

18. The proposed building will be age-restricted and include significant common facilities/programming specifically targeted to the needs and desires of the anticipated senior population.

**REZONING OF THE SUBJECT PROPERTY FROM R3 TO THE
CITY OF NAPEVILLE'S OCI ZONING DISTRICT**

19. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned OCI Office, Commercial and Institutional District. The proposed zoning meets the City's standards as follows:

- 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 applicable land use plan that covers the Property is the 1998 East Sector Update to the Naperville Comprehensive Master Plan ("East Sector Plan"). While the East Sector Plan has not been updated in almost 20 years, in lieu of a comprehensive update to the East Sector Plan, the City has undertaken a multitude of sub-area plans to evaluate specific neighborhoods where changed circumstances have dictated the need to reevaluate the recommendations set forth in the East Sector Plan. There are no sub-area plans applicable to the "Mill Street Corridor" (Mill, between Ogden and Diehl) or the Property in particular. Accordingly, we defer to the East Sector Plan which identifies the Property as being designated for "Office/Research & Development" on the Future Land Use Map. The City's land use designations, be they in the East Sector Plan or otherwise, do not directly correlate with an established zoning district. The appropriate zoning districts for property designed as "Office/Research & Development" fall under both "Business District" and "Industrial District" classifications. The appropriate Business District is the OCI District (Office, Research and Institutional). The appropriate Industrial Districts include both the RD District (Research and Development) and the ORI District (Office, Research and Light Industry District).

Petitioner believes that the Industrial Districts (RD and ORI) are inappropriate zoning designations based on established residential character surrounding the Property. Permissible uses in these Industrial Districts include uses such as medical cannabis distribution, medical cannabis cultivation, laboratories, manufacturing, assembly and food processing, which use are incompatible with the existing character of the area. Further, there are no established Industrial Districts in the City of Naperville proximate to the Property. Rather, Petitioner believes that a Business designation of OCI (Office, Commercial and Institutional) is appropriate for the Property. The OCI District does not permit any of the incompatible uses outlined above. In fact, the defined intent of the OCI District is to “act as a transitional zone between intensive business areas and residential neighborhoods.” To this end, the City recently approved OCI zoning for the development of Harbor Chase immediately north of the Property and for a church immediately south of the Property. These recent zoning actions substantiate that the proposed OCI designation is appropriate for the Property and will promote the public health, safety, comfort, convenience and general welfare.

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 requested zoning. The City recently granted OCI zoning approvals for Harbor Chase, located at the northwest corner of Mill and Commons, immediately north of the Property. Harbor Chase was annexed and permitted in the City of Naperville consistent with an annexation agreement dated September 2014, which approved the OCI zoning of Harbor Chase and development of the property with a 122 bed nursing or convalescent home. The City also recently granted OCI zoning approvals for Truth Lutheran Church, located at the northwest corner of Mill and Bauer, immediately south of the Property. The Truth Lutheran petition proposes to zone the property located at the northwest

corner of Mill and Bauer, immediately south of the Property, OCI. These recent approvals are consistent with other existing uses located on Mill Street between Ogden Avenue and Diehl Road, which include, among other things, a school, multiple 1 and 2 story office buildings, condominium buildings consisting of 2 to 3 ½ stories and a 3 story assisted living facility. Mill Street itself is designated as a “minor arterial” in the Master Thoroughfare Plan, being intended to convey high levels of traffic within and between communities. Consistent with the defined intent of the OCI District, the proposed zoning will serve to create a transition between Mill Street and its more intensive uses and the low-intensity residential subdivisions located a block or two off of Mill Street. The proposed zoning is consistent with the trend of development along the Mill Street corridor.

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

The Property is vacant and unimproved under the current R3 (Single-Family Residence District) zoning designation in DuPage County. While it is unclear when the R3 zoning designation was established, the existing subdivided configuration of the Property, which dates back to 1926, predates the establishment of the County zoning ordinance. Accordingly, the existing lot configuration does not conform to the existing zoning designation and none of the lots are buildable. More to the point, the County does not have utility services proximate to the Property such that any proposed development could be served by water and sanitary services. As a result, any development in the County would be served by on-site well and septic systems that typically dictate one-acre lots. For all of the foregoing reasons, development in the County under the existing zoning designation is not appropriate.

Upon annexation to the City of Naperville, the Property will be zoned OCI. The OCI zoning designation matches the zoning recently approved for both Harbor Chase and Truth

Lutheran on properties immediately adjacent to the Property. The intent of the OCI district is “to act as a transitional zone between intensive business areas and residential neighborhoods.” In this case, the intensive business area is the general Mill Street corridor, which includes uses such as a regional park with lighted fields, an elementary school, 1 and 2 story office buildings, and 2 to 3 one half story condominium buildings. Moreover, Mill Street itself is designated as a minor arterial, an intensive roadway designed to convey traffic to/from highways and provide intra-community connectivity. Uses permitted in the OCI district include things such as churches, office buildings, veterinary offices, hotels, multi-family dwellings and general retail. OCI uses may be relatively intensive but do not have attributes that make them incompatible with adjacent residential uses.

For all of the foregoing reasons, the existing R3 zoning designation under the jurisdiction of DuPage County is less desirable than the proposed OCI zoning which permits development consistent with existing uses in the Mill Street Corridor, is consistent with the City’s Comprehensive Plan and will provide a transition to the nearby low-density residential neighborhood.

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

To the best of our knowledge, the Property has never been utilized under the existing zoning classification which is intended for low density single family housing. The existing single family home adjacent and south of the Property predates available aerial photography from 1939. At that time, the surrounding area was rural in nature and the Property was used for agricultural purposes. While the agricultural use was narrowed through the decades, it appears that the Property was still used for agricultural purposes as recently as 1988. Commons Road was developed circa 1998, when more trees became noticeably visible on the Property. The Property

has been underutilized as a wooded parcel since agricultural use of the Property ceased circa 1988.

- 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 proposed zoning will not alter the essential character of the neighborhood nor will it be a substantial detriment to adjacent property. The Property has been designated for “Office, Research and Development” since at least 1998, which is roughly the time Century Farm was originally being developed. Much of the nearby Cress Creek neighborhoods predate the East Sector Plan; however, portions of those neighborhoods already abut 2 and 3 ½ story multi-family developments and other commercial uses within the Mill Street Corridor. Accordingly, the proposed zoning will not alter the character of the neighborhood, but will only further establish uses within the neighborhood that are consistent with the City’s well-established land use plan and existing uses in the corridor.

Under the OCI zoning, Petitioner proposes to develop the Property as an age-restricted senior housing community. The community would consist of 146 living units, an approximately 10,000 square foot clubhouse and additional outdoor recreational amenities. The concept for this community is to provide rental housing to senior citizens who i) should no longer be living independently in a single family home, and ii) do not yet need the more advanced services associated with much more expensive independent living or assisted living communities. In existing communities operated by Petitioner, approximately 80% of units are single-occupancy and the average occupant is 75 years old. This type of social model facilitates healthier life styles for otherwise at-risk portions of the senior population. Given the composition of the community and the type of on-site activities coordinated for members of the community, the external impact on the broader neighborhood will be significantly less than other applicable uses in either the R3 or the OCI district.