

PINS:

07-03-207-001
07-03-207-002
07-03-207-003
07-03-207-004
07-03-207-005
07-03-207-006
07-03-207-007
07-03-207-008
07-03-207-009
07-03-207-010

ADDRESS:

2244 CORPORATE LANE
NAPERVILLE, IL 60563

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 #21-1-131

ORDINANCE NO. 22 - _____

**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 2244 CORPORATE LANE**

RECITALS

1. **WHEREAS**, Thomas Burgess GST Trust (“Owner” 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 2244 Corporate Lane, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

2. **WHEREAS**, the Subject Property is zoned ORI (Office Research and Light Industry District), and is improved with a 50,080 square foot industrial building and 123 associated parking spaces; and
3. **WHEREAS**, the building is currently occupied by two fitness facility users; and
4. **WHEREAS**, per code fitness facilities are required to provide 4 parking spaces per 1,000 square feet of gross floor area; and
5. **WHEREAS**, the total parking requirement for the existing tenants is 200 parking spaces, resulting in a deficit of 77 parking spaces; and
6. **WHEREAS**, the parking variance request was triggered by Code Enforcement given the tenants occupied the building prior to obtaining required permits; and
7. **WHEREAS**, the Petitioner submitted a parking study, included as **Exhibit C**, and identified a shared parking agreement exists with an adjacent property owner; and
8. **WHEREAS**, the parking study acknowledged the parking counts provided were estimates and the Petitioner indicated the shared parking agreement is not a formalized agreement; and
9. **WHEREAS**, staff is recommending conditions of approval, referenced herein, requiring the Property Owner to submit detailed parking counts once a month for the six months following approval of the parking variance subject to the review of the Zoning Administrator; and
10. **WHEREAS**, the detailed parking counts shall include the number of parking spaces occupied and the number of parking spaces vacant for one peak weekday and one peak weekend day each month and additional parking counts for any special events held; and

- 11. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto; and
- 12. **WHEREAS**, on February 16, 2022, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner’s request subject to conditions; and
- 13. **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 200 spaces to 123 spaces for the Subject Property to permit two fitness facilities to continue occupying the building, as depicted on the Site Plan attached hereto as **Exhibit B** is hereby approved, subject to the following conditions:

- a. The property owner is required to submit parking counts once a month for the six months following approval of the parking variance. The parking counts should provide the number of parking spaces occupied and the number of parking spaces vacant for one peak weekday and one peak weekend day each month. Additionally, if special events are held, parking counts should be completed for the special event as well.
- b. At the conclusion of the 6-month period, the City’s Zoning Administrator will review the submitted parking data. If the City’s Zoning Administrator determines that the parking needs cannot be accommodated based on the submitted parking data, 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 tenant, limiting business hours of operation, and/or formalizing the shared parking agreements by nature of a recorded covenant agreement. All 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 the variance approved herein.

- c. Any complaints submitted to the Naperville Code Enforcement Department regarding parking at the Subject Property must be addressed within 7 days of their receipt by the City.

SECTION 3: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

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 _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk