

PETITION FOR ZONING VARIANCE



Exhibit A

ADDRESS OF SUBJECT PROPERTY: 1152 N. Frontenac Road, Naperville, Illinois

PARCEL IDENTIFICATION NUMBER (PIN): 07-08-401-013

I. PETITIONER: Illinois Cheer Enterprises, LLC

PETITIONER'S ADDRESS: 2680 Diehl Road

CITY: Aurora STATE: Illinois ZIP CODE: 60502

PHONE: 260-350-0450 EMAIL ADDRESS: icecoach@embarqmail.com

II. OWNER(S): Chicago Title Land Trust Company, trust no. 5259 by Korex Industrial Partnership

OWNER'S ADDRESS: 16 Forest Gate Circle

CITY: Oak Brook STATE: Illinois ZIP CODE: 60523

PHONE: (847) 317-0663 EMAIL ADDRESS: david.nelson22@comcast.net

III. PRIMARY CONTACT (review comments sent to this contact): Matthew G. Goodman

RELATIONSHIP TO PETITIONER: Attorney for Petitioner

PHONE: 630-355-4600 EMAIL ADDRESS: matt@rw-attorneys.com

IV. OTHER STAFF

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

CITY OF NAPERVILLE
PETITION FOR ZONING VARIANCE



Exhibit A

V. SUBJECT PROPERTY INFORMATION

ZONING OF PROPERTY: I - Industrial

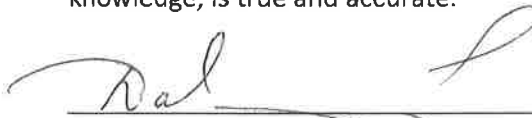
AREA OF PROPERTY (Acres or sq ft): Approximately 251,926 sq. ft. or 5.783 Acres

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

Variance from section 6-9-3 (schedule of off-street parking requirements) to permit less than the minimum amount of parking spaces for the proposed tenant's use of the subject property as a fitness facility.

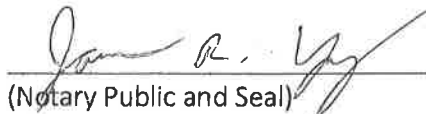
VI. PETITIONER'S SIGNATURE

I, Darlene Fanning (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.


(Signature of Petitioner or authorized agent)

April 20, 2018
(Date)

SUBSCRIBED AND SWORN TO before me this 20th day of April, 2018


(Notary Public and Seal)

JAMES R. YOUNG
Notary Public, LaGrange County, IN
My Commission Expires Feb. 23, 2023

CITY OF NAPERVILLE
PETITION FOR ZONING VARIANCE



Exhibit A

VII. OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

David M. Nelson, atty for Owner

(Signature of 1st Owner or authorized agent)

(Signature of 2nd Owner or authorized agent)

May 3, 2018
(Date)

(Date)

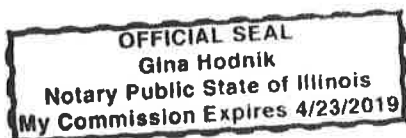
KOREX INDUSTRIAL PARTNERSHIP,
SOLE BENEFICIARY OF CTLC #5259

1st Owner's Printed Name and Title

2nd Owner's Printed Name and Title

State of Illinois, County of Lake
SUBSCRIBED AND SWORN TO before me this 3 day of May, 2018

Gina Hodnik
(Notary Public and Seal)



STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION
FOR A PARKING VARIANCE

THE UNDERSIGNED Petitioner, Illinois Cheer Enterprises, LLC, an Illinois limited liability company (hereinafter “ICE”) respectfully petitions the City of Naperville to grant a parking variance allowing for a proposed fitness facility to occupy an approximately 33,066 square-foot tenant space, and such other variances, departures or deviations as may be necessary to utilize the property legally described on **Exhibit A** (hereinafter the “Property”) and as depicted on the plans and documents submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. Chicago Title Land Trust Company, successor to Harris Bank Naperville, as trustee under trust agreement dated December 1, 1989 and known as trust number 5259 is the owner of the Property (hereinafter “Owner”).

2. The Property consists of an office/warehouse building commonly known as 1150-1220 Frontenac Drive, Naperville, Illinois.

