

The amendment will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The Property is presently vacant and undeveloped, with the Property being utilized for agricultural purposes and generating minimal property taxes. The development of the Property for a productive use will preserve to the character of the neighborhood, prevent against inconsistent B-2 high intensity uses, and will generate new revenue streams for underlying taxing districts.

The proposed OCI District is specifically intended to act as a transitional zone between intensive business areas and residential neighborhoods. The district is intended to contain office, residential and institutional and support commercial facilities (Section 6-7F-1). The proposed zoning will effectively “downzone” the Property, permitting less intensive uses than otherwise permitted under the existing B-2 zoning. This “downzoning” of the Property is appropriate as a transition away from more intensive commercial corridors along Route 59 and 75th Street toward residential neighborhoods to the north and east.

STANDARDS FOR CONDITIONAL USE IN THE OCI ZONING DISTRICT:
MULTI-FAMILY DWELLINGS

The requested conditional use for multi-family dwellings 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 the general welfare. The proposed conditional use will facilitate the development and construction of a new apartment community which will provide 236 dwelling units targeted to a broad range of people, including the younger generation and 55+ demographic. This type of development is

consistent the Master Plan’s key takeaway that “greater housing diversity will be needed to accommodate additional (population) growth. This includes small lot homes, multi-family housing, and higher density development.” By increasing the supply of multi-family dwelling units, The Atlas supports the public health and general welfare of the City consistent with policies and priorities recently adopted as part of the Master Plan and will support retailers to the adjacent commercial corridor.

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 apartment community is a multi-family residential land use, which represents an appropriate transition between 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 commercial-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 townhomes. The area includes four different neighborhoods of attached single-family homes, including both two-story and three-story products. 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.

A variety of high-quality landscaping features will be included throughout the site,

including an assortment of parkway trees along Audrey Avenue. Landscaping along the north, east, and west property boundaries will enhance the overall aesthetics of the community while providing privacy for residents through natural screening. This landscape design will serve as a visual and functional buffer between the development and the adjacent residential subdivision of Mayfair to the east and northwest. In addition, a 6' fence will be installed along the north and east property lines to further strengthen the separation from the existing Mayfair townhomes, which are already enclosed by a 6' wooden fence. A large open space stormwater basin owned by Mayfair located along the east and northeast edges of the Property also serves to contribute to the buffer and offer attractive natural views for residents. Additionally, appropriate setbacks that exceed Code requirement from the adjacent townhomes ensure privacy and minimize visual and noise impacts. Along with this, the building has been designed to be recessed away from the townhomes to the northeast. This thoughtful design approach aligns with the City's vision of creating a harmonious transition between the commercial and residential uses, enhancing both the functionality and aesthetics of the area.

The Property sits in a transitional location, between intensive commercial uses to the south and medium-density residential to the north. The 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 Master Plan further 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.” This concept of permitting residential land use types,

particularly those of greater density such as The Atlas, is consistent with the development proposed by Petitioner for this area. The Property is immediately across the street from a regional shopping center designated as an Urban Center under the 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 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 Atlas 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, recesses in the building façade address scale and massing. In a similar vein, the building materials will complement 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 internal roadways. The Property, being located between these established uses, requires a transitional use. The Atlas is less intensive in terms of overall activity (parking and traffic) than

traditional commercial development. In addition, cross access will be provided across the Property to help facilitate future commercial development on the lot oriented towards Route 59.

- 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 Master Plan. While the Master Plan contemplates the Property as part of an Urban Center, it also designates “supporting uses” in an Urban Center, which uses include a variety of residential land types, including apartments. The Atlas’s residential land use is therefore appropriate along the periphery of the Urban Center as the land use type transitions within commercial and residential neighborhoods. More specifically, the multi-family apartments are consistent with the City’s established plans and policies to support diverse new housing options, 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:

A VARIANCE FROM CITY CODE SECTION 6-9-2.4.3.1 TO PERMIT PARKING TO BE LOCATED IN THE FRONT YARD SETBACK 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 Master Plan, as evidenced by the fact that this variance was previously approved as part of the 2023 Approvals. 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 have large surface parking, with Home Depot and Whole Food parking lot’s frontage along Audrey Avenue. The proposed variance will allow Petitioner to carry forward the parking

configuration that currently exists along Audrey Avenue, providing sufficient parking for residents and guests. 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 requested variance is necessary to achieve a balanced site layout that also maximizes separation from the existing Mayfair townhomes to the northeast. The proposed design strategically locates parking within the front yard setback along Audrey Avenue to accommodate resident and visitor parking needs while preserving open space around the building and maintaining appropriate buffers on the east, west, and north property lines. By encroaching into the front setback, the design promotes a safer, more functional, and cohesive site plan. This ensures clear visibility, convenient access, and a secure environment that supports the long-term success and livability of The Atlas.

c. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

It is important to take into consideration the high-intensity commercial uses to the south and west of the Property, along with the proximity to Route 59 and 79th Street. The surface parking layout is consistent with the surrounding commercial uses such as Home Depot, Dick's Sporting Goods, and the Springbrook Prairie Pavilion Shopping Center, all of which feature expansive, well-landscaped surface parking areas. Home Depot and Whole Food parking lots both have parking frontage along Audrey Avenue. Similar to the adjacent retail parking lots, the surface

parking will remain open, well-lit, and visually connected to the access points along Audrey Avenue, enhancing security, ease of navigation, and the overall sense of cohesion within this Urban Center.

