

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR DEVELOPMENT APPROVAL OF THE ATLAS

THE UNDERSIGNED Petitioner, BC ASTORIA, LLC, an Illinois limited liability company (hereinafter the “**Petitioner**”), in connection with the property legally described on **Exhibit A** attached hereto (the “**Property**”), respectfully petitions the City of Naperville (the “**City**”) 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 Office, Commercial and Institutional District (the “**OCI District**”); and
 - c. Ordinance 23-064 approving a conditional use for a convalescent home.
- (ii) Approve a Preliminary Plat of Subdivision;
- (iii) Approve a rezoning of the portion of the Property legally described on **Exhibit B** from B-2 to the OCI District pursuant to Section 6-3-7;
- (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 density of 236 units on 4.566 acres (1 unit per 842 sq. ft.) 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 of 55' in lieu of 43';
- (ix) Approve a variance to Section 6-16-4 to permit a wall sign on residential property; and
- (x) Approve such other variances, departures or deviations from the City's Municipal Code (the "**Code**") as may be necessary to develop the Property consistent with the plans submitted herewith.

In support of this Petition, the Petitioner represents to the City as follows:

1. The Property is comprised of approximately 6.219 acres generally located at 2939 Audrey Avenue in Naperville, Illinois.
2. The Property is currently identified as Lot 2 in the Barbarotta's Subdivision, which plat was recorded in the DuPage County Recorder's Office on December 20, 2002 as document number R2002-355159.
3. The current Owner of the Property is The Land Trust Company, as Successor Trustee to North Star Trust Company, as Trustee under the provisions of a certain trust agreement, dated the 26th day of May of 2011 and known as Trust Number 11-12331, whose address is 500 W. Madison St., Suite 3150, Chicago, Illinois 60661 ("**Owner**").
4. The Petitioner and contract purchaser of the Property is BC ASTORIA, LLC, an Illinois limited liability company, having a business address at 336 Bon Air Center #351, Greenbrae, CA 94904.

5. Petitioner is the owner and manager of many high-quality multi-family developments nationwide, including locally One Nineteen on Main, 5th Avenue Station, the Belvedere Apartments, the River Run Apartments, Grand Reserve at Naperville, and the Arbors of Brookdale Apartments.

6. In 2023, the City granted approvals to rezone a portion of the Property from B-2 to OCI and granted a conditional use for a convalescent home community consisting of 170 units (“**Audrey Senior Residences**”) per Ordinance No. 23-062, Ordinance No. 23-063, and Ordinance No. 23-064 (“**2023 Approvals**”).

7. Construction and development of the Audrey Senior Residences never materialized.

8. The Property has remained vacant and underutilized since its annexation in 1997 despite development of the adjacent properties and surrounding area.

9. Petitioner seeks to acquire the Property for its development of a 236-unit apartment community to be commonly known as The Atlas (“**The Atlas**”).

10. The proposed subdivision will subdivide the Property into two lots. Lot 1, consisting of 4.566 acres, will encompass The Atlas apartments and be zoned OCI. Lot 2, consisting of 1.652 acres, will be reserved for future commercial/retail use and remain zoned B-2.

11. The Atlas will appeal to a wide variety of people, including young professionals and 55+ active adults.

12. The existing land uses surrounding the Property are as follows:

- a. North: R-3A PUD – Mayfair of Naperville Townhomes
- b. East: R-3A PUD – Mayfair of Naperville Townhomes
- c. South: B-2 PUD – Community Shopping Center District (Home Depot, Dick’s

Sporting Goods and Springbrook Shopping Center)

d. West: B-2 – Community Shopping Center District (Mattress Firm and vacant land)

13. Petitioner seeks approval of a subdivision, conditional use, and variances to facilitate development of the Property with its highest and best use.

14. The proposed entitlement requests meet all City and State requirements for the development of property and will facilitate the beneficial use of the Property as based on the following:

PROJECT OVERVIEW

Founded in 1985, Bridge Capital Partners, Inc., the owner/operator of BC Astoria, LLC, is a privately held commercial real estate investment and development firm with a strategic focus on multifamily properties. With four decades of experience, Petitioner has built a strong reputation for delivering value through thoughtful acquisitions, targeted value-added repositioning, and ground-up development projects. Petitioner specializes in multifamily residential communities, with a portfolio that spans key urban and suburban markets. This diverse geographic footprint reflects the firm's adaptive investment strategy and long-term vision. The firm's real estate assets include both low-density, garden-style communities and high-density developments in core metropolitan areas. Petitioner is actively involved throughout the entire lifecycle of its investments, from sourcing and acquisition, to repositioning and redevelopment, through to long-term asset management.

