

**PIN:
07-22-300-038**

**ADDRESS:
808 S. ROUTE 59
NAPERVILLE, IL 60540**

**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 #20-1-027

ORDINANCE NO. 21- __

**AN ORDINANCE APPROVING A PARKING DEVIATION TO THE
FOX RIVER COMMONS RESUBDIVISION PUD TO REDUCE THE REQUIRED
PARKING AT 808 S. ROUTE 59 FOR
THE MATRIX DEVELOPMENT**

RECITALS

1. **WHEREAS**, KP Investments LLC ("**Petitioner**"), has petitioned the City of Naperville for approval of a parking deviation to the Fox River Commons Resubdivision PUD property to accommodate the uses proposed at 808 S. Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Per Section 6-9-3 (Schedule of Off-Street Parking Requirements), the proposed mix of uses will require 847 parking spaces.

3. **WHEREAS**, based on the existing available parking supply and proposed mix of uses, a deficit of 320 parking spaces will result as detailed on **Exhibit C**.
4. **WHEREAS**, a parking study of the subject property and the adjacent site at 776 S Route 59 has been prepared by KLOA, Inc. on January 1, 2021 and submitted by the Petitioner to support the requested deviation. The study finds that given their proximity, shared egress, varying mix of uses and peak parking demands, and overall relationship between uses, the existing parking supply can accommodate existing and proposed uses at both 808 and 776 S. Route 59.
5. **WHEREAS**, the owners of the property at 776 S. Route 59 have submitted a letter expressing their understanding of the shared parking relationship and support for the requested deviation is attached as **Exhibit D**.
6. **WHEREAS**, on March 3, 2021, the Planning and Zoning Commission conducted a public hearing and recommended approval of the Petitioners request for the parking deviation; and
7. **WHEREAS**, Petitioner has requested that the City approve this ordinance; and
8. **WHEREAS**, the City Council of the City of Naperville 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 in this Section 1. All exhibits referenced in this ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A Parking Deviation to the Fox River Commons Resubdivision PUD is hereby granted to reduce the required parking at 808 S. Route 59, subject to the following condition:

If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking supply at 776 and 808 S. Route 59, , 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 unit, restricting the number of leasable units, 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: 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 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk