

**A VARIANCE FROM CITY CODE SECTION 6-7I-8:1 TO PERMIT A
BUILDING HEIGHT OF FORTY THREE FEET AND EIGHT INCHES (43'8") IN LIEU
OF A MAXIMUM THIRTY-FIVE FEET (35')**

- 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 City Code and the City's Master Plan and Downtown 2030 Plan. Petitioner believes the site context provides a suitable fit for additional height consideration. By creative design, including the building's tiered approach, the proposed building will create a visually appealing architectural elevation within the context of the area and will more efficiently utilize the area surrounding the Subject Property. The Master Plan states that "compatibility with adjacent uses can be achieved through a combination of creative design approaches... including building height and project location" (e.g. on the perimeter of the B-4 zoned Downtown Core to Aurora Avenue to residential on the south side of Aurora Avenue). Further, the Master Plan clarifies that 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. While the proposed height deviates from the Code requirements, Petitioner notes that the R-2 zoning district permits heights of up to forty feet (40'). Likewise, the proposed building height is consistent with the Downtown 2030 Plan, which recommends a height of 40' for the Subject Property's location.

The proposed building as viewed from Aurora Avenue will be two stories with an enclosed terrace on the third floor that will open up to a rooftop deck. The building is anticipated approximately twenty-eight feet and eight inches (28'8") to the top of the second floor and approximately forty-three feet and eight inches (43'8") to the top of the rooftop terrace as measured from Aurora Avenue. The enclosed terrace has been intentionally designed to be setback and tiered within the building to soften the appearance of the building's mass from Aurora Avenue. It is also important to note that there is significant grade change from Aurora Avenue to the public alley, further minimizing the perceived height of the building.

The proposed architecture is influenced by the surrounding area along with the trend of development in Naperville's downtown with inspiration taken from the Water Street District and the Charleston Row Townhomes to create a complementary look. To the south, the adjacent Charleston Row Homes are approximately forty feet (40') tall to the midpoint of the roof and approximately forty-five feet (45') to the roof's peak. To the north, the 5-level Water Street District parking deck is significantly taller. Given the heights of the adjacent uses, the scale of the proposed building fits within the context of the scale and massing of the area.

- 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 City Code 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 that will complement the surrounding area. The proposed building height will be in harmony with adjacent uses and will allow for the highest and best use of the Subject Property with a development consisting of an office use. Further, the requested variance will permit the Petitioner to provide a building designed with a superior level of design complementary of the adjacent uses.

- 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. The location of the building is intentionally designed with the third story terrace set back within the second floor floorplate to minimize the impact of massing and height. With this design, Petitioner took careful consideration of the adjacent existing townhomes to the south, Water Street District to the north, professional offices to the west, and commercial to the east.

The proposed variance will not alter the essential character of the neighborhood, nor will it be a substantial detriment to adjacent property. The TU Design Guidelines anticipate a height of up to forty feet (40') which is consistent with the forty-three feet and eight inches (43'8") proposed for the 3rd story terrace. Likewise, the proposed building height is consistent with the Downtown 2030 Plan, which recommends a height of 40' for the Subject Property's location.

**VARIANCE FROM CITY CODE SECTION 6-7I-4:7: TO PERMIT THE
PROPOSED ARCHITECTURE IN LIEU OF RESIDENTIALLY STYLED
ARCHITECTURE**

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

On February 4, 2003 the City passed Ordinance #03-42 amending the zoning map and zoning ordinance to create a newly created zoning district identified as the TU District which predominantly affected properties on the north side of downtown. The TU District is intended to serve as a mixed-use transitional area between the downtown commercial areas and adjoining residential neighborhoods. Properties in this district were anticipated to be residentially styled, which generally consisted of conversions of single-family homes, the framework which was established by the Downtown Design Standards. Fast forward to present day, and several of the premises on which the TU Design Guidelines were based no longer hold true.

First, although the TU Design Guideline apply to all TU zoned properties, the TU Design Guidelines were predominantly intended to apply to the properties north of downtown, but the

Subject Property is located south of downtown. Next, the TU District and applicable TU Design Guidelines were intended to serve as a bridge from residential property to commercial property. In this instance, the properties to the north and east are high intensity B-4 downtown core property, the property to the west is a long vacant beauty salon, and the properties to the south are separated from Subject Property by Aurora Avenue (a minor arterial roadway) and consist of the French Country styled Charleston Row Homes, a single family home, and a home to office conversion that has served as a dental practice for over 20 years. Therefore, justification to serve as a bridge between residentially used property and commercial areas no longer holds true. Lastly, the structures on the Subject Property are past their useful life is not an opportunity for a conversion.

Perhaps most notably, in 2015-2016 the Water Street District was constructed immediately adjacent to the Subject Property. The Water Street District is a high intensity B-4 Downtown Core zoned commercial development consisting of office, retail, and restaurant uses, a five hundred twenty (520) space municipal parking deck, a full service hotel and banquet center, and a public alley serving said uses – evidencing that the area has developed primarily with high intensity commercial uses. Additionally, it is likely the Walgreens site immediately to the east will redevelop as a mixed-use commercial development in the near future, further shifting the character of the area away from residential and toward commercial. Lastly, the northeast corner of South Webster Street and Aurora Avenue will further develop with commercial uses, making said TU Design Guidelines inapplicable at this location and counterproductive to the highest and best use of the Subject Property.

- 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 the TU Design Guidelines would result in practical difficulties and impose exceptional hardships due to the special and unusual conditions which are not generally found on other properties in the same zoning district. First, unlike the properties that are north of the downtown, which are zoned TU and subject to the TU Design Guidelines, the Subject Property is presently zoned R-2 and not currently subject to said design guidelines. It is only upon rezoning to the TU District that said TU Design Guidelines become applicable. Second, it

is important to note that the TU Design Guidelines are intended for the north downtown area where there are transitional zones bridging between residential and high intensity commercial uses. As previously noted, in this instance the Subject Property is bordered by high intensity B-4 downtown core property to the north and east and bound by Aurora Avenue (a minor arterial roadway) to the south. The trend of development in the area has also been high intensity commercial development and home to office conversion. Therefore, application of the TU Design Guidelines would cause development of the Subject Property in a residential manner that is not complementary of the surrounding area and is inconsistent with the surrounding architecture – ultimately yielding an unattractive result not conducive to the John Greene Enterprises brand and creating a hardship.

- 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, the variance will permit development of the Subject Property with a building that is complementary of the essential character of the area. Considerable development has occurred adjacent to the Subject Property, including the Water Street District (which includes a hotel, retail shops, restaurants, offices, and five hundred twenty (520) space municipal parking deck), the Charleston Row Homes, and improvements to the Raymond James Building. Accordingly, the proposed John Greene Enterprises building has been designed to fit within the context of Aurora Avenue and the greater downtown area.

The two-story Aurora Avenue elevations fit within the context of the scale and massing of the surrounding buildings on Aurora Ave. The step back of the upper floor transitions to the larger Water Street Development by pushing the mass of the building off the street and to the alley side facing the Water Street District. Color and material types were selected to reference the Water Street District and other downtown Naperville buildings. The building is primarily brick masonry of a traditional texture, color range, and material sizing. Masonry openings have been provided with a masonry detail at the perimeter reminiscent of the more traditional architecture seen in downtown Naperville. Likewise, the openings for glass are large, punched openings versus curtain wall systems seen in more modern architecture. The size and scale of the

windows are similar to the Water Street District and other downtown Naperville buildings. Finally, between window details have been added to also reference the details in the Water Street District and downtown Naperville.

VARIANCE FROM THE CITY CODE SECTION 6-9-2:4.3.2 TO PERMIT PARKING SPACES WITHIN 5' OF THE PUBLIC ALLEY

- 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 plan which anticipates a complimentary office use at this location. Additionally, the Petitioner will be incorporating a 25-space parking lot adjacent to the public alley in conformance with the City's downtown parking model to better serve its employees and visitors. The closest parking space will be approximately three feet and 7 inches (3'7") from the right-of-way line. This mirrors the same condition that exists along the adjacent properties located to the west of the Subject Property. Additionally, at the City's request the Petitioner will grant the City it's requested additional easement (2') along the alley. The end result is consistent with the intent of this title and the comprehensive plan as it paves the way for a quality office building to be built and to maximize the width of the adjacent public alley.

- 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 and impose exceptional hardships due to several conditions which are not generally found on other properties in the same zoning district. First, the Property is adjacent to a public alley that serves the Water Street parking deck which is a design constraint for the Property. Additionally, the City has requested a two foot (2') easement adjacent to the alley which the Petitioner will grant to the City. Furthermore, the alley configuration has been long established by the Moser Building and Water Street so there are existing constraints not caused by Petitioner. Not granting the variance would cause the elimination of parking spaces along the alley which would serve no practical benefit and undermine the intent of the development.

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 will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. In fact, the variance will allow for the Petitioner to maximize the alley width, install attractive landscape islands, and grant the City the requested easement along the public alley, all of which are benefits. Parking along the public alley exists today so there would be no detriment to the essential character of the area. The overall result is positive.