

STANDARDS FOR CONDITIONAL USE IN THE OCI ZONING DISTRICT:
CONVALESCENT HOME/ASSISTED LIVING FACILITY

1. The requested conditional use for a convalescent home/assisted living facility in the OCI Zoning District is appropriate based upon the following factors:

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

The proposed conditional use will not be detrimental to or endanger public health, safety or general welfare. The proposed conditional use will facilitate the development and construction of a new Convalescent Home which will provide dwelling units targeted to serve the senior population, particularly the older segment of that population, typically defined as being 85+. This type of development is consistent with priorities and needs specifically identified in the City's

Land Use Master Plan, updated as of March 1, 2022. The Land Use Master Plan looked at demographic changes and identified that the “greatest increases (in population) have been in older age cohorts, particularly the population 65 and over.” To address these changing dynamics, the City’s Master Land Use Plan goes on to identify “Key Takeaways:”

- Greater housing diversity will be needed to accommodate additional (population) growth. This includes small lot homes, multi-family housing, and higher density development.
- Additional senior housing will be needed to address the growing senior population.

Focus on needs of the City’s aging population is not isolated, but is an embedded policy through the Plan. The Land Use Master Plan addresses the need for additional senior housing options as part of “Guiding Principal #1: Ensuring housing is diverse, responsive to community needs, and accessible to everybody.” As part of this guiding principle, the Plan notes that “Naperville has an aging population, increasing the importance of homes that allow seniors to downsize and adjust their lifestyles without leaving the community.” To implement this principle, the City suggests consideration of zoning incentives for affordable and senior housing (e.g. density bonus for affordable units/universal design, reduced masonry requirements, reduced parking requirements). Here, Petitioner does not seek incentives, but rezoning from B-2 to OCI and a conditional use to permit a Convalescent Home which will increase the supply of dwelling units specifically designed to serve the senior demographic. By increasing the supply of dwelling units specifically targeted to this cohort, the Project supports the public health and general welfare of the City consistent with policies and priorities recently adopted as part of the Land Use Master Plan.

b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;

The conditional use will not be injurious to the use and enjoyment of other property in the immediate area or diminish and impair property values in the neighborhood. The proposed Convalescent Home is an institutional land use, which represents an appropriate transition between well-established land uses surrounding the Property.

South and west of the Property is an intensive commercial corridor along Route 59 and 75th Street. This commercial corridor is defined by the strategic regional arterials along which the corridor sits and the auto-oriented uses which leverage those roadways to serve a regional customer base. The commercial corridor is well-defined, with the back of Springbrook Prairie Pavilion acting as a natural transition point to lesser intensive uses to the north.

North of Audrey Avenue and proximate to the Property, residential uses generally consist of attached single-family homes. The area includes four different neighborhoods of attached single-family homes, including both two-story and three-story product. These attached single-family homes are an appropriate transition between commercial uses south of Audrey Avenue, commercial uses along Route 59, and commercial uses along Route 34.

The Property sits in a transitional location, between intensive commercial uses to the south and medium-density residential to the north. The Land use Master Plan specifically addresses such transitional areas, stating that:

“A cohesive community is created when place types appropriately connect and transition into each other. The borders between different place types should not be considered hard edges but rather transition areas that integrate the desired character of each place type.”

The Land Use Master Plan goes on to identify that rezoning and variances for increased density are most appropriate in “Areas where the residential place type is adjacent to, or across the street from, a non-residential place type.” While Petitioner does not seek relief for increased density, this concept of permitting residential land use types, particularly those of greater density, is consistent with the project proposed by Petitioner. The proposed Convalescent Home is immediately across the street from a regional shopping center designated as an Urban Center under the City’s Land Use Master Plan. Due to the orientation of the shopping center, with the back-of-house oriented to Audrey Avenue, it is unreasonable to expect additional natural extension of the residential north of Audrey Avenue. For this reason, other supportive uses are appropriate. Notably, the Land Use Master Plan identifies residential or institutional uses as appropriate “supporting uses” in and around Urban Centers. Beyond the basic land use, the design and layout of the Convalescent Home specifically addresses the transitional character of the Property. The building is oriented toward the commercial uses, with the traffic, parking and general areas of primary activity being oriented away from the residential land uses. The bulk and massing of the building is oriented toward commercial areas. Where the building addresses adjacent residents, large courtyards and recesses in the building façade address scale and massing. Architecturally, the building is residentially styled, with the hip roof and repeating gables evoking traditional residential building patterns. In a similar vein, the building materials include brick, stone and composite siding, consistent with the character of the adjacent attached single-family communities.

- c. 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 not impede the normal and orderly development of surrounding properties. Since the Property was first annexed to the City in 1997, nearly every

parcel around the perimeter of the Property has developed. The general pattern of development requires significant commercial uses along arterial corridors while residential uses develop along tertiary roadways. The Property, being located between these established uses, requires a transitional use. The proposed Convalescent Home is more intensive than traditional residential development due to the bulk and mass of the building, but is significantly less intensive in terms of overall activity (parking and traffic) than traditional commercial development.

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

The establishment of the proposed conditional use is not in conflict with the City's Land Use Master Plan. While the Land Use Master Plan contemplates the Property as part of an Urban Center, the Plan also contemplates "Supporting Uses" in an Urban Center, which uses include a variety of residential land types. Here, the proposed Convalescent Home is an appropriate residential or institutional land use along the periphery of the Urban Center as the land use type transitions to Residential Neighborhoods. More specifically, the Convalescent Home is consistent with the City's established plans and policies to support diverse new housing options, specifically including housing options for the senior demographic.

REQUIRED ZONING VARIANCES

The Petitioner requests the variances to the City Code to allow for the proposed development as follows:

1. A VARIANCE FOR BUILDING HEIGHT PURSUANT TO CITY CODE SECTION 6-7F-8:1 FROM FORTY-THREE FEET (43') TO FIFTY-SEVEN FEET (57')

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. While the proposed height deviates from the Code

requirements, the City's recently adopted Land Use Master Plan identifies areas where a residential place type is adjacent to, or across the street from, a non-residential place type as being suitable locations for variance considerations. Petitioner believes that the site context provides a suitable fit for additional height consideration. By building vertically, Petitioner can minimize the building footprint, create more interesting architectural elevations, and more efficiently utilize the area of the Property.

Petitioner specifically considered site context in developing the site layout, building footprint, and the associated building height.

To the south, the adjacent commercial buildings are generally two-story facades, but the buildings are massive due to their limited setback and horizontal length. The proposed 4-story Convalescent Home is not out of context given the overall size and scale of Home Depot (with associated outdoor storage), Dick's Sporting Goods, or the extraordinarily large in-line building that anchors Springbrook Prairie Pavilion.

To the north and east, the attached single-family residential communities generally consist of 2-story and 3-story townhomes. These townhomes sit adjacent to property generally zoned B-2 or B-3, permitting intensive commercial uses. The townhomes are located along a collector roadway at the perimeter of an Urban Center. The townhomes address the loading zone for the adjacent regional shopping center. These factors collectively contribute to an area that is more urban in nature. Accordingly, Petitioner believes that the proposed height of the Convalescent Home is in harmony with the recently updated Land Use Master Plan.

b. 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

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. Petitioner seeks to construct a unified building which includes independent living units, assisted living units, memory care units and the support services attendant thereto. The unified nature of the building, with a single kitchen serving individual dining rooms, with activity areas shared among residents, and with easy access to building amenities, is critical to cost dynamics and the unique population that the Convalescent Home is intended to serve.

c. 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, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Petitioner specifically considered site context in developing the site layout, building footprint, and the associated building height. Looking at the site plan, the location of the Convalescent Home is intentionally shifted toward the easternmost portion of the Property. The Convalescent Home is also designed as two blocks-4-story block each. Those residential structures to the northwest sit approximately 50' north of the shared property line, behind a 6' fence located atop an approximately 5-6' berm. Where a 12' rear yard is required adjacent to the R-3 zoned townhomes, Petitioner has incorporated a minimum 40' setback to the property line. Given this context, with approximately 90' of separation between buildings and approximately 6' of grade difference, the proposed variance will not alter the essential character of the neighborhood, nor will it be a substantial detriment to adjacent property.

2. A VARIANCE FROM CITY CODE SECTION 6-9-2.4.3.1 FOR PARKING TO BE PERMITTED IN THE FRONT YARD OF THE PROPERTY.

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The general purpose of the OCI district is to act as a transitional zone between intensive business areas and residential neighborhoods. Here, the majority of adjacent properties to the south and east have parking located along Audrey Avenue. The proposed variance will allow Petitioner to carry forward the parking configuration that currently exists along Audrey Avenue. The location of parking in the front yard will, given the site context, further the intent of creating logical transitions between zoning districts and land uses.

- b. *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*

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 Property is to be developed for use as a Convalescent Home. Given the prospective tenants, creating a secure environment is a critical component of long-term success of the project. All visitors to the Convalescent Home are required to check-in at the front desk. The limited parking field along the front of the building is intended to serve visitors and encourage compliance with security protocols. Employees and residents of the facility will generally utilize larger parking fields located east/west of the building which comply with the setback requirements.

- c. *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, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. Adjacent properties to the south and the east already utilize parking in the front yard. The proposed variance will merely allow existing conditions to be mirrored with the development of the Property.

