



## Legislation Text

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File #: 23-0168B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the staff report for 2939 Audrey Avenue (Audrey Senior Residences) - PZC 22-1-112 (Item 1 of 4)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 22-1-112 on February 15, 2023 and recommended approval of the request (approved 9-0). Staff concurs.

#### **BACKGROUND:**

The subject property consists of a 6.2-acre, L-shaped parcel with frontages along both Audrey Avenue and IL Route 59. It is currently vacant and zoned B2 (Community Shopping Center District). The Mayfair of Naperville townhome development is located to the north and east of the subject property, and commercial developments including Home Depot, Dick's Sporting Goods and Mattress Firm are located to the south and west of the property.

The petitioner proposes subdividing the subject property into two lots and developing one of the lots with a convalescent home. To do so, the petitioner requests approval of a preliminary/final plat of subdivision to create Lot 1 and Lot 2; rezoning Lot 1 from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District); a conditional use for a convalescent home on Lot 1; and variances to the City's building height, parking setback and landscape buffer requirements for Lot 1. No development plans have been finalized for Lot 2.

The City's Land Use Master Plan identifies the future place type of the subject property to be Urban Center. Staff finds the petitioner's proposal to be compatible with this designation.

#### **DISCUSSION:**

##### ***Preliminary/Final Plat of Subdivision***

The petitioner proposes a preliminary/final plat of subdivision to subdivide the 6.2-acre subject property into two lots consisting of 4.573 acres ("Lot 1") and 1.645 acres ("Lot 2"). Cross access has been platted between the two lots to ensure future connectivity is maintained. Staff finds the proposed plat of subdivision meets the technical requirements for approval and is supportive of the subdivision.

##### ***Owner's Acknowledgement and Acceptance Agreement & Age Covenant***

An Owner's Acknowledgement and Acceptance (OAA) agreement will be attached to the

preliminary/final plat of subdivision ordinance. The OAA includes the following:

- Recapture fees, including fees for water & sanitary sewer and roadway based upon the Audrey Avenue frontage, which are due for the subject property.
- A future pavement restoration fee, which covers pavement disturbances in the right-of-way, which are also due.
- Provisions for both cross access easements on the subject property, including the requirement for the submittal of a written cross access easement agreement.
- A requirement that the cross access easement agreement shall also include provisions for the shared signage (discussed in further detail below).
- Park and school donation fees:

School: Per Section 7-3-5:4.4 and 4.5 of the Municipal Code, age restricted and assisted living developments are not required to pay a school donation fee, provided the development records an age restriction covenant (see below) against the property. The subject property will be recording an age restriction covenant and qualifies for a waiver of the school donation fees.

Park: Per Section 7-3-5:4.4 and 4.5 of the Municipal Code, age restricted and assisted living developments are subject to reduction in park fees as established by the formula in the Code. The total park contribution for the subject property is \$417,185.12 (based on \$395,730.44 for the 79 age restricted units and \$21,454.68 for the remaining 102 units (Assisted Living and Memory Care). The petitioner has noted their intent to continue to work with the Park District to further reduce this contribution based upon open space and amenities provided on the property. Please note that if the contribution rate is reduced, the petitioner will need to negotiate an agreement directly with the Park District with said agreement also being subject to City Council review and approval.

Staff and the petitioner have also worked to draft an age covenant that will be recorded against the property. Said covenant states that property will be developed in conformance with the Fair Housing Amendments Acts of 1998 (FHAA), including the provisions of the Housings for Older Persons Act of 1995 (HOPA), and states the property will be solely occupied by persons 62 and older. This covenant will run with the land and any modification would require concurrence of the owner of the property, and a 2/3<sup>rd</sup> majority of both the City Council and School District 204 boards.

### **Rezoning**

The area surrounding the subject property has undergone significant development over the last twenty-five years. Intensive commercial uses have developed along IL Route 59 and 75<sup>th</sup> Street, and the Mayfair of Naperville townhome development has been developed to the north and east of the subject property.

