

Standards for Granting a Conditional Use

Municipal Code Section 6-3-8:2. Standards for Conditional Uses: Any recommendation by the Planning and Zoning Commission and any decision by the City Council shall be predicated on evidence and finding that:

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

The proposed conditional use will not be detrimental to or endanger the public health, safety, and general welfare. The City previously approved a conditional use for a "nursing home" on the Subject Property. The "nursing home" designation does not appropriately characterize the historic use of the Subject Property. Petitioner now seeks to appropriately characterize the use of the Subject Property consistent with the Code and its historic use as multi-family dwellings. Petitioner has operated Martin Avenue Apartments for approximately forty (40) years. Martin Avenue Apartments is a well-established multi-family community for low-income seniors who desire to continue living independently.

Petitioner now proposes to expand on this historic use by constructing a second building on the Subject Property. Petitioner's proposed apartment building would be situated on the proposed "Lot 2". Important to note, Petitioner's proposed use will be similar in nature to the existing multi-family use of the Subject Property. To that end, the newly constructed apartment building will serve the same purpose of providing low-income housing for senior citizens who desire to continue living independently. Petitioner intends to operate the expanded facility consistent with federal regulations that permit age restriction for the benefit of residents, age fifty-five (55) or over. Consequently, the new building will not be detrimental to the neighborhood but will improve upon the already existing use in place and will fulfill a growing need in Naperville by providing low-income housing for seniors.

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; and*

The conditional use will not be injurious to the use and enjoyment of property in the immediate area for the purposes already permitted, nor will it diminish and impair property values within the neighborhood. The proposed conditional use for multi-family dwellings is consistent with the historic use of the Subject Property. Therefore any concern about diminution in property values is absent.

The proposed sixty-eight (68) unit, age-restricted low-income senior apartment building will not change the character of the operation or the impact on the community. Given the age-restriction and low-income nature of the use, external impact on the community is minimal. Instead, the proposed development will improve upon the existing condition of the Subject Property by providing additional needed housing opportunities for low-income seniors in the City of Naperville.

Adjacent to the Subject Property is a fitness center, a medical center; and park space owned and operated by Naperville Park District. All of the aforementioned nearby properties have historically co-existed with the Martin Avenue Apartments. Historic reinvestment in those properties shows no negative impact on property values or concern that property values will diminish as result of the continued operation of Martin Avenue Apartments. The addition of a new sixty-eight (68) unit,

age-restricted low-income senior apartment building will not impair property values, particularly given the nature of the surrounding uses.

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 conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. The conditional use will not change the existing operation of the Subject Property's use for multi-family dwellings. The Subject Property operated as age-restricted low-income senior apartments for approximately forty (40) years. The proposed conditional use for "Lot 1" will merely memorialize that use and permit continued operation. The proposed conditional use for "Lot 2" will allow the expansion of the historic use of the Subject Property. All the surrounding properties are developed for long term beneficial use in the community. Given the established nature of the surrounding properties and the long term intended use of these properties, the proposed use of the Subject Property will not impede the normal and orderly improvement of these properties.

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

Establishment of the conditional use is not in conflict with the adopted comprehensive master plan. Under the East Sector Plan, the Subject Property's current and future land use designation is "Other Institutional." The appropriate zoning district for this future land use designation is OCI "Office, Commercial, Institutional" which is what the Subject Property is currently designated. Multi-family dwellings are a conditional use in the OCI District and the city previously approved the construction of the existing multi-family dwellings. Martin Avenue Apartments will continue to operate as it has for approximately forty (40) years. The addition of sixty-eight (68) new units of age-restricted low-income senior apartments will only expand the existing and historic use of the Subject Property. Based upon the foregoing, the establishment of the conditional use will not be in conflict with the adopted comprehensive master plan.