

PIN: 08-08-101-015

ADDRESS:
1355 E. OGDEN AVENUE
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 #21-1-117

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 1355 E OGDEN AVENUE**

RECITALS

1. **WHEREAS**, Brad Williams ("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 1355 E. Ogden Avenue, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, the Owner of the Subject Property is Ogden Ave Naperville IL, LLC ("Owner"); and
3. **WHEREAS**, the Owner has authorized the Petitioner to submit the petition referenced herein; and
4. **WHEREAS**, the Subject Property is zoned B3 (General Commercial District), and will be improved by a 10,093-square foot multi-tenant commercial building and an off-street parking lot with 68 parking spaces; and

5. **WHEREAS**, the building will be occupied by a restaurant and two medical office users;
and
6. **WHEREAS**, the total parking requirement for the proposed tenants is 73 parking spaces,
as provided in **Exhibit C**; and
7. **WHEREAS**, the petitioner proposes to have 68 parking spaces, resulting in a parking
deficit of 5 spaces; and
8. **WHEREAS**, the petitioner submitted a parking study, included as **Exhibit D**, which
reviewed the hours of operation and peak hours of parking intensity for each of the
proposed tenants; and
9. **WHEREAS**, the parking study found that the peak hours of operation for each of the
three tenants would occur at alternating times with only a 3-hour overlap on Monday-
Friday; and
10. **WHEREAS**, the Petitioner provided a detailed parking analysis within the Standards for
a Variance included in **Exhibit E** attached hereto; and
11. **WHEREAS**, the analysis found that during the peak overlap hours, the parking lot would
only fill to 90%, leaving 7 parking spaces available on site; and
12. **WHEREAS**, the details provided indicate that sufficient parking will be available on the
Subject Property to accommodate vehicular parking for the future tenants; and
13. **WHEREAS**, the requested variance meets the Standards for Variances as provided in
Exhibit E attached hereto; and

14. **WHEREAS**, on December 15, 2021, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner’s request subject to a condition; and

15. **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 73 spaces to 68 spaces for the Subject Property to permit 4,550 square feet of restaurant and 5,463 square feet of medical office, 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 tenant space, limiting business hours of operation, constructing additional off-street parking spaces, and/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: (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