The petitioner is seeking to rezone Lot 1 of the subject property to OCI (Office, Commercial and Institutional District), which is a less intensive zoning district than the subject property's current B2 zoning designation. The intent of the OCI zoning district is to act as a transitional zone between intensive business areas and residential neighborhoods. The proposed rezoning (and subsequent development of a convalescent home) is anticipated to provide that transition between the residential uses to north and east, and the commercial businesses to the west and south.

Additionally, staff notes that the subject property has remained vacant under the current B2 zoning designation. It is not of comparable size or configuration and does not share frontage attributes of nearby properties that have developed in the B2 district. Proposed Lot 1 fronts Audrey Avenue,

which is a collector roadway that provides access to residential subdivisions to the north and access/loading to commercial properties to the south. The rear of the buildings in the adjacent Springbrook Commons shopping center front Audrey Avenue, further supporting the fact that Audrey Avenue will not develop as a commercial corridor. The PZC and staff are supportive of the petitioner's proposed rezoning for Lot 1 and find it to better suit the subject property's Audrey Avenue frontage.

Proposed Lot 2, which will maintain the subject property's frontage along IL Route 59, will remain zoned B2 (Community Shopping Center District).

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Map Amendment can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommend their adoption by City Council.

#### **Conditional Use - Convalescent Home on Lot 1**

The OCI zoning district classifies convalescent homes as a conditional use. The requested conditional use for a convalescent home on Lot 1 of the subject property is appropriate as it will function as a transition between intensive commercial uses to the south and west, and residential uses to the north and east. The convalescent home will provide housing targeted to serve the senior population which is consistent with priorities and needs identified in the City's Land Use Master Plan.

Staff considers the proposed convalescent home's design and scale to be complementary to adjacent properties. Two- and three-story townhomes are located to the north, and large-scale commercial buildings, including Home Depot and Dick's Sporting Goods, are located to the south. The convalescent home will be oriented towards, and accessed from, Audrey Avenue. The proposed building has a unique design that features 4 story building sections oriented around courtyards to reduce its perceived bulk and massing. Additionally, the development will comply with code-required parking.

Staff believes the requested conditional use is appropriate and the proposed design and scale of the project complements the surrounding properties.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Conditional Use can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommend their adoption by City Council.

#### **Requested Variances**

Multiple variances are requested for the convalescent home proposed on Lot 1 of the subject property:

- **Allowance to exceed the permitted maximum height:** The OCI zoning district identifies a maximum height of 43 feet for mixed-use buildings with a residential component. The petitioner proposes a building height of 54 feet 3 inches when viewed from the Audrey Avenue frontage, or 57 feet when viewed from the east. As noted above, the proposed building has a unique design that features 4-story building sections oriented around courtyards to reduce its

perceived bulk and massing. By increasing the building height, the petitioner has indicated that the developer can minimize the building footprint and create more interesting architectural elevations. The building complies with all other OCI regulations. Staff is supportive of the requested height variance.

- **Parking location.** Section 6-9-2:4 (Off Street Parking Facilities) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-) of the Municipal Code requires parking facilities in business districts to be located outside of the required front and corner side yards. The petitioner requests a variance to allow parking to be located in the front yard of Lot 1, along Audrey Avenue.

The OCI zoning district requires a twenty-foot front yard to be maintained. The petitioner's proposed site design maintains a front yard that is approximately 5 feet in depth to be consistent with the commercial development to the west and provide convalescent home visitors easy access to the facility's front lobby. To mitigate the impacts of a reduced setback, the petitioner proposes landscaping and screening that exceeds code requirements along Audrey Avenue. Screening is provided across 100% of the affected area and includes shade trees and ornamental plantings. Staff notes that the property across the street, on the south side of Audrey Avenue, is zoned B2 (Community Shopping Center District) and functions as the rear of the Springbrook Commons shopping center. This ensures that the requested variance will not bring the parking any closer to a residential property than would otherwise be permitted. Upon review, staff finds the requested variance to be reasonable and is supportive of the request.