3. **A VARIANCE FROM CITY CODE SECTION 6-16-3:7 FOR AN OFF-PREMISES GROUND SIGN.**

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The City's Code permits 1 monument sign for each property with a minimum of 100' of frontage and 2 monument signs for each property with more than 500' of frontage (Section 6-16-5.2.2). Here, the Property contains sufficient frontage to permit 2 monument signs along Audrey Avenue and 1 monument sign along Route 59. Upon resubdivision of the Property, Lot 1 will retain sufficient frontage to permit 2 signs along Audrey Avenue, but will no longer have direct frontage along Route 59 so as to permit a sign in that location. Petitioner seeks to place a sign at each entrance drive along Audrey Avenue. Petitioner also seeks an off-site sign to be permitted along the Route 59 frontage of Lot 2. Petitioner believes that the proposed off-site signage is consistent with the Code because it will help identify the location of the Convalescent Home. The off-site sign along the Route 59 frontage of Lot 2 will not be installed until Lot 2 is developed and may be multi-tenant in the event Lot 2 is developed by a party other than Petitioner.

- b. 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*

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. Petitioner seeks to utilize signage for identification, location, and branding purposes. Petitioner believes that the proposed Route 59 sign is a better alternative than wall signage that is otherwise permitted under the City's Code, a condition unique to the use of the Property as a Convalescent Home. Under the City's Code, Petitioner is entitled to illuminated wall signage on three sides of the building. Petitioner believes that this signage would distract from the character of the building. In lieu of this wall signage, Petitioner seeks a variance to permit a monument sign on Route 59.

c. 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, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. In fact, Petitioner's proposal to forego permitted wall signs in favor of the proposed monument sign, will help to preserve the character of the neighborhood.

The Route 59 business corridor is dotted with signs identifying businesses. The proposed monument sign will fit within the character of the corridor. Notably, the sign proposed by Petitioner is more residentially styled, making it less obtrusive than many of the other permitted signs in the corridor. Moreover, Petitioner's request to forego permitted wall signage in favor of the proposed monument sign will help to preserve the character of the existing residential neighborhood to the north. Illuminated wall signage that is permitted on three sides of the Convalescent Home is not consistent with the character of the residential neighborhood.

4. **A VARIANCE FROM CITY CODE SECTION 5-10-3:5.2.4.1 FOR SIX FOOT (6') BARRIER ABUTTING RESIDENTIAL PROPERTY.**

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

The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. The development of the Convalescent Home is consistent with the City's established plans and policies to support diverse new housing options, specifically including housing options for the senior demographic. In designing the site, particular attention and thought has been attributed to perimeter landscaping and screening, not only to provide privacy for the residents of the Convalescent Home, but also for the existing residences adjacent to the Property. In order to balance the need for privacy as well as maintain aesthetically pleasing views of the detention pond located between the Property and the adjacent residential development, Petitioner intends to install a three foot (3') to four foot (4') hedge row along the entirety of the eastern portion of the north boundary line of the Property as well as the entirety of the east line boundary adjacent to the parking lot in lieu of an opaque barrier. The landscape hedge will shield headlight spillover while maintaining the aesthetics and openness of the area and is meets the intent of the code as no residences are located within approximately eighty-eight feet (88') of the proposed development.

- b. 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*

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 Property is to be developed for use as a

Convalescent Home, with parking areas located primarily on the west and south sides of the building, limiting the need to create an artificial barrier for vehicular headlights. Also, the adjacent properties to the north and east are also utilized for residential purposes, further mitigating the necessity for a physical barrier around the boundary of the Property in these areas and the better transition between the properties can be achieved with the thoughtful landscaping design proposed in more detail on the preliminary landscaping plan. The installation of a continuous hedge row and other trees and shrubs along the east perimeter of the parking lot and northern boundary line where (where the existing fencing of the adjacent residential development to the northwest of the Property ends) will provide adequate screening to prevent vehicular noise and headlight spillover from disrupting the tranquil environment provided by adjacent detention pond, is a significant enhancement beyond the requirements of the Code and offsets the utility of an artificial fence barrier, while meeting the intent of the code as no residences are located within approximately eighty-eight feet (88') of the proposed development. The presence of the detention pond is also a special and unusual condition not found on other properties in the zoning district and the installation of the fencing would clearly distract from the character of the ambient environment Petitioner desires to create. Petitioner is agreeable to maintaining the landscaping in according with the landscaping plan as a stipulation to the approval of the Convalescent Home conditional use.

c. 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, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. To the contrary, granting the variance to remove the requirement of a six foot (6') barrier on the northeast and eastern property line will enhance the aesthetics between the Property and the adjacent residential development by

removing constraints posed by such a barrier, which current exists to the northwest of the Property adjacent to the residential units. The existing fence provides a level of separation where the immediately adjacent residential dwelling units are located approximately eighty-eight feet (88') from the proposed development and meets the spirit and intent of the landscaping requirement. The Property and the residential development to the east are separated by a large detention pond and landscape berm, which provides a natural barrier. Petitioner intends to install a hedge row along this boundary in order to obscure vehicular noise and headlights with a natural feature and maintain privacy while preserving the pleasing views of the pond that such barriers provide. If not granted, a six foot (6') privacy fence would provide an unnatural barrier and more enclosed and constrained aesthetic, altering the character of the existing, natural transition between the properties.