

CITY OF NAPERVILLE PETITION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Junior Ninja Warriors

ADDRESS OF SUBJECT PROPERTY: 2012 Corporate Lane, Naperville, Illinois

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-03-205-004-0000

1. **PETITIONER:** Junior Ninja Warriors Chicago, LLC

PETITIONER'S ADDRESS: 2915 W. Montrose

CITY: Chicago STATE: IL ZIP CODE: 60618

PHONE: 312-498-9938 EMAIL ADDRESS: jpiejak@yahoo.com

II. **OWNER(S):** Prairie Point Complex, L.L.C. c/o TH Real Estate

OWNER'S ADDRESS: One Financial Plaza, 19th Floor

CITY: Hartford STATE: CT ZIP CODE: 06103

PHONE: _____ EMAIL ADDRESS: _____

III. **PRIMARY CONTACT** (review comments sent to this contact): Russell G. Whitaker III

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630-355-4600 EMAIL ADDRESS: russ@rw-attorneys.com

IV. OTHER STAFF

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|--|--|
| <input type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 5) |
| <input type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input type="checkbox"/> Planned Unit Development Deviation (Exhibit 6) |
| <input type="checkbox"/> Annexation (Exhibit 3) | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input type="checkbox"/> Plat of Easement/Vacation/Dedication | <input type="checkbox"/> Zoning Variance (Exhibit 8) |
| <input type="checkbox"/> Rezoning (Exhibit 4) | <input type="checkbox"/> Platted Setback Deviation (Exhibit 9) |
| <input type="checkbox"/> Subdivision Plat | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 9) |
| <input type="checkbox"/> Temporary Use | <input checked="" type="checkbox"/> Other (Please Specify: <u>Parking Variance</u>) |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 10 instead of Exhibit 1.*

ACREAGE OF PROPERTY: Approximately 13,662 square feet.

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Lease a portion of office/building space for the purpose of establishing a children's recreational fitness facility: Junior Ninja Warriors.

VI. REQUIRED SCHOOL AND PARK DONATIONS (RESIDENTIAL DEVELOPMENT ONLY)

(per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:


- Cash Donation Land Dedication

Required Park Donation will be met by:

- Cash Donation Land Dedication

PETITIONER'S SIGNATURE

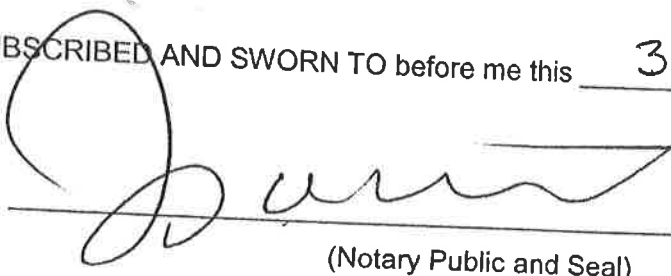
I, Jeff Piejak (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

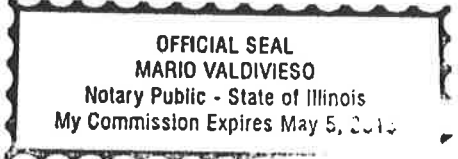

(Signature of Petitioner or authorized agent)

4/3/17
(Date)



SUBSCRIBED AND SWORN TO before me this 3 day of April, 2017


(Notary Public and Seal)



OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

Prairie Point Complex, L.L.C., by NA Property Holdings, L.L.C.

* By: [Signature], AS VP
(Signature of 1st Owner or authorized agent)

(Signature of 2nd Owner or authorized agent)

07/17
(Date)

(Date)

K. H. [Signature]
1st Owner's Printed Name and Title

2nd Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__

(Notary Public and Seal)

* Owner is executing this Owner's Authorization letter on the condition that any final Ordinance Granting a Parking Variance for the property at 2012 Corporate Lane, Naperville, IL ("Ordinance"), including any conditions imposed therein, shall be approved and consented to by Owner, in writing by separate letter, prior to the issuance and any recording of the Ordinance.