- **Off-premises signage.** The petitioner seeks approval of a variance to Section 6-16-3:7 (Prohibited Signs) to allow the convalescent home proposed on Lot 1 to have ground signage on Lot 2's Route 59 frontage once Lot 2 is developed in the future. The convalescent home's signage is intended to be part of a multi-tenant ground sign so as not to increase the overall amount of ground signage otherwise permissible along Route 59. The petitioner believes that the proposed off-site signage is consistent with the intentions of the City's sign regulations because it will help identify the location of the convalescent home to visitors and passersby along Route 59. The petitioner also states that the proposed Route 59 sign is a better alternative than wall signage that is otherwise permitted on the convalescent home. Off-premises ground signage, consistent with the commercial nature of the IL Route 59 corridor, is a preferred alternative in lieu of wall signage on the convalescent home's west façade. Staff is supportive of the request subject to the conditions that the Route 59 ground sign be a multi-tenant sign that provides signage for the future businesses on Lot 2 and the convalescent home; and, that the sign installation be delayed until there is access to the senior residences from Route 59 and Lot 2 is developed. The petitioner is agreeable to these conditions.
- **Fencing.** The petitioner requests approval of a variance to Section 5-10-3:5.2.4.1 (Parking Lot Landscaping) to eliminate the 6 ft. landscaping boundary requirement and allow for vegetative screening instead along the eastern portion of Lot 1's north property line, as well as the entirety of Lot 1's east property line. Per the petitioner, no residences are located within approximately 88 feet of the proposed development in these locations. Rather, Lot 1 is bordered by Mayfair's detention pond in these areas. In order to balance the need for Mayfair

resident's privacy, as well as maintain aesthetically pleasing views of the detention pond from the convalescent home, the petitioner proposes a 3 to 4-foot hedge row in areas where a fence is not installed. The hedge row will shield headlight glare while maintaining the openness of the area.

On the west side of Lot 1's north property line, a 6-foot-tall fence is already installed on the Mayfair of Naperville townhome development's property, mitigating the necessity for the petitioner to also install fencing in this location. will be installed in compliance with the City's landscaping requirements.

### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings for each variance request and recommend their adoption by City Council.

### **Planning and Zoning Commission Action**

The Planning and Zoning Commission considered this matter at their meeting on February 15, 2023. No members of the public provided testimony. Following limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's requests (approved 9-0). Staff agrees with the Planning and Zoning Commission's recommendation.

### *Changes Made Following the PZC Meeting*

Following the PZC public hearing, the petitioner modified the site plan for Audrey Senior Residences by switching the locations of the open space/bioretenion area and parking area on the west side of the convalescent home. This modification provides additional flexibility for future cross access between Lots 1 and 2 of the subject property and does not impact any of the entitlements requested.

### **Key Takeaways**

- The petitioner requests approval of a preliminary/final plat of subdivision to create Lot 1 and Lot 2. Staff finds the plat of subdivision meets all technical requirements for approval.
- The petitioner requests approval of rezoning Lot 1 from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District). The PZC and staff are supportive of this zoning designation.
- The petitioner requests approval of a conditional use for a convalescent home on Lot 1. The PZC and staff are supportive of the conditional use and find the proposed design and scale of the project complements the surrounding properties.
- The petitioner requests approval of variances to the City's building height, parking setback, signage and landscape buffer requirements for Lot 1. The PZC and staff are supportive of each variance requested.

### **RELATED FILES**

1. Pass the ordinance approving a preliminary/final plat of subdivision for Audrey Senior Living Subdivision - PZC 22-1-112 (Item 2 of 4);

2. Pass the ordinance rezoning Lot 1 of Audrey Senior Living Subdivision from B-2 (Community Shopping Center District) to OCl (Office, Commercial and Institutional District) - PZC 22-1-112 (Item 3 of 4);
3. Pass the ordinance approving a conditional use for a convalescent home on Lot 1 of the Audrey Senior Living Subdivision and associated variances - PZC 22-1-112 (Item 4 of 4)