

## Standards for Granting a Zoning Variance

Municipal Code Section 6-3-6:2. Standards for Variances: Any recommendation by the Planning and Zoning Commission and any decision by the City Council shall be predicated on evidence and finding that:

1. *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. Junior Ninja Warriors is a fitness facility geared specifically towards youth. 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 13,662 square-foot operation, Code would require a total of approximately fifty-five (55) parking spaces for Junior Ninja Warriors. As outlined above, the balance of the building is occupied by users appropriately designated as "warehouse, storage/distribution facilities and office," which requires parking at a ratio of 1 and 3.3 spaces/1,000 square feet or a two hundred ninety two (292) parking spaces. The Property is improved with two hundred six (206) parking spaces. A total of three hundred forty seven (347) parking spaces are required, per Code, to accommodate Junior Ninja Warriors and the existing tenant mix in the building.

After consultation with City staff, Petitioner performed an analysis of the current parking needs of the entire Property over the course of a four (4) 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 between 11:00 a.m. and 1:00 p.m., with a maximum of one hundred twenty (121) parking spaces required at 11:00 a.m. and an average of one hundred fifteen (115) 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 the proposed Fitness Facility for Junior Ninja Warriors. In fact, after allocating fifty five (55) parking spaces for the Junior Ninja Warrior's use, the Property would still have an excess of thirty (30) parking spaces during the weekday peak hour.

While the Property has sufficient parking to accommodate concurrent peak operations for the existing tenants and Junior Ninja Warriors, it is also important to note that each business is complementary in nature and peak operations will not overlap. Petitioner's business model focuses on youth participation, and accordingly, operational hours are generally configured around the school day. Petitioner will run classes from 4:00 p.m. to 7:00 p.m. on weekdays. Parking demand for existing tenants is significantly reduced at this time, ranging from a high of sixty six (66) parking spaces at 4:00 p.m. to a low of twenty (20) parking spaces at 6:30 pm. The parking counts continues to improve during the weekend when Petitioner anticipates peak operation at Junior Ninja Warriors. During the weekend, existing parking use peaked at thirty four (34) total spaces or seventeen percent (17%) of the overall parking supply. On average, there is an available supply of roughly one hundred eighty (180) parking spaces over the weekend, or during the time that Junior Ninja Warriors anticipates peak parking demand.

The Petitioner'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.

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

Petitioner 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 children. 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 and are very likely to utilize carpooling for birthdays, classes or open gym activities. Moreover, given the structured nature of the operation, Petitioner will control the number of participants utilizing the facility at any given time. Peak operations will occur during open gym hours, which are limited to weekends and when the facility may accommodate up to ten (10) staff members and seventy (70) participants. Petitioner anticipates a peak parking demand of forty-five (45) parking spaces, representing ten (10) parking spaces for employees and one (1) parking space for each two (2) participants. Otherwise, Petitioner anticipates a peak parking demand of roughly thirty (30) parking spaces for regular operations.

3. *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 "ORI" Office Research and Light Industrial Zoning District. The majority of uses in this area are warehouse, manufacturing and distribution. However, over a number of years, 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. For example, just west of the Property is Sky High Sports. Sky High Sports, much like Junior Ninja Warriors, is geared to youth fitness activities. Sky High Sports has operated without evidence of conflict with surrounding users in the ORI zoning district. Sky High Sports' operations evidence that a "Fitness Facility" geared toward children can operate without detriment to other users in the ORI zoning district.

Because Petitioner's proposed use is consistent with the essential character of the neighborhood, it will not be a substantial detriment to the adjacent property. Instead, Junior Ninja Warriors will complement and improve the area by providing an additional youth fitness amenity previously not available within Naperville.