 2, 2018**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Special Use for Planned Unit Development; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petitions for Special Use to amend PUD Ordinance 1982-Z-6 to add “Personal Services” as a permitted use on the subject property; and

WHEREAS, in accordance with Section 17.04.410.D.3, the Plan Commission finds the Special Use for PUD to be in the public interest based on the following criteria for Planned Unit Developments:

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

- i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**
  - 1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.**
  - 2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.**
  - 3. To encourage a harmonious mix of land uses and a variety of housing types and prices.**
  - 4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.**
  - 5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.**
  - 6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.**
  - 7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community**

## Resolution 19-2018

Applicant is requesting a minor change to the existing PUD governing the property, being Ordinance No. 1982-Z-6, recorded August 17, 1982, to allow “personal services” as a permitted use.

- ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

- A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
- B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

No significant changes are being made to the PUD. No changes are being made to the site development.

- iii. **The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

- A. **Public Convenience: The Special Use will serve the public convenience at the proposed location.**

No significant changes are being made to the PUD.

- B. **Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

No significant changes are being made to the site development.

- C. **Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

No significant changes are being made to the PUD.

- D. **Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

No significant changes are being made to the PUD.

**Resolution 19-2018**

- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

No significant changes are being made to the PUD.

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

No significant changes are being made to the PUD.

- iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

No significant changes are being made to the PUD.

- v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

No significant changes are being made to the PUD.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use to amend PUD Ordinance 1982-Z-6 for Saddlebrook Executive Offices, St. Charles Commercial Center PUD (Justin Heinz), subject to resolution of outstanding staff comments prior to City Council action.

Roll Call Vote:

Ayes: Holderfield, Schuetz, Purdy, Wallace, Pretz, Kessler, Funke

Nays:

Absent: Pietryla Vargulich

Motion carried: 7-0

PASSED, this 2nd day of October 2018.

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Chairman  
St. Charles Plan Commission

Community and Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Ed Bessner  
 And Members of the Planning & Development Committee

**FROM:** Ellen Johnson, Planner

**RE:** Saddlebrook Executive Offices (now Vanderbilt Professional Center)

**DATE:** October 5, 2018

**I. APPLICATION INFORMATION:**

**Project Name:** Saddlebrook 1400-1700 Lincoln Hwy.

**Applicant:** Justin Heinz, Shodeen Group

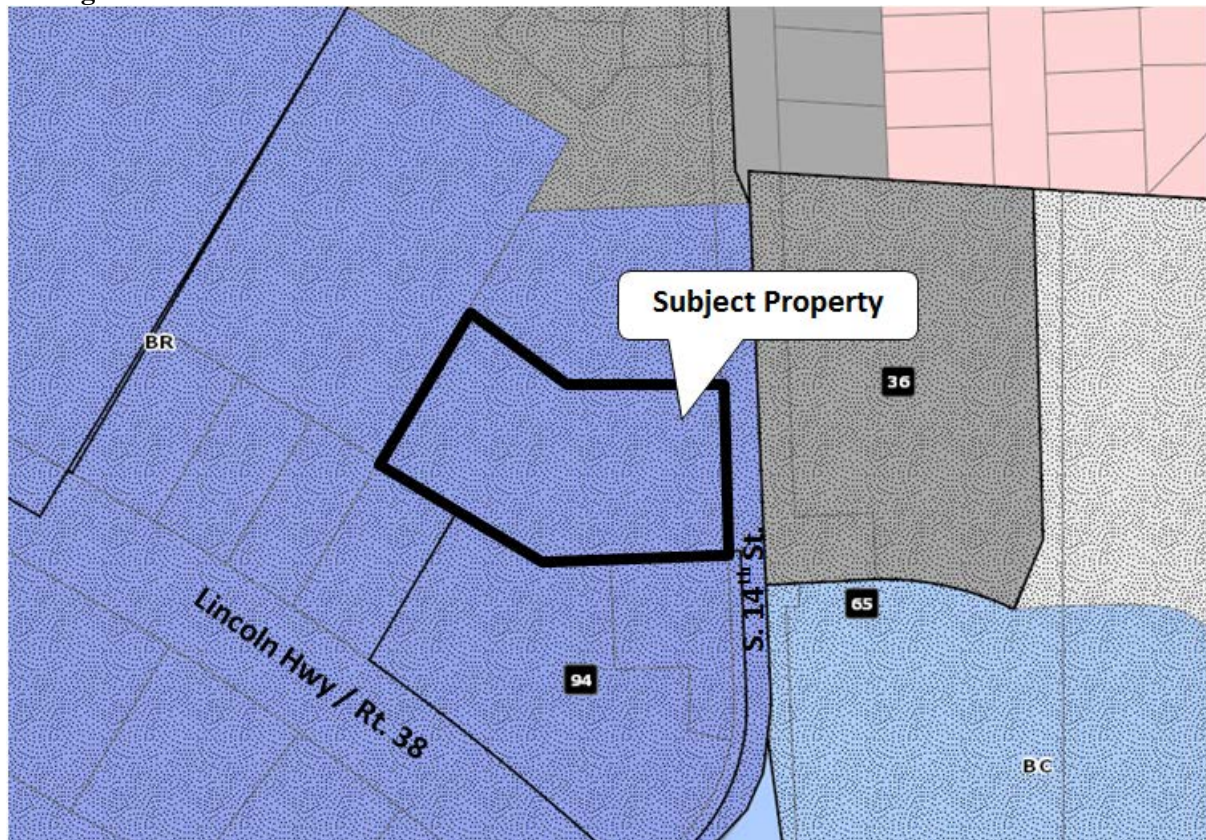
**Purpose:** Allow a Personal Services as a use of the subject property

<b>General Information:</b>		
<b>Site Information</b>		
Location	<b>1400-1700 Lincoln Hwy.</b>	
Acres	1.8 acres	
Application	<b>Special Use (PUD Amendment)</b>	
Applicable Zoning Code Sections and PUD Ordinance	Ch. 17.30 Definitions Ordinance 1982-Z-6 "An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center"	
<b>Existing Conditions</b>		
Land Use	Office	
Zoning	BR- Regional Business (PUD)	
<b>Zoning Summary</b>		
North	RM-3 General Residential (PUD)	Apartment complex (The Crossings; formerly Covington Court)
East	RM-3 General Residential (PUD)	Independent senior living (Carriage Oaks)
South	BR- Regional Business (PUD)	Commercial (CVS, Salsa Verde)
West	BR- Regional Business (PUD)	Commercial (Binny's)
<b>Comprehensive Plan Designation</b>		
Neighborhood Commercial		

**Aerial**



**Zoning**



## II. BACKGROUND

### A. PROPERTY HISTORY

The subject property is the site of Saddlebrook Executive Offices, now known as Vanderbilt Professional Center, which consists of two single-story office buildings and associated parking. The property is located at 1400-1700 Lincoln Hwy, behind CVS and adjacent to S. 14<sup>th</sup> St.

The property is Lot 2 of the St. Charles Commercial Center PUD, approved by Ordinance 1982-Z-6 “An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center”. Plans for the property were approved under Resolution 1987-13. The exterior of the buildings were recently renovated in accordance with a Minor Change approved last year under Ordinance 2017-Z-24.

### B. PROPOSAL

Justin Heinz of Shodeen Group, representing owners Vanderbilt Professional Center, LLC, has filed an application for Special Use requesting an amendment to the St. Charles Commercial Center PUD to add “Personal Services” as a permitted use on the subject property. No modifications to the site plan or building exterior are proposed.

## III. ANALYSIS

### A. PROPOSED USE

Permitted uses in the St. Charles Commercial Center PUD are listed in Exhibit B of Ordinance 1982-Z-6. Uses identified as permitted on the subject portion of the PUD (Lot 2) include professional and medical offices and limited retail.

The applicant is requesting “Personal Services” be added as a permitted use on the subject property. This use is defined in the Zoning Ordinance as follows:

*Personal Services. An establishment where personal services are provided directly to the customer. This use includes, but is not limited to, barber shops, beauty parlors, laundry and dry cleaning establishments, funeral homes/mortuaries, tanning salons, tailors, domestic pet grooming, shoe repair shops, and the like. This use may include incidental retail sales of goods. Tattoo Parlors, Currency Exchanges, Motor Vehicle Rental and Adult Uses are not permitted as Personal Services establishments.*

The underlying zoning of the subject property is BR Regional Business. Personal Services is a permitted use in the BR District.

### B. PARKING

The parking requirement for Personal Service uses is 3 spaces per 1,000 sf of gross floor area. This is the same parking count required for business/professional offices. Medical/dental uses and retail sales require 4 spaces per 1,000 sf GFA.

The existing parking lot contains 72 spaces. Based on the square footage of the buildings, the parking requirement for the site is 46-61 spaces, depending on the tenant mix. The addition of Personal Service uses on the property will not increase the required parking count.

**IV. PLAN COMMISSION RECOMMENDATION**

Plan Commission held a public hearing on the Special Use application on 10/2/18 and recommended approval by a vote of 7-0.

**V. ATTACHMENTS**

- Application for Special Use; received 9/12/18
- Exhibit B of Ordinance 1982-Z-6



**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



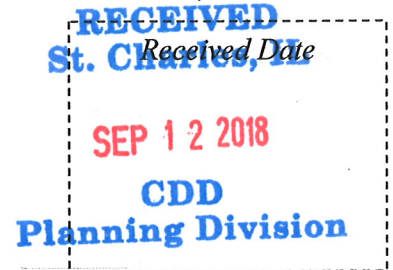
COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**SPECIAL USE APPLICATION**

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	Saddlebrook 1400-1700 Lincoln Hwy
Project Number:	2018 -PR- 012
Application Number:	2018 -AP- 034



*To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.*

*City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location: 1400-1700 Lincoln Hwy., St. Charles, Illinois 60174	
	Parcel Number (s): 09-33-329-059 and 09-33-329-060	
	Proposed Name: Existing Vanderbilt Professional Center, L.L.C.	
<b>2. Applicant Information:</b>	Name Justin Heinz, President, Shodeen Group	Phone (630)444-8277
	Address 77 N. 1st Street Geneva, Illinois 60134	Fax
		Email justin_heinz@shodeen.com
<b>3. Record Owner Information:</b>	Name Vanderbilt Professional Center, L.L.C.	Phone (630)444-8277
	Address 77 N. 1st Street Geneva, Illinois 60134	Fax
		Email justin_heinz@shodeen.com

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** \_\_\_\_\_
  - New PUD
  - Amendment to existing PUD- Ordinance #: 1982-2-6
  - PUD Preliminary Plan filed concurrently
  
- Other Special Use (from list in the Zoning Ordinance):** \_\_\_\_\_
  - Newly established Special Use
  - Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: NEIGHBORHOOD COMMERCIAL

Is the property a designated Landmark or in a Historic District? NO

What is the property's current zoning? BR/PUD

What is the property currently used for? OFFICE BUILDING

If the proposed Special Use is approved, what improvements or construction are planned?

NONE AT THIS TIME. THIS WILL SIMPLY ALLOW US TO MARKET THE PROPERTY FOR LEASE TO POTENTIAL TENANTS THAT FALL UNDER THE CATEGORY OF "PERSONAL SERVICES" AS A PERMITTED USE.

**For Special Use Amendments only:**

Why is the proposed change necessary?

THERE IS A DEMAND AT THAT PROPERTY FROM POTENTIAL TENANTS THAT FALL UNDER THE "PERSONAL SERVICES" USE.

What are the proposed amendments? (Attach proposed language if necessary)

REQUESTING A MINOR CHANGE TO THE EXISTING PUD TO ALLOW "PERSONAL SERVICES" AS A PERMITTED USE.