Petitioner has been a long-standing owner and property manager in Naperville. Currently, Petitioner, through its related companies, owns and manages more than 1,500 apartment homes in Naperville, including 5th Avenue Station, One Nineteen on Main, the Belvedere Apartments, the

Arbors of Brookdale Apartments, Grand Reserve at Naperville, and the River Run Apartments. Petitioner now seeks to replicate the success seen in its Naperville communities and expand the City's existing housing stock with the introduction of a new 236-unit apartment community to be known as The Atlas.

The proposed apartment community represents a thoughtful departure from traditional garden-style apartments typically designed for growing families. Instead, it focuses on highly amenitized and efficiently designed studios, one-bedroom, and two-bedroom units appealing to a wide range of people, including the young working professional and 55+ active adult demographics. Petitioner has observed strong and growing demand for high-quality housing among these demographics as evidenced by the success of its other Naperville communities, including One Nineteen on Main and 5th Avenue Station. The Atlas is designed to target a gap in the local market, prioritizing convenience, lifestyle, and community in alignment with the evolving needs of the Naperville community.

Naperville's Land Use Master Plan approved on March 1, 2022 ("**Master Plan**") designates the future land use of the Property as "Urban Center." As noted in the Master Plan, this designation is appropriate along major roadways and at key intersections – consistent with the Property's proximity to the intersection of Route 59 and 75th Street. Primary uses within the "Urban Center" designation include commercial retail or services, with supporting uses including multi-family residential (apartments). With a portion of the Property being reserved for a future commercial/retail use and a portion being reserved for The Atlas apartment community, the proposed development is consistent with the Master Plan's vision for the Property.

In addition to the Master Plan, the proposed development is also consistent with the adjacent uses and transitional nature of development in the area. With commercial uses to the

south and west and the established residential neighborhood of Mayfair townhomes to the north and east, the proposed development will serve as a natural residential transition between the townhomes to the north and Home Depot to the south. Development of The Atlas will provide for a gradual transition in scale and activity, reducing potential conflicts between commercial operations and single-family or townhome residences. This site design not only enhances the overall cohesion of the area but also represents a contextually appropriate and effective use of the Property.

As noted, the anticipated demographics expected to be attracted to The Atlas include young professionals and the 55+ active adult. With the Property's proximity to transportation, retail, entertainment, and convenience uses, Petitioner believes these demographics will be attracted to the opportunity for maintenance-free living and an active lifestyle located in a highly desirable and safe location in Naperville. According to the latest Esri demographic data, by 2030, individuals aged 25 to 34 will represent the largest population group within a 5-mile radius of the Property, with over 36,000 individuals falling within this age group. Likewise, another 32,000 individuals will comprise the 55 to 64 age group. In total, these two age groups are anticipated to represent almost 27% of the area's population in the year 2030 – precisely in line with the demographics The Atlas is designed to attract and serve.

The Atlas will be designed with comfort and efficiency in mind, with every detail reflecting the expectations of our residents seeking a refined, maintenance-free lifestyle with the perfect blend of comfort and convenience. Spanning 5 floors, the anticipated breakdown of the 236 units is 77 studios, 133 one-bedroom, and 26 two-bedrooms units – the very low concentration of 2-bedroom units being specifically tailored to its target market similar in nature to 5th Avenue Station. Each apartment will feature thoughtfully designed interiors with high-end finishes and

designer touches. Residents will enjoy open-concept layouts with kitchens featuring quartz countertops, stainless steel appliances, upgraded cabinetry, as well as smart home technology. Additional features include in-unit washers and dryers, premium flooring throughout, large windows that maximize natural light, and select apartments with private balconies or terraces that will provide residents with additional outdoor space and elevated views.

On the first floor, community amenities will include an outdoor pool and patio area, lockers, dedicated dog run, a well-appointed lobby, co-working lounge, a secure mail and package room, and designated bike storage room. On the 5th floor, in addition to a roof-top terrace, a reservable club room with a bar, pool table, shuffleboard, and television/seating area will also be available. Residents will also benefit from 24-hour maintenance along with on-site professional management ensuring a high standard of service and convenience.

With regards to architecture, The Atlas has been designed to complement the surrounding uses of the area with commercial to the south and west and the Mayfair townhomes to the north and east. The architectural style with clean geometric lines will feature an urban blended façade mix of materials and colors that are primarily black, white and gray, creating a sleek and modern aesthetic. High quality building materials will be utilized to ensure long term durability.

Complementary landscaping features will be located throughout the site, including an assortment of parkway trees along Audrey Avenue. The entrance to The Atlas will complement the continuation of the Mayfair townhomes and Springbrook Shopping Center's landscaping detail. 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 Mayfair townhomes. In addition, a 6' fence will be installed along the north and east

property lines to further strengthen the separation from the 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 will also contribute to the buffer and offer attractive natural views for future residents.

Given the proposed site design and frontage along Audrey Avenue, the building has been designed to maintain appropriate setbacks from the adjacent Mayfair townhomes, ensuring privacy and minimizing visual and noise impacts. Setback requirements exceed Code minimum, providing approximately 70' from the north property line, whereas only a 12' setback is required. 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.

Future residents will benefit from the abundance of nearby retail and convenience uses, benefiting both residents and local retailers, and simultaneously boosting the City's retail sales tax base. The projected sales tax is anticipated to be significantly more than would have otherwise been generated by the previously approved Audrey Senior Residences. Unlike a convalescent home, which primarily operates as a medical or care institution with limited resident spending and minimal visitor traffic, a multi-family residential community introduces substantially more residents as consumers that actively contribute to the local economy. Apartment residents are more likely to shop at nearby retail stores, dine at local restaurants, and utilize nearby services on a daily basis, all of which directly increase taxable sales within the City. Further, the Property's proximity to commercial corridors along Route 59 and 75th Street enhance this impact, as residents will naturally frequent nearby businesses for convenience.

In addition to the development's proximity to commercial and retail uses, The Atlas will also be conveniently located within walking distance of Harris Fawell Park – providing access to expansive open space, picnic shelters, playgrounds, and a youth softball field. This proximity provides residents with easy access to outdoor recreation and leisure opportunities that promote an active and connected lifestyle. With regards to parks, the proposed development will contribute to the enhancement of local park resources through an anticipated land cash donation of approximately \$1,000,000 to the Naperville Park District.

Vehicular access to the Property will be provided via two access points along Audrey Avenue at opposite ends of the Property. At City Staff's request, the west access point has been designed to align with the existing access point to Home Depot, creating enhanced circulation consistent with best traffic management practices. An additional cross access point has been designed for the southwest corner of the Property for access to the future commercial/retail site along Route 59. Pedestrian paths will be provided along all perimeters of the building, and sidewalks will be installed throughout the community to provide continuous connectivity to the existing sidewalk along Audrey Avenue.

The location of the Property also provides convenient access to multiple public transportation options. A Pace Bus stop is located along IL Route 59 and Audrey Avenue approximately 350' east of the Property, or a two-minute walk. Additionally, the Pace On-Demand Naperville/Aurora service runs right along Audrey Avenue, providing residents with flexible, reservation-based transportation options. Further, a Park-and-Ride lot at Community Christian Church is just 1.2 miles from the Property, roughly a five-minute drive, offering further convenience for commuters. For those seeking to commute by train, the Metra Route 59 Station (BNSF Line) is approximately 2.2 miles away, or about an eight-minute drive. Together, these

nearby transit options provide residents with easy access to surrounding communities and popular destinations, enhancing overall mobility and convenience.

The entire community has been designed through an inclusive lens – focusing on accessibility, adaptability, and attainability. The development will incorporate an array of accessible and adaptable unit types. Specifically, The Atlas will incorporate 48 adaptable units, including 5 IBC Type A and 43 IAC compliant units. The IBC Type A units will be designed with the most stringent clearances and can be easily converted into fully accessible units upon request. Similarly, the IAC adaptable units will be designed to provide a wheelchair friendly environment, including (1) adequate space for a wheelchair’s turning radii; (2) bathrooms that provide ample clearance in front of all fixtures; (3) sinks, countertops, and appliances that will be installed at a height that can be used by a resident in a wheelchair; and (4) blocking for future grab bar installation. Like the IBC Type A units, minor modifications can be made to easily convert these adaptable units into fully accessible units. The remaining 188 units will be IBC Type B, which will also be designed with generous clearances in mind to allow residents and visitors in wheelchairs to occupy and maneuver the spaces safely and comfortably.

