

Standards for Granting a Variance

- 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. ICE is a fitness facility geared specifically towards competitive cheerleading instruction. 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 33,066 square-foot operation, Code requires ICE to provide one hundred thirty two (132) parking spaces for its proposed use. As outlined above, the balance of the building is occupied by users appropriately designated as warehouse (1.0 per 1,000 sq. ft.), distribution (1.0 per 1,000 sq. ft.), manufacturing (2.5 per 1,000 sq. ft.) and office (3.3 per 1,000 sq. ft.). Thus, each tenant has a different required parking ratio based upon Code requirements.

The Property is improved with one hundred sixty (160) parking spaces. A total of two hundred forty (240) parking spaces are required, per Code, to accommodate ICE and the existing tenant mix in the building.

After consultation with City staff, ICE performed an analysis of the current parking needs of the entire Property over the course of a ten (10) 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 during the weekdays between 3:00 and 4:00 p.m., with a maximum of twenty (20) parking spaces required at 4:00 p.m. and an average of fourteen (14) 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 ICE. In fact, after allocating one hundred thirty two (132) parking spaces for ICE's use, the Property would still have an excess of eight (8) parking spaces during the weekday peak hour.

While the Property has sufficient parking to accommodate concurrent peak operations for the existing tenants and ICE, it is also important to note that each business is complementary in nature and that peak operations will not overlap. ICE's business model focuses on competitive cheerleading instruction, and accordingly, operational hours are generally configured around the school day. ICE will run practice/training sessions Monday through Friday from 4:00 p.m. to 9:00 p.m. Parking demand for existing tenants is significantly reduced at this time, ranging from a high of twenty (20) parking spaces at 4:00 p.m. to a low of four (4) parking spaces at 5:00 p.m. The parking counts continue to improve during the weekend. During the weekend, existing parking use peaked at three (3) total spaces or approximately two percent (1.875%) of the overall parking supply. On average, there is an available supply of roughly one hundred fifty seven (157) parking spaces during the weekend, which is at the time that ICE anticipates peak parking demand.

The existing tenants operating hours are as follows:

- a. Air Rite - Monday through Friday 7:00 a.m. to 5:00 p.m.
- b. Trim Tech- Monday through Thursday 7:00 a.m. to 3:30 p.m.

c. Tribune - Seven (7) days a week 10:00 p.m. to 7:00 a.m.

Each of the existing tenant's hours of operation are structured such that virtually no overlap will occur between existing tenants and ICE. As such, those parking spaces being utilized by the existing tenants during the daytime hours will become available for ICE's operations.

ICE'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, ICE 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 ICE's needs. Because ICE's use is unique, and sufficient parking is available on site to meet ICE's peak demand, strict enforcement of this title would result in this portion of the building to continue to sit vacant with ICE foregoing the opportunity to provide a unique amenity within Naperville.

ICE 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 competitive cheerleading instruction. 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 (drop off) or are very likely to utilize carpooling. Moreover, given the structured nature of ICE's operation, ICE will control the number of participants utilizing the facility at any given time. Peak operations will occur when the existing tenant's business operations are concluding. ICE anticipates a peak parking demand of sixty four (64) parking spaces, representing fourteen (14) parking spaces for employees and approximately fifty (50) parking spaces for seventy-five (75) participants. Otherwise, ICE anticipates a parking demand of roughly forty-five (45) parking spaces during 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 "I" Industrial Zoning District. The majority of uses in this area are warehouse, manufacturing, and distribution. Moreover, Frontenac serves solely industrial uses, in fact no residential use is served by Frontenac which would be negatively impacted.

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. There are a number of

athletic training facilities (similar such uses to ICE) proximate to the Property and these uses have operated without evidence of conflict with surrounding users in the "I" zoning district. This harmony of use is evidence that ICE can operate without detriment to other users in the "I" zoning district. Because ICE's proposed use is consistent with the essential character of the neighborhood, it will not be a substantial detriment to the adjacent property. Instead, ICE will complement and improve the area by providing an additional youth fitness amenity previously not available within Naperville.