* Please include additional pages if there are more than two owners.

**CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Petitioner: Junior Ninja Warriors Chicago LLC
Address: 2915 W. Montrose
Chicago, Illinois 60618

2. Nature of Benefit sought: Parking Variance

3. Nature of Petitioner (select one):

- | | |
|-----------------------|------------------|
| a. Natural Person | d. Trust/Trustee |
| b. Corporation | e. Partnership |
| c. Land Trust/Trustee | f. Joint Venture |

4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:
An Illinois limited liability company

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

- a. Jeff Piejak
b. _____
c. _____
d. _____

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:
Jeff Piejak 2915 W. Montrose, Chicago, Illinois 60613

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

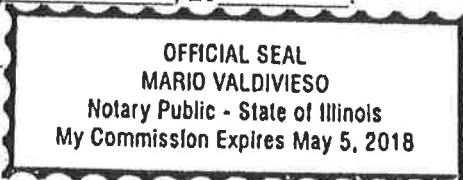
VERIFICATION

I, Jeff Piejak, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: [Handwritten Signature]

Subscribed and Sworn to before me this 3 day of April, 2017.

[Handwritten Signature]
Notary Public and seal



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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION
FOR A PARKING VARIANCE**

THE UNDERSIGNED Petitioner, Junior Ninja Warriors Chicago, LLC, an Illinois limited liability company (hereinafter “Petitioner”) respectfully petitions the City of Naperville to grant a parking variance allowing for a proposed fitness facility to occupy an approximately 13,662 square-foot tenant space, and such other variances, departures or deviations as may be necessary to utilize the property legally described on Exhibit A (hereinafter the “Property”) and as depicted on the plans and documents submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. Prairie Point Complex L.L.C., Delaware limited liability company, having a principal office 730 Third Avenue, New York, New York, 10017 is the owner of the Property (hereinafter “Owner”).

2. The Property consists of an office/warehouse building commonly known as 2012 Corporate Lane, Naperville, Illinois.

3. The office/warehouse building contains approximately 188,333 square feet with eight (8) individual tenant spaces.

4. The existing tenants and their respective uses are as follows:

- Regulus Integrated Solutions – 50,981 sq. ft. (Office);
- Cable Plus – 34,717 sq. ft. (Warehouse);
- Batesville Casket – 19,349 sq. ft. (Warehouse)
- Sportco – 14,446 sq. ft. (Warehouse)
- Premio – 24,078 sq. ft. (Warehouse)

- Phoenix Wholesale – 9,640 sq. ft. (Warehouse)
- BOF Corp – 21,460 sq. ft. (Warehouse)
- Vacant Tenant Space: 13,662 sq. ft. (Proposed Fitness Facility)

5. The Petitioner seeks to lease the only vacant tenant space in the building, which consists of approximately 13,662 sq. ft. as depicted on **Exhibit B**.

6. Petitioner proposes to operate Junior Ninja Warriors, a fitness facility for children.

7. The Property is zoned ORI (“Office, Research and Light Industrial”).

8. The Property is located near Interstate 88 and Route 59, and the existing land uses surrounding the Property are as follows:

- a. North: “ORI” Zoning, JBS Logistics
- b. East: “ORI” Zoning, Ferguson Heating Equipment Supplier
- c. South: “T” Zoning, Reliable Home Improvement
- d. West: “ORI” Zoning, Dart Warehouse Corporation

SUMMARY OF FUTURE TENANT AND OPERATIONS

Junior Ninja Warriors is a recreational fitness facility that features a series of obstacle courses modeled after the popular NBC show American Ninja Warriors. Unique to the proposed operation, all of the obstacle courses are scaled for children ages 6 and up. The schedule below outlines anticipated operations for the fitness facility:

- (a) Monday – Thursday: 4:00 p.m. – 7:00 p.m. (Classes)
- (b) Friday: 3:30 p.m. – 9:00 p.m. (Birthday Parties)
- (c) Saturday: 8:30 a.m. – 10:30 a.m. (Open Gym)
10:30 a.m. – 9:00 p.m. (Birthday Parties)
- (d) Sunday 9:00 a.m. – 12:00 p.m. (Open Gym)
12:00 p.m. – 7:30 p.m. (Birthday Parties)

CLASSES

Junior Ninja Warriors will have three (3) classes each day on Monday through Thursday beginning at 4:00 p.m., for a total of 12 classes each week. Each class is fifty-five (55) minutes in length. The maximum number of children per class will be thirty-two (32) students with four (4) instructors per class.

BIRTHDAY PARTIES

Each birthday party is two (2) hours in length. Each Birthday party can accommodate fifteen (15) children. Because of the configuration of the gym a new birthday party starts every forty (40) minutes, with up to three (3) birthday parties ongoing at the same time. Birthday parties are staffed with one (1) instructor per ten (10) children.

OPEN GYM

Open gym can accommodate seventy (70) kids. Reservation can be made in one (1) hour or two (2) hour time blocks. Open gym will be staffed with roughly one (1) instructor per ten (10) children.

A VARIANCE TO REDUCE THE REQUIRED OFF-STREET PARKING

9. The proposed operation is appropriately classified as a “Fitness Facility” under the City’s Municipal Code.

10. Petitioner respectfully seeks a variance to reduce the required amount of off-street parking required for a fitness facility.

11. The proposed variance from Section 6-9-3 meets the requirements for a variance and is appropriate based upon 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 general purpose and intent of this Title and the adopted comprehensive master plan. The City’s parking requirements are intended to ensure that a particular use provides sufficient on-site parking to meet the specific and unique parking demands of each specific use. The City’s parking requirements are generally based upon use and square footage. Junior Ninja Warriors is a fitness facility geared specifically towards youth. Under the Code a “Fitness Facility” is required to provide four (4) parking spaces per one thousand (1,000) square feet. Here, for the proposed 13,662 square-foot operation, Code would require a total of approximately fifty-five (55) parking spaces for Junior Ninja Warriors. As outlined above, the balance of the building is occupied by users appropriately designated as “warehouse, storage/distribution facilities and office,” which requires parking at a ratio of 1 and 3.3

spaces/1,000 square feet or a two hundred ninety two (292) parking spaces. The Property is improved with two hundred six (206) parking spaces. A total of three hundred forty seven (347) parking spaces are required, per Code, to accommodate Junior Ninja Warriors and the existing tenant mix in the building.

After consultation with City staff, Petitioner performed an analysis of the current parking needs of the entire Property over the course of a four (4) day period. A copy of the findings from the parking analysis is attached hereto as **Exhibit C** and is incorporated herein. The parking analysis found that peak demand occurred between 11:00 a.m. and 1:00 p.m., with a maximum of one hundred twenty (121) parking spaces required at 11:00 a.m. and an average of one hundred fifteen (115) parking spaces utilized over the two (2) hour peak period. This analysis shows that the existing users require significantly less parking than is required by the Code. Moreover, it shows that the Property can accommodate the parking demand required for the proposed Fitness Facility for Junior Ninja Warriors. In fact, after allocating fifty five (55) parking spaces for the Junior Ninja Warrior's use, the Property would still have an excess of thirty (30) parking spaces during the weekday peak hour.

While the Property has sufficient parking to accommodate concurrent peak operations for the existing tenants and Junior Ninja Warriors, it is also important to note that each business is complementary in nature and peak operations will not overlap. Petitioner's business model focuses on youth participation, and accordingly, operational hours are generally configured around the school day. Petitioner will run classes from 4:00 p.m. to 7:00 p.m. on weekdays. Parking demand for existing tenants is significantly reduced at this time, ranging from a high of sixty six (66) parking spaces at 4:00 p.m. to a low of twenty (20) parking spaces at 6:30 pm. The parking counts continues to improve during the weekend when Petitioner anticipates peak operation at

Junior Ninja Warriors. During the weekend, existing parking use peaked at thirty four (34) total spaces or seventeen percent (17%) of the overall parking supply. On average, there is an available supply of roughly one hundred eighty (180) parking spaces over the weekend, or during the time that Junior Ninja Warriors anticipates peak parking demand.