With regards to accessibility to the larger building, the building will have elevator access to all 5 levels, and all amenity and outdoor spaces will be fully wheelchair accessible for residents and their guests. These amenity spaces will include ADA accessible public restrooms on levels 1 & 5, sinks and countertops installed at ADA compliant heights, and ample space for wheelchair turning radii clearance. Finally, signage and wall-mounted lighting will be installed tight to corridor walls to allow extra consideration for residents and guests with visual impairments.

Petitioner acknowledges the cost to own a home in Naperville has grown significantly over the past 5 years. At the same time, the total available housing stock of for-sale homes has shrunk,

making home ownership less realistic for a growing segment of the population. Recognizing this, the City has expressed a desire for more attainable rental opportunities in the community. In response, Petitioner aims to deliver a premium living experience at a lower barrier to entry, and monthly rents for The Atlas are expected to help address this concern. Almost 90% of the proposed apartments will be comprised of studio and 1-bedroom units. Rents for these unit types are anticipated to start at \$1,695 and \$1,995, respectively. According to recent census data, the adjusted average median income (AMI) for a Naperville household is \$150,360. Assuming the lowest targeted income household (i.e. 50% AMI) and 30% of income being spent on rent, the amount of monthly rent considered “attainable” is approximately \$1,900 – in line with the proposed rental rates.

The Property is located within the jurisdiction of School District 204. However, given the targeted demographic and the limited number of 2-bedroom units being provided, the development is expected to have only a minimal impact on the School District, with only 14 students anticipated to be generated. This expectation is further supported by empirical data from Petitioner’s 5th Avenue Station and One Nineteen on Main communities. 5th Avenue Station, which is comprised of 124 units, the majority of which are 2-bedroom (37 studios, 27 1-bedroom, and 60 2-bedroom), generates less than 10 students. Likewise, One Nineteen on Main, which is comprised of 23 1-bedroom and 26 2-bedroom units, generates less than 5 students. In addition, any impact to the School District will be offset by the anticipated tax generated for the School District from the development.

As set forth above, Petitioner is committed to continuing to bring successful, high-quality development to Naperville through The Atlas that seeks to complement and strengthen the

community's housing market and provide additional housing options to all that want to live in Naperville.

STANDARDS FOR REZONING FROM B-2 TO THE OCI DISTRICT

- a. The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and*

The amendment will promote the public health, safety, comfort, convenience, and general welfare. The City of Naperville is perennially rated as one of the top cities in the United States. The City provides an extraordinary quality of life, with significant employment opportunities, world-class education, and a safe environment to raise a family. For decades, Naperville has been a particularly attractive destination for couples starting or growing their families. According to Chicago Metropolitan Agency for Planning (CMAP), within Naperville, single-family residential accounts for nearly 43% of land use, while multi-family residential only accounts for roughly 3%. The traditional housing market has remained strong over the several decades, but Naperville's population has shifted and demand for alternative housing product has risen. For the general welfare of the community and future success, Naperville must increase its housing stock specifically designed to meet the unique needs of the younger demographic as well as housing options for aging adults who no longer desire traditional single-family homes. This aligns directly with the Master Plan's guiding principal of "ensuring housing is diverse, response to community needs, and accessible to everybody" and with the directive that "the City should emphasize housing diversity to ensure Naperville offers homes that are comfortable, affordable, and inclusive to everybody.

- b. The trend of development in the area of the Subject Property is consistent with the requested amendment; and*

The trend of development in the area of the Property is consistent with the proposed OCI

District. The Property was annexed and zoned in the City in 1997. At the time of annexation, the area around the Property was utilized for residential and agricultural purposes. Over the last nearly three decades, the area has transformed with significant new commercial development along Route 59 to the west and 75th Street to the south. To the north and the east, four new attached single-family residential neighborhoods have been developed. These dynamics have placed the Property at a transitional point between intensive commercial uses along regional arterial roadways and transitional attached single-family neighborhoods. The OCI District is specifically intended to address this type of scenario. Under the Code, “it is the intent of the OCI district to act as a transitional zone between intensive business areas and residential neighborhoods” (Section 6-7F-1). The OCI District represents an excellent transitional use compatible with the adjacent attached single-family neighborhoods located north of Audrey Ave, buffering them with a compatible residential use from the commercial intensity on the south side of Audrey Ave.

c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.