3. The office/warehouse building contains approximately 111,864 square feet with four (4) individual tenant spaces.

4. The existing tenants and their respective uses are as follows:

- Trim Tech – 22,905 sq. ft. (Manufacturing – 10,000 sq. ft. and Warehouse – 12,905 sq. ft.);
- Air Rite – 33,490 sq. ft. (Office – 3,730 sq. ft. Manufacturing – 4,000 sq. ft. and Warehouse – 25,760 sq. ft.)
- Chicago Tribune – 22,332 sq. ft. (Distribution)

- Illinois Cheer Enterprises: 33,066 sq. ft. (Proposed Fitness Facility)

5. ICE seeks to lease the only vacant tenant space in the building, which consists of approximately 33,066 sq. ft. as depicted on the survey attached hereto and incorporated hereof as **Exhibit B.**

6. ICE proposes to operate the vacant tenant space as a fitness facility focused on the competitive cheerleading instruction.

7. The Property is zoned Industrial ("I").

8. The Property is located east of North Eola Road between North Aurora Road and Diehl Road.

9. The existing land uses surrounding the Property are as follows:

- a. North: "I" Zoning, Pioneer Packaging
- b. East: "I" Zoning, D2K Traffic Equipment and Design
- c. South: "I" Zoning, Laser Technologies
- d. West: Unincorporated DuPage County

SUMMARY OF FUTURE TENANT AND OPERATIONS

ICE operations consist of competitive cheerleading instruction. The schedule below outlines anticipated operations for ICE:

- a. Monday – Thursday: 4:00 p.m. – 9:00 p.m. (Classes)
- b. Friday: Closed
- c. Saturday: 10:00 a.m. – 3:00 p.m.
- d. Sunday 10:00 a.m. – 8:00 p.m.

CLASSES

ICE will have five (5) practice/training sessions Monday through Thursday beginning at 4:00 p.m., for a total of twenty (20) practice/training sessions each week. During the weekend ICE will have five (5) practice/training sessions on Saturday and ten (10) practice/training sessions on Sunday for a total of fifteen (15) practice/training sessions during the weekend. Each class is approximately one (1) hour in length. The maximum number of students per class is approximately

seventy-five (75) students with three (3) instructors per practice/training session.

A VARIANCE TO REDUCE THE REQUIRED OFF-STREET PARKING

10. The proposed operation is appropriately classified as a “Fitness Facility” under the City’s Municipal Code.

11. ICE respectfully seeks a variance to reduce the required amount of off-street parking required for a fitness facility.

12. The proposed variance from Section 6-9-3 meets the requirements for a variance and is appropriate based upon the following factors:

- a. 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. ICE is a fitness facility geared specifically towards competitive cheerleading instruction. 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 33,066 square-foot operation, Code requires ICE to provide one hundred thirty two (132) parking spaces for its proposed use. As outlined above, the balance of the building is occupied by users appropriately designated as warehouse (1.0 per 1,000 sq. ft.), distribution (1.0 per 1,000 sq. ft.), manufacturing (2.5 per 1,000 sq. ft.) and office (3.3 per 1,000 sq. ft.). Thus, each tenant has a different required parking ratio based upon Code requirements.

The Property is improved with one hundred sixty (160) parking spaces. A total of two hundred forty (240) parking spaces are required, per Code, to accommodate ICE and the existing

tenant mix in the building.

After consultation with City staff, ICE performed an analysis of the current parking needs of the entire Property over the course of a ten (10) 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 during the weekdays between 3:00 and 4:00 p.m., with a maximum of twenty (20) parking spaces required at 4:00 p.m. and an average of fourteen (14) 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 ICE. In fact, after allocating one hundred thirty two (132) parking spaces for ICE's use, the Property would still have an excess of eight (8) parking spaces during the weekday peak hour.

While the Property has sufficient parking to accommodate concurrent peak operations for the existing tenants and ICE, it is also important to note that each business is complementary in nature and that peak operations will not overlap. ICE's business model focuses on competitive cheerleading instruction, and accordingly, operational hours are generally configured around the school day. ICE will run practice/training sessions Monday through Friday from 4:00 p.m. to 9:00 p.m. Parking demand for existing tenants is significantly reduced at this time, ranging from a high of twenty (20) parking spaces at 4:00 p.m. to a low of four (4) parking spaces at 5:00 p.m. The parking counts continue to improve during the weekend. During the weekend, existing parking use peaked at three (3) total spaces or approximately two percent (1.875%) of the overall parking supply. On average, there is an available supply of roughly one hundred fifty seven (157) parking spaces during the weekend, which is at the time that ICE anticipates peak parking demand.

The existing tenants operating hours are as follows:

- a. Air Rite – Monday through Friday 7:00 a.m. to 5:00 p.m.
- b. Trim Tech – Monday through Thursday 7:00 a.m. to 3:30 p.m.
- c. Tribune – Seven (7) days a week 10:00 p.m. to 7:00 a.m.

