

PIN:
08-08-300-003

ADDRESS:
1108 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 #22-1-039

ORDINANCE NO. 22 - _____

**AN ORDINANCE APPROVING VARIANCES TO
SECTION 6-9-2:4.3.2 AND SECTION 6-9-3:6 OF THE NAPERVILLE MUNICIPAL
CODE FOR G&G DENTAL LOCATED AT 1108 E. OGDEN AVENUE**

RECITALS

1. **WHEREAS**, G&G Ogden Ventures LLC, 1980 Clover Avenue, Inverness, IL 60067, (“**Petitioner**”), has petitioned the City of Naperville for approval of a variance to Section 6-9-2:4.3.2 of the Naperville Municipal Code to locate parking facilities less than 5 ft. from the west property line, and a variance to Section 6-9-3:6 of the Naperville Municipal Code to reduce the number of required off-street parking spaces from 24 spaces to 16 spaces for the property located at 1108 E. Ogden Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Daisy Dog, Inc., 329 E. 8th Avenue, Naperville, Illinois 60563 is the Owner of the Subject Property; and

3. **WHEREAS**, the Subject Property is currently zoned B3 (General Commercial District) and is improved with a vacant, approximately 4,835 square foot building and an associated, nonconforming parking area; and
4. **WHEREAS**, existing site constraints, including a narrow lot width and lacking parking availability, limit the potential for reinvestment on the site to comply with current zoning regulations; and
5. **WHEREAS**, the Petitioner plans to renovate the existing building for G&G Dental through exterior façade improvements, an interior build-out, installation of additional site and foundation landscaping, removal of the existing pylon sign, and expansion of the parking lot around the building; and
6. **WHEREAS**, due to the location of the existing building and the property's narrow lot width, the petitioner is not able to maintain a 5-foot setback along the west property line, as well as meet required drive aisle and parking space dimensions, when expanding the parking lot; and,
7. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-9-2:4.3.2 of the Naperville Municipal Code to locate parking facilities less than 5 ft. from the west property line on the Subject Property; and
8. **WHEREAS**, the parking lot expansion will improve site circulation and provide a necessary increase in the number of parking spaces on the site; and
9. **WHEREAS**, Section 6-9-3:6 of the Naperville Municipal Code requires dental offices to provide 5 parking spaces per 1,000 square feet of floor area; and, at approximately 4,835 square feet in size, G&G Dental is required to have 24 parking spaces on-site; and

- 10. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-9-3:6 of the Naperville Municipal Code to reduce the number of required off-street parking spaces from 24 spaces to 16 spaces on the Subject Property; and
- 11. **WHEREAS**, to support the requested variance, the petitioner submitted a parking study attached hereto as **Exhibit C** (“**Parking Study**”); and
- 12. **WHEREAS**, the requested variances meet the standards for granting a variance as provided in **Exhibit D** attached hereto; and
- 13. **WHEREAS**, on November 2, 2022, the Planning and Zoning Commission conducted a public hearing to consider the requested setback and parking variances for the Subject Property, and recommended approval of the Petitioner’s requests subject to conditions; and
- 14. **WHEREAS**, the City Council has determined that the Petitioner’s requests 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 here.

All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-9-2:4.3.2 of the Naperville Municipal Code to locate parking facilities less than 5 ft. from the west property line on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit E**, is hereby approved.

SECTION 3: A variance to Section 6-9-3:6 of the Naperville Municipal to reduce the number of required off-street parking spaces from 24 spaces to 16 spaces on the Subject

Property, as depicted on the Site Plan attached hereto as **Exhibit E**, is hereby approved, subject to the following condition:

- a. If the City's Zoning Administrator determines that the parking needs cannot be accommodated in the future, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of G&G Dental, including but not limited to reducing the number of employees on-site at any given time, reducing the number of patients that can be seen at a time, or establishing an overflow parking location off-site to meet the parking demands. 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.

SECTION 4: The variances 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 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 8: 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