

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

PETITION TO THE CITY OF NAPERVILLE
FOR DEVELOPMENT APPROVAL

The undersigned Petitioner (“Petitioner”) respectfully petitions the City of Naperville (the “City”) to (i) approve a rezoning of a portion of the Property (defined hereafter) to OCI; (ii) approve a variance from the City’s Sign Code; (iii) approve a Preliminary Plat of Subdivision; and (iv) approve such other relief from the City of Naperville Municipal Code (“Code”) as may be deemed necessary and appropriate to develop the property legally described on Exhibit A (the “Property”) consistent with the plans submitted herewith.

In support of the requested relief, Petitioner hereby represents to the City as follows:

1. The Property consists of three (3) lots identified as lots 4, 5, and 6 on the Naperville-South Forty Subdivision recorded as document number R2007-132356 and re-recorded as document number R2007-166808 in Will County, Illinois (“South Forty Subdivision”).
2. The Property is approximately 22.190 acres of vacant land located on the southeast corner of IL Route 59 and 103rd Street in Naperville, Illinois.
3. The City of Naperville, an Illinois municipal corporation, is the owner of the Property.
4. The Property is currently zoned in the City’s B-2 community shopping center district.
5. Petitioner seeks to resubdivide the Property in accordance with the Preliminary Plat of Subdivision submitted herewith (“Preliminary Plat”).

6. Petitioner is the contract purchaser of approximately 10.551 acres of the Property identified as Lot 1 on the Preliminary Plat and legally described on Exhibit B (“LT Property”).
7. Upon resubdivision, Petitioner seeks to rezone the LT Property to OCI.
8. The surrounding properties and land uses are as follows:
 - a. North: OCI – Compass Church
 - b. South: Unincorporated Will County – Whispering Lakes Residential Subdivision
 - c. East: R1 – Naperville Fire Department Station 6 and Wheatland Township
 - d. West: B2 – Commercial (retail and medical offices)
9. The zoning request is consistent with the trend of development in the area.
10. Petitioner seeks to develop the LT Property into a Life Time Athletic Resort (“Life Time”);
11. As duly authorized by the property owner, the City of Naperville, Petitioner requests the following land use entitlements to facilitate the development of the Property consistent with the plans submitted herewith.

SUMMARY OF DEVELOPMENT

The Property is located on the southeast corner of IL Route 59 and 103rd Street in the South Forty Subdivision. The Petitioner is seeking to resubdivide Lots 4, 5, and 6 from the South Forty Subdivision. The South Forty Subdivision was originally undertaken by the City with the intent to position the Property for development with a focus on affordable housing. Upon resubdivision, the Property will result in four (4) lots and an associated common area outlot designated for stormwater management and sized to accommodate all lots and uses within the resubdivision. Lot 3 identified on the Preliminary Plat is under contract with Gorman & Company (“Gorman”), and

an application for development approval is pending with the City of Naperville. Gorman has been ranked among the top 10 affordable housing developers by Affordable Housing Finance and has over 130 community revitalization projects in its portfolio. In line with the City's original intent for the South-Forty Property, Gorman seeks to develop the Tower Court Residences on Lot 3 of the resubdivision. This is specifically an affordable housing project intended to serve seniors and individuals with intellectual or developmental disabilities (IDD). In concert with Gorman's application, the Petitioner has coordinated directly with Gorman and engaged with the same civil engineer to ensure the future uses on the Property and their design after resubdivision will complement Gorman's use and the surrounding neighborhood.

Upon resubdivision, Petitioner seeks to develop a Life Time Athletic Resort on Lot 1. The proposed fitness facility is a permitted use in the underlying district. Accordingly, rezoning the LT Property to construct a fitness facility will have no added impact that the underlying district did not already present for this property. The purpose of the rezoning request is to complement the OCI use to the north and position the overall Property for rezoning to support future land use for the remainder of the resubdivided Property. The rezoning will allow the Petitioner to reposition the overall Property in a way that will ensure the Property is developed in accordance with its highest and best use, which, in turn, will support the adjacent uses and enhance the City's property tax base.