A VARIANCE TO SECTION 6-9-3.1 TO PERMIT A TOTAL PARKING COUNT OF 321 SPACES (1.36 SPACES PER UNIT) IN LIEU OF 2.25 SPACES PER UNIT

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

The Master Plan considers accommodations of “parking requirement modifications for multi-family and transit-oriented development.” The purpose of the off-street parking requirement is to ensure that adequate parking is provided to meet 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 proposed variance to reduce the required residential off-street parking from 2.25 spaces per unit to 1.36 spaces per unit is consistent with the purpose and intent of a multi-family residential development. Historically, 1 space per bedroom plus guest parking has been a common practice in the City that has yielded more than sufficient parking. Similar parking ratios that have yielded success throughout the City include Domain CityGate, the McDowell Point Apartments, and the Vantage Naperville Apartments. Consistent with these developments, The Atlas will provide a total of three hundred and twenty-one (321) parking spaces for the residential component, with sixty-two (262) of those spaces dedicated to residents and the remaining fifty-nine (59) for residential guest parking. Parking will be professionally managed at the Property to ensure capacity is never oversold.

The Code does not consider the nature of residential developments but instead states two (2) spaces per unit regardless of how many bedrooms, the specific use, or the location of the development. Therefore, the same two (2) space requirement would apply to a five (5) bedroom home as a studio unit located adjacent to employment, convenience retail, and transportation options. As such,

Petitioner believes that the parking supply of three hundred and twenty-one (321) spaces equating to 1.36 spaces per unit is more than adequate for this residential use.

Further, it is important to consider the unique nature of the proposed apartment community along with its close proximity to everyday necessities, entertainment, retail and transportation options. Given that a Pace Bus stop is approximately 350' west of the Property, and less than 2.5 miles away is the Metra Train Station, it is likely that the residents will have opportunities to minimize their transportation expenses by using public transportation, car sharing services, Pace, or by biking and walking. Targeting younger generations and adults 55+, both demographics generally have lower vehicle ownership/usage patterns than suburban. As a result, it is even more likely that many residents will not rely on nor require more than one vehicle per unit. As a result, the proposed variation does not undermine the intent and purpose of the requirement because sufficient parking to meet the specific demand anticipated to be generated by residents and guests will be met.

Additionally, this variance will help provide for a compelling community need to achieve more housing options within the City, and strict adherence and enforcement of the parking requirements would make the project unfeasible.

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

Great care was taken in site and building design. Strict enforcement of this parking requirement would require the Petitioner to install and maintain excess parking areas that will not be used. Unit mix should be considered when anticipating parking demand. With 89% of units being studios or one-bedroom units, household sizes will skew smaller and tend to have fewer cars per unit than larger family apartments. The smaller units typically produce lower peak parking demand than the 2.25 spaces per unit Code assumption, which is conservative and oriented to family-oriented

product mixes. With only 11% of The Atlas’s unit count offering two-bedroom units, the site’s overall parking demand is naturally lower than a development with more multi-bedroom units.

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 parking will be adequate to serve the residents of the community and has been designed to provide minimal to no impact the surrounding residential uses through landscape screening. The number of parking stalls are consistent with the surrounding commercial uses such as Home Depot, Dick’s Sporting Goods, and the Springbrook Prairie Pavilion Shopping Center, all of which feature expansive, well-landscaped surface parking areas. Home Depot and Whole Food parking lots both have parking frontage along Aurora Ave. Similar to the adjacent retail parking lots the proposed number of parking stalls is in harmony visually and functionally for the Property’s transitional use across this Urban Center.

A VARIANCE FROM CITY CODE SECTION 6-6F-5 TO PERMIT A MAXIMUM DENSITY OF 236 UNITS IN LIEU OF 1 UNIT PER 2,600 SQ. FT.

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

The Master Plan states “density, in and of itself, is not a threat to the future of Naperville. It can support a wider variety of house types, make transit and retail more viable, and support neighborhood schools and services by consolidating customers.” 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. Petitioner proposes to construct two hundred and thirty-six (236) multi-family dwelling units. Of the two hundred and thirty-six (236) units, seventy-seven (77) of the units will be studios, one

hundred and thirty-three (133) of the units will be one (1) bedroom, and twenty-six (26) of the units will be two (2) bedroom units. There will be no three 3-bedroom or more units. Because of the unique population and impacts associated with the target market (younger generations and the 55+ demographic), the proposed lot area variance 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.

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

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 internal roadways. The Property, being located between these established uses, requires a transitional use. The Atlas is significantly less intensive in terms of overall activity (parking and traffic) than traditional commercial development.