**Note for existing buildings:**

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

**Attachment Checklist:**

*If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

- APPLICATION FEE:** (\$200.00 fee being paid, as an application for a minor change to existing PUD)  
Application fee in accordance with Appendix B of the Zoning Ordinance. (Special Use for PUD \$1,000; all other Special Use requests \$750)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**FINDINGS OF FACT:**

Fill out the attached forms or submit responses on a separate sheet (*Submit "Criteria for PUD" for any PUD application; "Findings for Special Use" for all other Special Use applications.*)

**LIST OF PROPERTY OWNERS WITHIN 250 FT.:** (attached)

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

❑ **ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

❑ **TRAFFIC STUDY:** If requested by the Director of Community Development.

*Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.*

❑ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.


❑ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

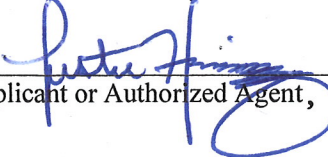
A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line

21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

By:   
Record Owner, Vanderbilt Professional Center, L.L.C. Date

 9.7.2018  
Applicant or Authorized Agent, Justin Heinz, Date  
President, Shodeen Group

OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)

STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

I, Craig Shodeen, being first duly sworn on oath depose and say that I am  
Manager of Vanderbilt Professional Center, L.L.C., an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

- |                         |       |
|-------------------------|-------|
| <u>Craig A. Shodeen</u> | _____ |
| <u>Beth Shodeen</u>     | _____ |
| <u>Anna B. Harmon</u>   | _____ |
| _____                   | _____ |
| _____                   | _____ |
| _____                   | _____ |

By: *Craig Shodeen*, Manager

Subscribed and Sworn before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20 18.

\_\_\_\_\_  
Notary Public

“EXHIBIT E”

Legal Description of 1400- 1700 Lincoln Highway, St. Charles, Illinois

PARCEL 1:

LOT 1 OF ST. CHARLES COMMERCIAL CENTER, UNIT NO. FIVE, ACCORDING TO THE PLAT THEREOF RECORDED JULY 20, 1988 AS DOCUMENT 1921720, ST. CHARLES, KANE COUNTY, ILLINOIS, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 1B:

EASEMENTS FOR BENEFIT OF PARCEL 1 CREATED BY THE DECLARATION RECORDED FEBRUARY 13, 1979 AS DOCUMENT 1494073 AS MODIFIED BY DOCUMENT 1595256 AND BY DOCUMENT 1662945, AND BY THE DECLARATION RECORDED AUGUST 23, 1983 AS DOCUMENT 1614587, AND BY THE DECLARATION RECORDED MAY 20, 1985 DOCUMENT 1722221; AND BY THE DECLARATION RECORDED FEBRUARY 13, 1979 AS DOCUMENT 1490481 AS MODIFIED BY DOCUMENT 1605393 AND BY DOCUMENT 1662945, AND BY THE DECLARATION RECORDED AUGUST 23, 1982 DOCUMENT 1614585 AS MODIFIED BY DOCUMENT 1721205; AND BY THE AGREEMENT RECORDED JULY 21, 1988 AS DOCUMENT 1922045.

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# CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)



*\*For Special Use for PUD or PUD Amendment applications.\**

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether a proposed Planned Unit Development is in the public interest.*

*As the applicant, the "burden of proof" is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.*

*(You may utilize this form or provide the responses on another sheet.)*

St. Charles Commercial Center Property  
*PUD Name*

City of St. Charles, Illinois  
Ordinance #1982-Z-6  
recorded 8/17/1982

*Date* (attached as "Exhibit A")

## **From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

### **i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

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Applicant is requesting a minor change to the existing PUD governing the property, being Ordinance No. 1982-Z-6, recorded August 17, 1982 (and attached hereto), to allow "personal services" as a permitted use.

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- ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**
  - A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
  - B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:**

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

NO SIGNIFICANT CHANGES ARE BEING MADE TO THE PUD. NO CHANGES ARE BEING MADE TO THE SITE DEVELOPMENT.