The Petitioner's parking analysis evidences that the proposed variance is in harmony with the purpose of the zoning ordinance because: i) there is sufficient parking supply to meet the peak parking demand of existing and proposed tenants; and ii) operations of the tenants are complementary with no overlap in peak parking demands.

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 due to special and unusual conditions which are not generally found on other properties in the same zoning district. Here, absent the proposed variance, Petitioner would not be permitted to occupy and operate the proposed fitness facility at the Property despite all evidence showing that the Property is uniquely situated to meet Petitioner's needs. Because Petitioner's use is unique and sufficient parking is available on site to meet Petitioner's peak demand, strict enforcement of this title would result in this portion of the building to continue to sit vacant with Petitioner foregoing the opportunity to provide a unique amenity within Naperville.

Petitioner does not believe that the parking required under the Code accurately reflects the demand for the proposed use. The City's generally applicable parking requirements do not account for the unique nature of a fitness facility geared specifically to children. A "typical" fitness facility generally requires more parking because the majority of its users drive themselves. Here, users of the facility will be driven by parents and are very likely to utilize carpooling for birthdays, classes

or open gym activities. Moreover, given the structured nature of the operation, Petitioner will control the number of participants utilizing the facility at any given time. Peak operations will occur during open gym hours, which are limited to weekends and when the facility may accommodate up to ten (10) staff members and seventy (70) participants. Petitioner anticipates a peak parking demand of forty-five (45) parking spaces, representing ten (10) parking spaces for employees and one (1) parking space for each two (2) participants. Otherwise, Petitioner anticipates a peak parking demand of roughly thirty (30) parking spaces for regular operations.


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 the adjacent property. The Property is located within “ORI” Office Research and Light Industrial Zoning District. The majority of uses in this area are warehouse, manufacturing and distribution. However, over a number of years, athletic training facilities or other facilities geared toward children’s activities have come to occupy an increasing number of industrial properties. These types of uses have proven to be complementary to more traditional industrial operations because they are complementary in nature in that, the uses occur primarily at different times of the day. For example, just west of the Property is Sky High Sports. Sky High Sports, much like Junior Ninja Warriors, is geared to youth fitness activities. Sky High Sports has operated without evidence of conflict with surrounding users in the ORI zoning district. Sky High Sports’ operations evidence that a “Fitness Facility” geared toward children can operate without detriment to other users in the ORI zoning district. Because Petitioner’s proposed use is consistent with the essential character of the neighborhood, it will not be a substantial detriment to the adjacent property. Instead, Junior Ninja Warriors will complement and improve the area by providing an additional youth fitness amenity previously not available within Naperville.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to grant a parking variance and such other variances, departures or deviations as may be necessary to operate the Property as Children's Fitness Facility.

RESPECTFULLY SUBMITTED this 3 day of April 2017.

PETITIONER: Junior Ninja Warriors Chicago, LLC
an Illinois limited liability company

A handwritten signature in black ink, appearing to read "Matt Wor", is written over a horizontal line.

Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION

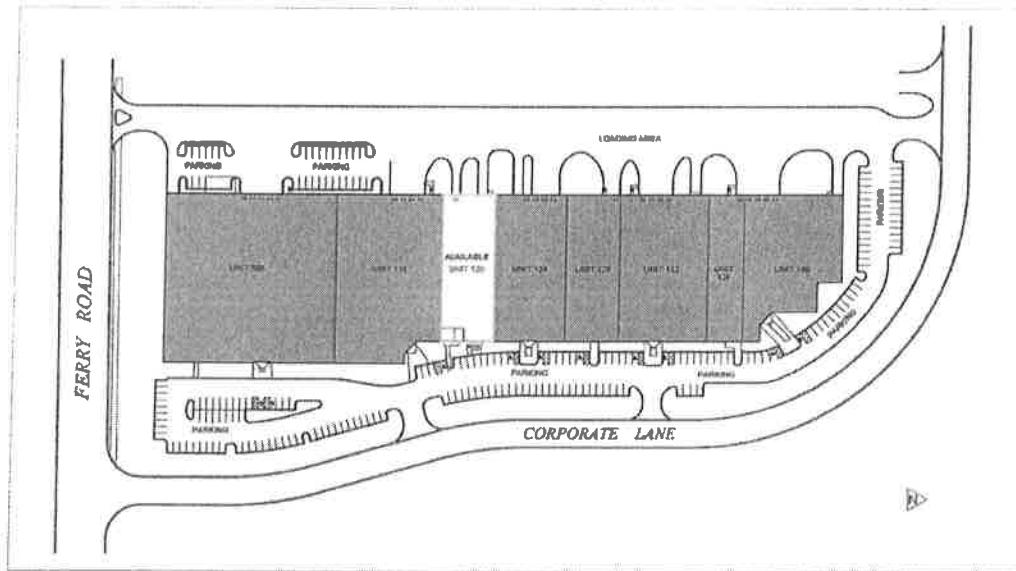
LOT 5 IN PRAIRIE POINT CORPORATE PARK UNIT THREE, BEING A RESUBDIVISION OF PART OF PRAIRIE POINT CORPORATE PARK UNIT TWO AND A SUBDIVISION OF PART OF THE NORTH 1/2 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 2, 1999 AS DOCUMENT R99-51936, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 2012 Corporate Lane, Naperville, Illinois

Permanent Index No.: 07-03-205-004-0000

**EXHIBIT B
PROPOSED SITE**

2012 Corporate Ln
Prarie Point Corp Park-Prarie Point I



**EXHIBIT C
PARKING ANALYSIS**

PARKING ANALYSIS

LOCATION

2012 CORPORATE LANE, NAPERVILLE, ILLINOIS

March 2017

Prepared by Matthew Robert Taylor

Thursday

Total Parking Spaces In Use	Total Spaces in Lot	Percentage of Lot in Use
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206

Spaces In Use At:

8:00 AM	94	46%
9:00 AM	110	53%
11:00 AM	121	59%
12:00 PM	117	57%
1:00 PM	103	50%
4:00 PM	66	32%
5:30 PM	25	12%
6:30 PM	20	10%

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 2012 Corporate Lane on (DATE) at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Date: 3/16/17

Name: Matthew Robert Taylor

Address: 14113 86th Place, Orland Park, Illinois, 60462

Friday

Total Parking Spaces In Use	Total Spaces in Lot	Percentage of Lot in Use
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206

Spaces In Use At:

8:00 AM	88	43%
9:00 AM	109	53%
11:00 AM	120	58%
12:00 PM	116	56%
1:00 PM	108	52%
4:00 PM	63	31%
5:30 PM	21	10%
6:30 PM	16	8%

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 2012 Corporate Lane on (DATE) at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Date: 3/17/17

Name: Matthew Robert Taylor

Address: 14113 86th Place, Orland Park, Illinois, 60462

Saturday

Total Parking Spaces In Use Total Spaces in Lot Percentage of Lot in Use
206

Spaces In Use At:

8:00 AM	26	13%
9:00 AM	30	15%
11:00 AM	33	16%
12:00 PM	34	17%
1:00 PM	30	15%
4:00 PM	17	8%
5:30 PM	9	4%
6:30 PM	7	3%

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 2012 Corporate Lane on (DATE) at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Date: 3/18/17

Name: Matthew Robert Taylor

Address: 14113 86th Place, Orland Park, Illinois, 60462

Sunday

Total Parking Spaces In Use Total Spaces in Lot Percentage of Lot in Use
206

Spaces In Use At:

8:00 AM	20	10%
9:00 AM	25	12%
11:00 AM	28	14%
12:00 PM	28	14%
1:00 PM	26	13%
4:00 PM	15	7%
5:30 PM	8	4%
6:30 PM	8	4%

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 2012 Corporate Lane on (DATE) at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Date: 3/19/17

Name: Matthew Robert Taylor

Address: 14113 86th Place, Orland Park, Illinois, 60462