

**EXHIBIT 4: Section 6-3-7:1: Standards for Granting a Map Amendment (Rezoning)**

- 1. 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 Property has been vacant and undeveloped for so long as the City has owned the Property, thereby providing no tangible benefit to the community at large. Specifically, the Property is situated at this important location with IL Route 59. At the same time, 103rd Street is a minor arterial and only extends about 2 miles in length, which effectively limits the amount of cross traffic and impairs the viability for a large-scale commercial development in this location. The Comp Plan designates the Property is allowed a Conditional Use for multi-family property. Tower Court Apartments fits this mold being located proximate to retail and restaurant which will support the local economy. Though the Property is already zoned B-2 and multi-family is a permitted use under that designation, OCI is a more appropriate zoning classification because it generally permits less intense uses than the permitted uses under the other EXHIBIT C 7 B-1 and B-2 recommended zoning designations under the Comp Plan designation. The OCI zoning designation will ensure the Tower Court Apartments is developed in a manner consistent with the nearby properties.

- 2. The trend of development in the area of the subject property is consistent with the requested amendment; and**

Over the last several years, the general area around the Property and along IL Route 59 has been in transition. The B2 zoned property on the southwest corner of Route 59 and 103rd Street (Saddlewood Center) is substantially vacant and is in disrepair. The property on the northwest corner of Route 59 and 103rd street is zoned OCI and includes Thomas C. Scullen Middle School and Wheatland Academy. In addition, OCI zoning in this northwest intersection location extends further north to accommodate the Rollingridge Center for medical offices. As recent as 2019, the property on the northeast corner of Route 59 and 103rd Street was annexed to the City of Naperville and zoned OCI and R2 to accommodate Compass Church and the Wagner Farm residential subdivision. Specifically, the City approved OCI zoning in order to provide a business district at the “hard corner” of Route 59 and 103rd Street. This zoning allowed for the appropriate transitions toward lower intensity residential uses. Petitioner seeks to follow suit. Petitioner is requesting a rezoning to OCI as to be a natural transition between existing low density residential and retail/hospitality. OCI zoning will allow for the appropriate transitions to the lower intensity uses east and south of the Tower Court Property, as the subdivision of the entire vacant site is in the process of being developed Lifetime lifestyle center and additional future retail/office/hospitality pads, in support of the City’s intent for the Property. In addition, the rezoning will be in harmony with the other corner properties on the north side of 103rd Street and Route 59.

- 3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and**

According to the City, the Property has failed to develop under its current B-2 designation and provides no tangible benefit to the City of Naperville or its residents. The B-2 zoning designation permits more intensive uses such as department stores/general retail, cannabis dispensing organizations, and pet care establishments (to name a few). The uses generally found in B-2 zoned property do not reflect the City’s ultimate vision for the South-Forty Property. Alternatively, the primary intent of the OCI district is to act as a

transitional zone between intensive business areas and residential neighborhoods. This includes permitted uses such as offices, religious institutions (as we've seen immediately north of the Property with the development of Compass Church), and fitness facilities. Given the nature of development in the area and keeping with the intent of the City's vision for this Property, OCI zoning and its permitted uses are better suited at the southeast corner of this intersection to act as that appropriate transition to the nearby residences in harmony with the intent for this district as set forth in the Code. While Route 59 is designated as a Strategic Regional Arterial, 103rd Street is an east-west minor arterial consisting of two lanes. 103rd Street is only about 2-miles in length, extending from Book Road on the east to 248th Avenue on the west. The intersection of 103rd Street and Route 59 is improved as follows:

- i) Northeast corner - Compass Church (zoned OCI) and Wagner Farm Residential Subdivision (zoned R2).
- ii) Southeast corner (the Property) - vacant, but currently zoned B-2 in the City of Naperville. This property is owned by the City of Naperville and is commonly known as the "South 40" Subdivision.
- iii) Southwest corner - Saddlewood Center, zoned B-2 in the City of Naperville and improved with an approximately 41,000 square foot commercial complex. The EXHIBIT C 9 property is substantially vacant and is currently occupied by a liquor store and medical office users.
- iv) Northwest Corner - Zoned OCI in the City of Naperville and is improved with Thomas C. Scullen Middle School, Wheatland Academy, and medical offices.

Large-scale commercial development seems to have entirely bypassed this intersection. However, major arterials located both north and south of the Property have developed with significant commercial uses. To the south there are regional shopping centers located at 111th Street, 119th Street, 127th Street, and 135th Street. Likewise, the trend continues to the north at 95th Street, 75th Street, Ogden Avenue and New York Street. While commercial shopping centers are located all along Route 59, they clearly tend to appear at more significant intersections where eastwest arterials provide a secondary means of access to the shopping center. Accordingly, additional big box retail or largescale commercial development under a B-2 zoning designation is not appropriate here. OCI zoning will permit less intensive uses in this location and will ensure zoning is consistent with the northeast corner and northwest corner of 103rd street and Route 59 to act as a transitional parcel to the nearby residences. Specifically, the Tower Court property under OCI zoning will provide a much-needed living and service to the nearby residents by way of developing a place for residents with special needs.

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

The City acquired the Property around 1990. The Property has been reimagined and destined for different uses based upon market conditions over the course of 33 years. In 2007, the City subdivided the Property into the Naperville-South Forty Subdivision with the intent to position the Property for development with a focus on affordable housing. In line with the City's EXHIBIT C 10 intent for the Property after the 2007 subdivision, Lifetime seeks to develop the Lifetime Fitness on Lot 1 of the resubdivision. This is specifically an fitness and lifestyle project intended to serve residents of the surrounding neighborhoods as well as a place for employment for the Tower Court residents. In concert with Lifetime's application, the Petitioner has coordinated directly with Lifetime and engaged with the same civil engineer to ensure the future uses on the Property and their design after resubdivision will complement Lifetime's use and the surrounding neighborhood. The

Property has failed to develop under its current zoning designation for 33 years. The proposed zoning is consistent with nearby and adjacent zoning designations at this intersection and will facilitate the proposed development upon resubdivision of the Property in line with the City's intent and objectives.

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

The Petitioner's proposed OCI zoning for the Tower Court Apartments is consistent with surrounding land uses. The District 204 property and Compass Church property located at the northwest and northeast corners of 103rd Street and Route 59 are zoned OCI – consistent with the proposed zoning of Tower Court Apartments.