The existing zoning classification for the Property is B-2 (Community Shopping Center District) and was established upon annexation of the Property approximately 28 years ago. The intent of the B-2 district is to “accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district” (Section 6-7B-1). Regional shopping centers to the south, including the Home Depot, Whole Foods, Walmart, Costco and Lowes are all zoned B-2 and draw regional shoppers due to access and frontage along Route 59 and 75th Street. The Property is uniquely situated benefiting from limited frontage along Route 59 and frontage along Audrey Ave. Resubdividing the Property will preserve a dedicated lot fronting Route 59, protecting its highest-value and highest-visibility potential for future commercial development. This request preserves the opportunity for ongoing sales tax, business attraction, and

commercial vitality, while allowing the remainder of the Property to be developed with a multi-family residential use that complements the existing surrounding residential uses of Mayfair townhomes to the north and east. This approach balances economic development goals with neighborhood compatibility and maximizes long-term benefit to both the City and local residents.

The primary frontage of the Property is along Audrey Ave. Audrey Ave is a collector roadway, adjacent to residential subdivisions. With Mayfair townhomes to the north and east, and the abundance of commercial to the south and west along 75th Street and Route 59, the Property provides the ideal opportunity for a transitional use due to its surrounding context.

d. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and

The Property has remained vacant for nearly three decades despite the fact that the surrounding area has been substantially developed. This prolonged vacancy demonstrates that the B-2 zoning classification hasn't been suitable or marketable for typical commercial development. While the commercial uses with frontage along the major corridor of Route 59 and 75th Street have successfully supported active retail and restaurant uses, the Property's location along Aurora Avenue positioned behind Home Depot, Dick's Sporting Goods, and the Springbrook Shopping Center functions as a "back-of-house" corridor rather than a visible or accessible commercial frontage. As a result, the Property has not attracted viable B-2 development. Given these conditions, the Property is better positioned to serve as a transitional use between the commercial intensity of Route 59 and the established residential neighborhoods to the east, making multi-family residential development a more appropriate and productive land use for this long-underutilized parcel.

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

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';

- (ix) Approve a variance to Section 6-16-4 to permit a wall sign on residential property;
- (x) And approve such other variances, departures or deviations from the City's Municipal Code as may be necessary to develop the Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 12th day of February, 2026.

PETITIONER:
BC Astoria, LLC, an Illinois limited liability company

By: *Vince Rosnova*
Vince Rosnova
Attorney for Petitioner

EXHIBIT A
LEGAL DESCRIPTION – “THE ATLAS” SUBDIVISION

LOT 2 IN BARBAROTTA'S SUBDIVISION, OF PART OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 20, 2002 AS DOCUMENT NUMBER R2002-355159, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT B
LEGAL DESCRIPTION – REZONING PARCEL

LOT 2 IN BARBAROTTA'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 20, 2002 AS DOCUMENT NUMBER R2002-355159, EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE WESTERNMOST SOUTHWEST CORNER OF SAID LOT 2, BEING ALSO THE NORTHWEST CORNER OF LOT 1 IN SAID BARBAROTTA'S SUBDIVISION; THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 140.13 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 441.70 FEET TO A LINE PARALLEL WITH AND 71.00 FEET EAST AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOT 1 IN BARBAROTTA'S SUBDIVISION; THENCE SOUTH 00 DEGREES 10 MINUTES 27 SECONDS WEST ALONG SAID PARALLEL LINE, 282.39 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 03 MINUTES 55 SECONDS WEST ALONG SAID SOUTH LINE, 67.01 FEET TO AN ANGLE POINT IN SAID SOUTH LINE; THENCE SOUTH 86 DEGREES 23 MINUTES 29 SECONDS WEST ALONG SAID SOUTH LINE, 4.02 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 IN BARBAROTTA'S SUBDIVISION; THENCE NORTH 00 DEGREES 10 MINUTES 27 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 142.43 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 05 MINUTES 57 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 370.08 FEET TO THE POINT OF BEGINNING; IN DUPAGE COUNTY, ILLINOIS.