Compared to commercial land uses, residential uses place significantly fewer demands on public infrastructure and utilities. Daily vehicle trips associated with residential communities occur primarily during predictable morning and evening hours, while commercial uses often create higher, continuous traffic volumes throughout the day. As such, residential development imposes fewer demands on local roads, infrastructure, and City services, while contributing positively to the long-term sustainability of municipal systems.

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 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. The proposed

development is consistent with the overall objectives of the City to enhance the housing stock for our population and is consistent with the City’s OCI zoning district which allows residential uses and conditional uses. The proposed development will also allow for underperforming land to be utilized for its highest and best use in turn enhancing the City’s property tax bases while providing a buffer to the adjacent residential uses.

A VARIANCE FROM CITY CODE SECTION 6-7F-8:1 TO PERMIT A BUILDING HEIGHT OF FIFTY-FIVE FEET (55’) IN LIEU OF A MAXIMUM FORTY-THREE FEET (43’)

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

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 a neighborhood to buffer from collector and arterial roadways, railroads and other more intensive land uses)”. While the proposed height deviates from the Code requirements, Petitioner notes that there is no height restriction on commercial uses in the OCI zoning district. 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. Petitioner believes that the site context provides a suitable fit for additional height consideration. By building vertically, Petitioner can minimize the building footprint, create a visually appealing architectural elevation within the surrounding context of the Property, and more efficiently utilize the area of the Property, including exceeding all required setbacks. 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 appear massive due to their limited setback and horizontal length. The proposed 5-story building 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, which communities The Atlas will be significantly setback from. Further, the architectural style of The Atlas consists of clean geometric lines, vertical planar breaks, and an urban blended façade mix of materials and colors that are primarily black, white and gray to create a sleek and modern aesthetic complementary to the townhomes. The adjacent townhomes also sit next 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 and 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 Atlas is in harmony with the 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 studio, one-bedroom and two-bedroom units with community amenities. The proposed building height would be in harmony with adjacent uses and will allow the highest and best use of the property with a development consistent of apartment use. The variation would allow for Petitioner to provide a building designed with a superior level of amenity and design.

- 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 placed in the center most portion of the Property. The Atlas is also designed as a three-block layout, 5-story blocks each to form a cohesive single unit building. With this design, Petitioner took careful consideration of the adjacent existing townhomes to the north and positioned the westernmost portion block of the building closer to Audrey Avenue, furthest away from the townhomes. Those residential structures to the northwest sit approximately 50' north of the shared property line, behind a 6' wooden 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 70' building setback to the property line. Given this context, with approximately 120' of separation between buildings, the proposed variance will not alter the essential character of the neighborhood, nor will it be a substantial detriment to adjacent property.

**A VARIANCE FROM CODE SECTION 6-16-4 TO PERMIT A WALL SIGN
ON 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. A stated purpose of the Sign Code is to “advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public.” Given Petitioner’s extensive experience managing residential

communities, Petitioner believes the size of the proposed identification sign is appropriate for the location and residential nature of the development. Further, the proposed signage is consistent with the size and scale of the building and is necessary to attract the high-quality tenants Petitioner desires. The proposed sign will be oriented towards Audrey Avenue and adjacent commercial properties, such that it won't be visible from the surrounding residential uses. Finally, the sign has been tastefully designed to complement the proposed building and overall development and will ensure adequate site identification for The Atlas.

- 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 install adequate identification signage to effectively advertise and best position the development for success. The proposed signage will facilitate development of the Property with its highest and best use, safely and efficiently directing guests and residents to the building from Audrey Avenue.

- 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. Instead, the requested variance will facilitate the Property's redevelopment with its highest and best use with a new apartment community. Like the apartment building itself, the proposed identification sign has been tastefully designed to complement the proposed building and is consistent with the size and scale of the proposed

building. Petitioner simply seeks to provide adequate signage for identification of The Atlas, and, therefore, will not cause a detriment to, and will ensure compatibility with, the nearby properties.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to:

- (i) Revoke the following Ordinances in connection with the formerly approved development of the Audrey Senior Residences, a prior approved convalescent home with 170 units:
 - a. Ordinance 23-062 approving the Preliminary/Final Plat of Subdivision and OAA;
 - b. Ordinance 23-063 approving rezoning to the OCI District; and
 - c. Ordinance 23-064 approving a conditional use for a convalescent home in the OCI district with associated variances.
- (ii) Approve a Preliminary Plat of Subdivision;
- (iii) Approve a rezoning pursuant to Section 6-3-7 from B-2 to the OCI District;
- (iv) Approve a conditional use for multi-family residential for the development of a 236-unit apartment community;
- (v) Approve a variance to Section 6-9-2.4.3.1 to permit parking located in the front yard setback;
- (vi) Approve a variance to Section 6-9-3.1 to permit a total parking count of 321 spaces (1.36 spaces per unit) in lieu of 2.25 spaces per unit;
- (vii) Approve a variance to Section 6-6F-5 to permit a maximum density of 236 units in lieu of 1 unit per 2,600 sq. ft.;
- (viii) Approve a variance to Section 6-7F-8:1 to permit a maximum building height 55' in lieu of 43';