

PINs: 07-15-102-026
07-15-102-010
07-15-302-017
07-15-302-002

ADDRESS:
1899 HIGH GROVE LANE
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #20-1-031

ORDINANCE NO. 20 - ____

**AN ORDINANCE GRANTING A PARKING VARIANCE FROM
SECTION 6-9-3 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS)
OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 1899 HIGH GROVE LANE (PHOENIX
CLOSURES)**

RECITALS

1. **WHEREAS**, Albert R. Miller II ("Owners' Representative and Petitioner") has petitioned the City of Naperville to grant a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code to reduce the number of required parking spaces at the real property commonly known as 1899 High Grove Lane, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, the Subject Property is zoned I (Industrial District), and is improved with a 115,170-square foot building and off-street parking lot with 88 parking spaces; and
3. **WHEREAS**, the building is currently occupied with approximately 65,000 square feet of warehouse space, 43,000 square feet of manufacturing space, and 7,170 square feet of

office space, and the petitioner proposes to construct a 16,840-square foot addition to be used as office space; and

4. **WHEREAS**, the total parking requirement for the building's current use and for the proposed addition is 253 parking spaces, as provided in **Exhibit C**; and
5. **WHEREAS**, the petitioner proposes to construct additional parking spaces on site to accommodate the increase in square footage for a total number of 105 parking spaces, resulting in a parking deficit of 148 spaces; and
6. **WHEREAS**, parking counts were conducted by the petitioner over a thirty-one day period which indicated the peak weekday occupancy was 89 vehicles (85% of the future parking lot) and peak weekend occupancy was 11 vehicles (10% of the future parking lot) as provided in **Exhibit D**; and
7. **WHEREAS**, the petitioner submitted a theoretical site population as provided in **Exhibit D** to account for the number of daily visitors over a 153-day period and the analysis found the maximum visitor count is 12, for a total of 101 vehicles on site during the peak employee count; and
8. **WHEREAS**, the parking counts indicate that sufficient parking will be available on the Subject Property to accommodate vehicular parking for the current use and future building addition; and
9. **WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit E** attached hereto; and
10. **WHEREAS**, on June 17, 2020, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner's request; and

11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from 6-9-3 (Schedule of Off-Street Parking Requirements) to allow for a reduction of the number of required off-street parking spaces from 253 spaces to 105 spaces for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B** is hereby approved, subject to the following condition:

- a. If the City's Zoning Administrator determines that the parking needs cannot be accommodated within the parking on the Subject Property as depicted on **Exhibit B**, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each employee, constructing additional off-street parking spaces on-site, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of

the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.

SECTION 3: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started. Any variance other than that approved by this Ordinance shall require approval of a separate variance.

SECTION 4: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk