

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.

Standards for Granting or Amending a Conditional Use

Municipal Code Section 6-3-8:2

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

RESPONSE: A residential facility is a use that is a positive to the community. Supplying housing for people is the root of the strength of a community. All retail, hospitality, office, and industrial businesses place their developments adjacent to housing communities.

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

RESPONSE: The residents that will live in these homes will contribute revenue to the community in the form of purchases of goods and services local to the surrounding area. Historically, new housing always increases surrounding property values. The residents will also contribute to the businesses by offering labor to surrounding companies.

- 3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.**

RESPONSE: This development will not effect any of the surrounding properties as this property will have dedicated access and the building itself is of same scale as the surrounding buildings. The architectural aesthetic is very consistent with the single family residences adjacent to the property.

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

RESPONSE: Although this property is currently guided Neighborhood Center, the comprehensive plan does describe the place type as having small pockets of residential within this district.

RESPONSE TO STANDARDS

Standards for Granting or Amending a Planned Unit Development

Municipal Code Section 6-4-7:1

Project: Tower Court Apartments

- 1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.**

RESPONSE: The surrounding neighborhood has a mix of single family residential, office, retail, and institutional uses. The one use it has little of is multifamily. The proposed development will add residential housing to the area that will add workforce to the area as well as an increased tax base. The development is proposed to have outdoor amenity areas for residents to enjoy such as grills with picnic tables, sitting areas around various detention basins with native plants, and walking paths throughout the property that can also be shared with neighbors.

- 2. The planned unit development meets the requirements and standards of the planned unit development regulations.**

RESPONSE: The project meets the allowed use for the R3 guided zoning. The use is a benefit to the neighborhood as it will bring more needed homes to the community and will help the current neighborhood business with increased patronage. The building meets most zoning requirements as well. The minimum density is achieved with 72 units provided compared with 69 minimum units required. The height of the building falls within the R3 guided zoning with a maximum building height of 45 feet. The building also falls within the setback lines of the property. The building materials proposed meet the ordinance with use of cement board or composite siding, brick wainscoting, and architectural style asphalt shingles. We are proposing a variance in the amount of brick required from 50% minimum to 30% minimum which is requested under a separate variance request. The parking lot sizing meets the zoning ordinance with stall sizes being 9' wide by 26' long. The drive aisles are 22' wide per the ordinance. The parking lot and drives also fall within the required setbacks. We are proposing to reduce the number of parking stalls from 2 stalls per unit to 1.44 stalls per unit. This will also be proposed in a separate variance request.

- 3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.**

RESPONSE: The property is very efficient in the use of exterior amenity minimum percentage. The provided percentage is 20.6% compared with 20% minimum required. Those amenity areas will include storm detention areas with wet bottoms for native landscaping to reduce the amount of non-native species and lowering water usage. As mentioned in Item #1, the parking is proposed to be reduced from the required 2 stalls per residential unit to 1.44. The reason for this is that most residents will not drive vehicles, thus this allows for more green space which will be a more impactful amenity to the neighborhood. Residents of this complex will

either use transportation by family members, or private group transportation. They also have the opportunity to use public transportation that services Highway 59.

4. Open space, outdoor common area, and recreational facilities are provided.

RESPONSE: As listed in item 3, the proposed plan takes advantage of the 20% minimum exterior percentage of outdoor common space required by the City. This space will have amenities such as patio with grills and sitting areas, walking paths throughout the property, and sitting benches that overlook the detention ponds being created. The walking paths are nearly 1/3 of a mile long, so there is plenty of path to walk. The interior of the building will have a Community Room with a resident donated grand piano which will be the focal point of the space, and used for group entertainment activities. Adjacent to the Community Room is the Fitness Center, which has equipment such as tread mill, recumbent bike, and area for floor exercises. There is also a bike storage room dedicated for residents to store their bikes without having them sitting in their own apartment taking up space.

5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.

RESPONSE: The number of units multiplied by 2,150 square feet is far less than the total acreage proposed for the development. This will allow for the open amenity areas as required by the City.

6. The planned unit development is compatible with the adjacent properties and nearby land uses.

RESPONSE: The development will fit in seamlessly with other neighboring residential, office, retail, and institutional uses. Our residents will have the opportunity to use these services which will help the local community. At the same time these establishments will be able to service the needs of the residents. A strong community is one with a mix of uses that support each other. Adding more residents to the area, will help strengthen the commercial sector of the neighborhood.

7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

RESPONSE: The use is not out of the uses laid out by the comprehensive plan. The proposal fulfills the necessary requirements and parameters described in the plan.

Standards for Approving a PUD Deviation

Municipal Code Section 6-4-3:12:1

Project: Tower Court Apartments

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district.

