

PIN: 07-26-200-021

ADDRESS:  
1331 W. 75<sup>th</sup> STREET  
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 #18-1-132

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING A 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 1331 W. 75<sup>TH</sup> STREET**

**WHEREAS**, DynaCom Management, LLC ("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 1331 W. 75<sup>th</sup> Street, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Subject Property is zoned ORI (Office, Research and Light Industry District), and is improved with a 72,294 square foot, four story, brick and stucco building; and

**WHEREAS**, the building is currently occupied with approximately 57,195 square feet of medical office space, 7,282 square feet of professional office space, and 7,817 square feet of vacant space; and

**WHEREAS**, the total parking requirement for the building's current tenant mix is 336 parking spaces, exceeding the 312 parking spaces provided on the Subject Property by 24 spaces; and

**WHEREAS**, parking counts were conducted over a three day period which indicated the peak parking demand for the existing tenant mix occurs at midmorning on weekdays and is approximately 203 vehicles or 65% of the parking lot; and

**WHEREAS**, the parking counts indicate that sufficient parking is available on the Subject Property to accommodate the 336 parking spaces required for the current tenant mix; and

**WHEREAS**, the Petitioner has requested approval to allow the entire 72,294 square foot building to be occupied by medical offices to allow flexibility with future leasing negotiations; and

**WHEREAS**, the Naperville Municipal Code requires medical offices provide 5 parking spaces for each 1,000 square feet of gross floor area occupied by the medical office use; and

**WHEREAS**, the total parking requirement for the building, assuming full medical office tenancy, is 362 parking spaces, exceeding the 312 parking spaces provided on the Subject Property by 50 spaces; and

**WHEREAS**, parking projections utilizing existing site data and Institute of Transportation Engineers (ITE) data indicate that should the building be fully leased to medical tenants, the peak projected parking demand will occur at midmorning on weekdays and will be approximately 278 vehicles or 89% of the parking lot; and

**WHEREAS**, the projected parking counts indicate that sufficient parking is available on the Subject Property to accommodate a 72,294 square foot building occupied entirely by medical offices tenants; and

**WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; and

**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 herein. 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 reduce the number of required off-street parking spaces for a 72,294 square foot medical office building from 362 spaces to 312 spaces for the Subject Property is hereby granted, subject to the following condition:

1. In the event that the current and proposed tenants' parking needs cannot be accommodated within the existing parking on the Subject Property, the Petitioner and Owner shall be required to construct a land banked parking area or provide additional parking in a manner approved by the Zoning Administrator. The Petitioner agrees to obtain all necessary approvals and permits and to commence construction of any land banked parking improvements within 180 days of written notice by the City that such construction is required. The land banked parking area shall be constructed in compliance with the Naperville Municipal Code then in effect, including but not limited to all zoning, engineering, and building requirements and regulations then in effect.

**SECTION 3:** 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. This Ordinance and the privileges, obligations, and provisions contained herein shall inure solely to the benefit of, and be binding upon, the Petitioner and Owner, and any and all of the Petitioner and Owner's heirs, successors, and assigns, and upon any and all current and successor legal or beneficial owners of all or any portion of the Subject Property.

**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 \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk