

PIN: 08-30-200-011

ADDRESS:
1112 S. WASHINGTON STREET
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

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

PZC Case #23-1-093

ORDINANCE NO. 23 - ____

**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 1112 S. WASHINGTON STREET**

RECITALS

1. **WHEREAS**, Inhun Baek, 1203 Hobson Oaks Dr, Naperville, IL 60540 ("**Petitioner**"), has petitioned the City of Naperville for approval of a parking variance to Section 6-9-3:6 of the Municipal Code for real property located at 1112 S. Washington Street, Naperville, IL, legally described on **Exhibit A** ("**Legal**") and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owner of the Subject Property is Cedar Street Capital IV, LLC, 1020 W. Lawrence Avenue, Suite 300, Chicago, IL 60640 ("**Owner**") and has authorized the Petitioner to submit the subject petition.

3. **WHEREAS**, the Subject Property consists of approximately 2.87 acres, is zoned OCI (Office, Commercial, and Institutional District), and is improved with an approximately 36,222 square-foot building and 140 shared parking spaces.
4. **WHEREAS**, there are currently three vacant tenant spaces in the building, and the Petitioner intends to occupy one of the vacant tenant spaces (totaling approximately 3,081 square feet) with a fitness facility known as Kingdom Martial Arts; and, the two remaining vacancies are anticipated to be occupied by professional offices.
5. **WHEREAS**, based on the building's current tenant mix and each tenants' corresponding parking requirements, there is an existing shortage of 3 code-required parking spaces on site, indicating the Subject Property has no excess parking spaces available to accommodate additional tenants despite the building's three vacant tenant spaces.
6. **WHEREAS**, Kingdom Martial Arts and occupancy of the vacant office spaces will require an additional 18 parking spaces to be provided on site to comply with the City's parking requirements as provided in Section 6-9-3:6 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code as indicated in the tenant roster included as **Exhibit C** ("Tenant Roster") attached hereto.
7. **WHEREAS**, per Section 6-9-3:6 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code, the total parking requirement for the existing and proposed tenants on the Subject Property is 161 parking spaces, resulting in a parking deficit of approximately 21 spaces as indicated in the tenant roster included as **Exhibit C** ("Tenant Roster") attached hereto.

8. **WHEREAS**, the Petitioner requests approval of a parking variance to Section 6-9-3:6 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code to reduce the required number of parking spaces on the subject property from 161 spaces to 140 spaces to accommodate the building’s proposed tenant mix.
9. **WHEREAS**, the Petitioner submitted a parking study, included as **Exhibit D** (“**Parking Study**”), that compares the City’s parking requirements to current parking occupancy/demand and finds that there is a significant parking surplus on the Subject Property which will accommodate a fitness facility and additional office space; however, should more intensive uses plan to occupy the building in the future, an additional parking variance will be required. **WHEREAS**, the requested variance meets the Standards for Granting a Zoning Variance as provided in **Exhibit E** (“**Standards for Variances**”) attached hereto.
10. **WHEREAS**, on October 18, 2023, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner’s request (approved 9-0); 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 Section 6-9-3:6 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code to reduce the number of required parking spaces from 161 parking spaces to 140 parking spaces to accommodate the building's proposed tenant mix as provided in **Exhibit C**, is hereby approved.

SECTION 3: The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

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

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrl
Mayor

ATTEST:

Dawn C. Portner
City Clerk