RESPONSE: PUD Deviation to increase permissible residential density to 2,462.8 square feet per dwelling unit (as opposed to the 2,600 square feet per dwelling unit that is required per Section 6-7F-5:2 of the Naperville Municipal Code. The development will provide a transition from the commercial/more intensive uses along Route 59 and residential uses to the east and south. Despite the increased density, the development will still comply with the OCI setbacks and height as well as preserving the minimum open space requirements. The open spaces will be used for walking paths, seating along the path for residents to take advantage of views of the wetland areas, and outdoor patio with grills for outdoor dining and gathering.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure.

RESPONSE: As part of the master development of the SE corner of Highway 59 and 103rd, the municipal services will be upgraded and installed throughout the development to accommodate the specific development along with surrounding needs. All utilities currently run adjacent to the site. Lastly, the entire development has a stormwater retention pond that is shared. This pond would technically be within our boundaries if we didn't share, which would put us at the 2,600 minimum. The pond is platted within in its own boundaries, even though we are the recipients of its use.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

RESPONSE: Tower Court Apartments is a fully compliant development which follows the Fair Housing Act which makes all spaces accommodating for those with disabilities. At the same time 20% of the units will be fully accessible which exceeds the Federal requirement of 5%. The site reserves 41.67% of the space for open areas which exceeds the 35% minimum requirement for open space. Within the open space will be walking paths around the building and adjacent wetland areas with sitting areas and natural landscaping. There will be an outdoor amenity of patio and pergola with tables, chairs and grills. Finally, there is an internal bike storage and repair room which is directly connected to the paths and the public right of way.

Standards for Approving a PUD Deviation

Municipal Code Section 6-4-3:12:1

Project: Tower Court Apartments

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district.

RESPONSE: For the deviation of 50% brick area required on the building facades, we propose to install an average of around 33% brick areas. The Low Income Housing Tax Credit (LIHTC) program is an affordable housing program that allows housing to be constructed for individuals with low income or special needs. At the same time tenants pay a reduced rent from the typical market rate apartment complex, to allow for people with low income to afford housing. With that being said, projects are always tight with budgets and we as Developers and Architects try to balance the best use of funds. We are proposing to reduce the minimum brick, as laid out by your Zoning Ordinance, on the facades from 50% of the total area to average around 33% of the total area. The proposed reduction in brick material is still meets the intent and keeps in harmony with the surrounding buildings, using red brick, and strategically mixing it on the facades to allow for variety. Without actually adding up the areas, you would not notice the percentage with just the naked eye.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure.

RESPONSE: Like described in Item #1, affordable housing projects are achievable due to strategic use of costs and materials. This would not be detrimental to the community as there is still a lot of brick presented on the building. The materials used are the same materials that would be used on a market rate apartment building, only in varying percentages. The infrastructure of the building is no different than any other building built in the community.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

RESPONSE: The immediate neighborhood is a mix of residential, office, retail, and institutional. With that mix, there are a variety of building materials used and percentages used amongst the varying building types. We have driven through and assessed the neighborhood, to get a better feel of the vernacular of the surroundings. The use of brick is anywhere from 0% to 100%. The ordinance may state 50% on paper, but with the mix of the surrounding buildings, to see 35% brick in real life would have no visual impact to the neighborhood. The amount of brick shown on the facades also is to scale with the mass of the building. The building of course will give residents an opportunity to live in a barrier free, high quality environment.

Standards for Approving a PUD Deviation

Municipal Code Section 6-4-3:12:1

Project: Tower Court Apartments

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district.

RESPONSE: RESPONSE 1: We are proposing to reduce the parking stall count from 2.25 stalls per Residential Unit to 1.44 stalls per Residential Unit. The **parking reduction** is to allow for a correct parking ratio with the type of residents that will live in these homes. This is not a typical market rate apartment complex that resides 200 singles or couples that work fulltime, which is the majority of the typical resident for a market rate apartment complex. Most residents in Tower Court apartments will not have vehicles, nor do they have drivers licenses, due to the nature of their dependence. A traffic study has been performed that will confirm the number of driving needs for the facility. Most drivers will be staff, which will only account for 10 to 15 present potential drivers at any given time, and visitors who will typically be visiting the facility for up to two hours at a time. This will also allow for the required open space for outdoor amenities. With the amount of parking proposed, 20.5% of the land can be saved for outdoor activities such as patio area with grills, nearly 1/3 of a mile of walking path, and four seating areas for watching wildlife looking out onto wetland areas.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure.

RESPONSE: Municipal services will not be affected by the decrease in parking as the resident population will not change. Also, if there were more parking that would add to the storm water run-off and add capacity of the storm retention system. So this proposal decreases the amount of stormwater required to be maintained by the City. This also decreases the electrical load on the grid due to reduction in site lighting.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

RESPONSE: With the reduction in parking, this increases the amount of outdoor amenity areas and walking paths around the site. This allows for more green space and natural landscaping instead of a sea of asphalt. The development will have outdoor walking paths with areas of seating to stop and enjoy the landscaping. There will also be an outdoor patio area with seating and grills that allow for a better living environment for the residents.