Life Time Athletic delivers healthy lifestyle opportunities for its members across 168 destinations in 36 major markets in the U.S. and Canada. Life Time is unique in that it offers an athletic resort experience by way of boasting healthy living, healthy aging, and healthy entertainment. Life Time facilities are less of a gym and best characterized as an athletic resort and country club. Members have access to countless in-house amenities, including but not limited

to: a full-service spa; beauty salon; café (offering smoothies, coffee, and food); bar/lounge serving alcoholic beverages; indoor pools; saunas, whirlpools, steam rooms; cold plunges; outdoor pool with cabanas and bistro; studio spaces (i.e. Pilates, group fitness classes, cycling, and yoga); physical therapy and assisted stretching; sports and courts (i.e. basketball and pickleball); and traditional workout floors. The proposed Life Time facility will not only offer the aforementioned amenities, but will dedicate approximately 4,582 square feet of the facility to “The Kids Academy”. The Kids Academy will offer child care for members on-site while those members take advantage of the amenities and programs offered at Life Time. This area includes resources for infant care, toddler care, a language arts center, a kid’s gym, and two kid’s studios for active programming. In addition, some Life Time locations offer weight loss programs, assessments and lab testing, dietary counseling, physical therapy, chiropractic services, and personal trainer programs for the members. Life Time also sponsors running, cycling, and triathlon events and is committed to engaging the community in working towards living a healthy way of life.

The proposed Life Time facility will be comprised of a two-story approximately 108,270 square foot building with an outdoor pool. Approximately 16,270 square feet of the Life Time building will be dedicated to indoor pickleball. Though there are several different uses that will be offered to the members in the approximately 108,270 square foot facility, the off-street parking requirement does not lend itself to a separate calculation per use. Parking at Life Time will function similar to parking for a church or worship center that offers different services (i.e. child care, group meetings, and events). Using a church for an example, we would not calculate parking for childcare options offered within the worship center separate from the number of seats in the worship center. If not for the parents’ attendance at church, the church member would not need to utilize the offered childcare services. In this instance, all individuals must have a membership to

enter Life Time and take advantage of the amenities and services offered to the members (salon, spa, pool, bar, childcare etc.). Accordingly, parking for Life Time does not lend itself to a separate calculation for each use/amenity offered to its Members and located within the facility. Under the Code, a fitness facility requires 4 parking spaces per 1,000 square feet of gross floor area. For the proposed facility, parking is based upon the combined square footage of approximately 108,270 square feet. Therefore, Petitioner is required to provide 433 spaces. Petitioner's plan incorporates 527 surface parking spaces, thereby exceeding the Code requirement. The traditional hours of operation are 4:00am-12:00am Monday through Friday, and 5:00am-10:00pm Saturday and Sunday.

Petitioner currently operates successful Life Time facilities in Chicago's River North neighborhood, Old Orchard in Skokie, Warrenville, and Oakbrook (to name a few). Petitioner seeks to open its newest facility at this important location in Naperville. The surrounding area consists of a variety of uses. The proposed Life Time facility will complement the general area and provide for a new and unique opportunity at this important location with Route 59 frontage. The facility will provide a substantial number of services to the growing population of South Naperville and Plainfield residents. As a destination facility, Life Time will also attract patrons in support of surrounding and local businesses. We can expect Life Time to generate significant sales tax revenue to the City of Naperville, which is a net positive to the City and its residents. The LT Property will be professionally landscaped to meet and exceed the City requirements to create a resort-style experience for Life Time members. Significant landscaping will be installed and maintained in accordance with Code requirements, and the facility will meet all required setbacks.

The rezoning and variances requested herein are necessary and appropriate for the

contemplated redevelopment of the Property and meet the applicable general standards for a rezoning in accordance with Section 6-3-7 of the Code as follows:

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. In addition, the Petitioner is cognizant of the Property's general proximity to the Wagner Farm residences to the north, Whispering Lake residences to the south, and Prairie Crossing residences to the east. The Petitioner recognizes the commercial use destined for the LT Property is transitional in nature and its use should complement those residential uses and provide a convenient regional amenity to those residents while also taking into consideration the nature of 103rd Street. When determining a zoning designation, the first step is identifying the future land use designation in the City's Land Use Master Plan ("Comp Plan"). The Comp Plan designates the Property for "Neighborhood Center" with applicable zoning districts of B-1, B-2, OCI, and Planned Unit Development. Neighborhood Center designated areas are categorized as "small pockets of retail or services integrated within, or adjacent to, residential subdivisions". The LT Property fits this mold being located proximate to residences, and Life Time will provide a fitness, health, and lifestyle destination for local residents. Though the Property is already zoned B-2 and a fitness facility 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

B-1 and B-2 recommended zoning designations under the Comp Plan designation. The OCI zoning designation will ensure the LT Property is developed in a manner consistent with the nearby properties so as to utilize its frontage along IL-Route-59 while simultaneously providing a much-needed service/use to the local residents.

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 the LT Property to provide a transitional use on the “hard corner” of the southeast corner of Route 59 and 103rd Street. OCI zoning will allow for the appropriate transitions to the lower intensity uses east and south of the LT Property, as we expect Lot 3 of the resubdivision to be developed as an affordable housing project 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*

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

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 east-west 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 Life Time facility under OCI zoning will provide a much-needed service to the nearby residents by way of developing a conveniently located health and lifestyle destination.

- 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

intent for the Property after the 2007 subdivision, Gorman seeks to develop the Tower Court Residences on Lot 3 of the resubdivision. This is specifically an affordable housing project intended to serve seniors and individuals with intellectual or developmental disabilities (IDD). In concert with Gorman's application, the Petitioner has coordinated directly with Gorman and engaged with the same civil engineer to ensure the future uses on the Property and their design after resubdivision will complement Gorman'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 LT Property 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 the LT Property.

A VARIANCE TO PERMIT A WALL SIGN ON THE
SOUTH FACADE OF THE LT PROPERTY

The Petitioner submitted a signage plan concurrent with its application for the relief requested herein. As part of that plan, Petitioner seeks to place a wall sign on the south façade of the LT Property to ensure the LT Property is properly identified to northbound travelers along Route 59. To facilitate the placement of this sign in accordance with the plans submitted herewith, Petitioner requests a variance from Section 6-16-5:2.1, which meets the requirements for a zoning variance under the Naperville Municipal Code, Section 6-3-6:2, and is appropriate

based on the following factors:

- 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”. However, pursuant to section 6-16-5.2 of the Sign Code, wall signs are only permitted on facades with street frontage or facades adjacent to parking areas. Although the building is visible from Route 59 and 103rd Street, it is difficult to identify the LT Property to the northbound traffic along IL Route 59. In addition, it is expected that the remaining lots will be developed south of the LT Property upon approval of the resubdivision. The inevitable future conditions will further limit visibility of Life Time, and elevated signage on the south elevation will help to identify Life Time to northbound traffic regardless of future conditions. Granting this relief ensures adequate site identification and will therefore encourage effective communication to the public as to the LT Property and will ensure that adequate site identification reaches all Route 59 travelers.