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**iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

NO SIGNIFICANT CHANGES ARE BEING MADE TO THE PUD.

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B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

NO CHANGES TO THE SITE DEVELOPMENT.

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C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

NO SIGNIFICANT CHANGES ARE BEING MADE TO THE PUD.

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D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

NO SIGNIFICANT CHANGES ARE BEING MADE TO THE PUD.

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E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

NO SIGNIFICANT CHANGES ARE BEING MADE  
TO THE PUD

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

NO SIGNIFICANT CHANGES ARE BEING MADE  
TO THE PUD

- iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.

NO SIGNIFICANT CHANGES ARE BEING MADE  
TO THE PUD

- v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.

NO SIGNIFICANT CHANGES ARE BEING MADE  
TO THE PUD

Exhibit "B" (cont.)

Page 3

- 81. Pet shops
- 82. Phonograph record and sheet music stores
- 83. Photography studios, including developing and printing of photographs when conducted on the premises as a part of the retail business
- 84. Physical culture and health services, gymnasiums
- 85. Picture framing when conducted on the premises for retail trade
- 86. Plumbing showrooms and shops
- 87. Post offices
- 88. Radio and television broadcasting studios and towers
- 89. Radio and television service and repair shops
- 90. Recording studios
- 91. Restaurants, including live entertainment and dancing
- 92. Restricted production and repair limited to the following: art needlework, clothing, custom manufacturing and alterations for retail only
- 93. Schools, commercial or trade not involving any danger of fire, explosion, nor of offensive noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences
- 94. Schools of music, dance or business
- 95. Second-hand stores and rummage shops
- 96. Sewing machine sales and services, household machines only
- 97. Shoe stores
- 98. Shoe and hat repair stores
- 99. Signs as regulated in this Ordinance
- 100. Sporting Goods stores
- 101. Tailor shops
- 102. Taverns and cocktail lounges
- 103. Taxidermists
- 104. Telegraph offices
- 105. Temporary buildings for construction purposes for a period not to exceed the duration of such construction
- 106. Theaters - indoor
- 107. Ticket agencies, amusements
- 108. Tobacco shops, retail sales
- 109. Toy shops
- 110. Travel bureaus and transportation ticket office
- 111. Typewriter and adding machine sales and service establishments
- 112. Undertaking establishments and funeral parlors
- 113. Variety stores
- 114. Wearing apparel shops

B. The following uses are permitted on Lot 1 as shown on the Concept Plan:

- 1. Multiple-family dwellings

\* C. The following uses are permitted on Lot 2 as shown on the Concept Plan:

Business service establishments which perform services on the premises:

- 1. Better business bureau

Exhibit "B" (cont.)

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2. Business and/or management consultant
3. Business office, in which chattels or goods, wares or merchandise are not displayed or sold on the premises
4. Chamber of commerce
5. Credit agency
6. Funeral parlor or undertaking establishment
7. Insurance office
8. Interior decorating studio
9. Investment company
10. Labor union and/or organization
11. Mail order house
12. Photographic studio
13. Real estate office
14. Secretarial service
15. Social and fraternal association
16. Trade association

## Professional office establishments:

1. Accounting, auditing and bookkeeping
2. Architect's office
3. Artist and industrial designer's office
4. Attorney and law office
5. Chiropodist's office
6. Chiropractor's office
7. Dentist's office
8. Doctor's, surgeon's and/or physician's office
9. Engineering office
10. Landscape architect's office
11. Land surveyor's office
12. Minister's office.
13. Optician's office
14. Osteopath's office

## Retail business, which supply commodities on the premises limited to:

1. Art gallery
2. Antique shop
3. Bookstore
4. Gift shop
5. Flower shop
6. Leather and luggage goods stores
7. Equestrian riding apparel shops

## Public, quasi-public and governmental buildings or facilities:

1. Church
2. Off-street parking facility
3. Museums, art gallery

D. The following uses are permitted on Lot 3 as shown on the Concept Plan:

1. The uses permitted on Lot 2 listed in Paragraph 1, C, above