- 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 to special and unusual conditions which are not generally found on other properties in the same zoning district. The overall City-owned Property is approximately 22-acres to which Petitioner is requesting to subdivide. Appropriate stormwater detention facilities will be constructed south of the LT Property in accordance with the resubdivision. This stormwater

detention facility will be sized and constructed to accommodate all lots and uses developed as a result of the resubdivision. Lot 3 of the resubdivision is expected to be developed for future affordable housing for seniors and IDD individuals. We also anticipate Lot 2 will develop in the future, which will further limit the visibility of the Life Time facility to northbound traffic. Petitioner could re-orient the building to include parking along the south entrance to facilitate signage on the south façade. However, this is not the most efficient layout for construction or operation. The entrance to Life Time being located off of 103rd street is the most logical design and orientation from a functional standpoint. For these reasons, Petitioner cannot accommodate additional parking on the south side of the LT Property. Given the circumstances at play following the resubdivision of the Property, Petitioner is not permitted signage on the south façade, thereby ensuring proper site identification to northbound travelers along Route 59. Without the proposed variance, Petitioner will attempt to operate a business without proper signage, which is contrary to the intent of the Sign Code. Approval of the variance will encourage better communication between Petitioner and the general public, fulfilling the stated purpose of the Code and providing for a successful business.

- 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. Upon resubdivision, a 3.229-acre stormwater detention basin will be installed immediately south of the LT Property and will be sized to serve all lots within the resubdivision. Southeast of the LT Property is expected to be developed for affordable housing. The proposed signage on the south façade will be located in the upper left corner of the building, thereby ensuring it reaches the northbound traffic along Route 59. This signage will not be in line with the future residential development on Lot 3 of the

subdivision. Accordingly, the proposed variance will have a positive effect on the neighborhood by encouraging an effective and orderly display of the sign by locating the sign appropriately, with dimensions sufficient to encourage effective communication between the Property's use and the public, which fulfills the stated purpose of the Sign Code.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to (i) approve a rezoning of a portion of the Property to OCI; (ii) approve variances from the Sign Code; (iii) approve a Preliminary Plat of Subdivision; and (iv) approve such other relief from the Code as may be deemed necessary and appropriate to develop the LT Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 7th day of March, 2024

PETITIONER:


By: 
Rosanova & Whitaker, Ltd.,
Its Attorney

EXHIBIT A

Property Legal Description

LOTS 4, 5, 6 AND 7 IN NAPERVILLE-SOUTH FORTY SUBDIVISION, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 4, 2007, R2007-132356 AND RE-RECORDED NOVEMBER 16, 2007 AS DOCUMENT NUMBER R2007-166808 IN WILL COUNTY, ILLINOIS.

EXHIBIT B
LT PROPERTY LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 15, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN IN WILL COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 89 DEGREES 01 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 187.80 FEET; THENCE SOUTH 00 DEGREES 58 MINUTES 31 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE MOST NORTH WESTERLY CORNER OF LOT 6 IN NAPERVILLE-SOUTH FORTY SUBDIVISION, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15, RECORDED SEPTEMBER 4, 2007 AS DOCUMENT R2007-132356 AND RE-RECORDED NOVEMBER 16, 2007 AS DOCUMENT R2007-166808 AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 01 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 6 AND LOT 4 IN SAID SUBDIVISION, A DISTANCE OF 692.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00 DEGREES 59 MINUTES 52 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 4, LOT 5 AND THE NORTHEASTERLY LINE OF LOT 6 IN SAID SUBDIVISION, A DISTANCE OF 588.22 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 655.00 FEET; THENCE SOUTH 00 DEGREES 58 MINUTES 31 SECONDS EAST, A DISTANCE OF 134.50 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 114.29 FEET TO THE WESTERLY LINE OF SAID LOT 6; THENCE NORTH 03 DEGREES 09 MINUTES 36 SECONDS EAST, ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 190.48 FEET; THENCE NORTH 01 DEGREES 43 MINUTES 14 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 348.20 FEET; THENCE NORTH 01 DEGREES 53 MINUTES 36 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 141.62 FEET; THENCE NORTH 57 DEGREES 10 MINUTES 34 SECONDS EAST, A DISTANCE OF 81.42 FEET TO THE POINT OF BEGINNING.