Each of the existing tenant's hours of operation are structured such that virtually no overlap will occur between existing tenants and ICE. As such, those parking spaces being utilized by the existing tenants during the daytime hours will become available for ICE's operations.

ICE'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.

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

ICE 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 competitive cheerleading instruction. 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 (drop off) or are very likely to utilize carpooling. Moreover, given the structured nature of ICE's operation, ICE will control the number of participants utilizing the facility at any given time. Peak operations will occur when the existing tenant's business operations are concluding. ICE anticipates a peak parking demand of sixty four (64) parking spaces, representing fourteen (14) parking spaces for employees and approximately fifty (50) parking spaces for seventy-five (75) participants. Otherwise, ICE anticipates a parking demand of roughly forty-five (45) parking spaces during regular operations.

- c. 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 "I" Industrial Zoning District. The majority of uses in this area are warehouse, manufacturing, and distribution. Moreover, Frontenac serves solely industrial uses, in fact no residential use is served by Frontenac which would be negatively impacted.

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. There are a number of athletic training facilities (similar such uses to ICE) proximate to the Property and these uses have operated without evidence of conflict with surrounding users in the "I" zoning district. This harmony of use is evidence that ICE can operate without detriment to other users in the "I" zoning district. Because ICE's proposed use is consistent with the essential character of the neighborhood, it will not be a substantial detriment to the adjacent property. Instead, ICE will complement and improve the area

by providing an additional youth fitness amenity previously not available within Naperville.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to grant a parking variance and such other variances, departures or deviations as may be necessary to operate the Property as Fitness Facility.

RESPECTFULLY SUBMITTED this 5 day of May 2018.

PETITIONER: Illinois Cheer Enterprises, LLC
an Illinois limited liability company

A handwritten signature in black ink, appearing to read "Rosanova & Whitaker", is written over a horizontal line.

By: Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION

LOT 23 AND 24 IN COUNTRY LAKES INDUSTRIAL PARK UNIT ONE, A SUBDIVISION IN SECTION 4, 5, 8, 9, AND 17, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 5, 1973 AS DOCUMENT R73-74119, AND CERTIFICATE OF CORRECTION RECORDED FEBRUARY 25, 1974 AS DOCUMENT R74-08512, IN DUPAGE COUNTY, ILLINOIS

Commonly known as: 1150-1220 Frontenac Drive, Naperville, Illinois

Permanent Index No.: 07-08-401-013

EXHIBIT B
SURVEY

EXHIBIT C
PARKING ANALYSIS

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Monday, April 16, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	11	Robin OLk
4:00 p.m.	11	Robin Olk
5:00 p.m.	4	Robin Olk
6:00 p.m.	2	Robin Olk
7:00 p.m.	0	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/16/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora 60502

Robin Olk
4/16/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Tuesday, April 17, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	14	Robin Olk
4:00 p.m.	14	Robin Olk
5:00 p.m.	16	Robin Olk
6:00 p.m.	9	Robin Olk
7:00 p.m.	5	Robin Olk
8:00 p.m.	2	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/17/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora 60502

Robin Olk
4/17/18

Vehicle Count for property located at 1150-1220 Frontenac Drive, Naperville, Illinois

Date Thursday, April 18, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	15	Robin Olk
4:00 p.m.	15	Robin Olk
5:00 p.m.	15	Robin Olk
6:00 p.m.	10	Robin Olk
7:00 p.m.	2	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac, on 4/18/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road

(name) Robin Olk
(address) 4/18/18

Vehicle Count for property located at 1150-1220 Frontenac Drive, Naperville, Illinois

Date Thursday, April 19, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	15	Robin Olk
4:00 p.m.	15	Robin Olk
5:00 p.m.	13	Robin Olk
6:00 p.m.	16	Robin Olk
7:00 p.m.	2	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac, on 4/19/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road

(name)
(address)

Robin Olk
4/19/18

Vehicle Count for property located at 1150-1220 Frontenac Naperville Illinois

Date Friday, April 20, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	18	Robin Olk
4:00 p.m.	20	Robin Olk
5:00 p.m.	15	Robin Olk
6:00 p.m.	8	Robin Olk
7:00 p.m.	0	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac, on 4/20/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road

(name)
(address)

Robin Olk
4/20/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Saturday, April 21, 2018	Number of cars parked in lot	Name of person collecting data
9:00 a.m.	2	Robin Olk
10:00 a.m.	2	Robin Olk
11:00 a.m.	3	Robin Olk
12:00 p.m.	2	Robin Olk
1:00 p.m.	1	Robin Olk
2:00 p.m.	0	Robin Olk
3:00 p.m.	0	Robin Olk
4:00 p.m.	0	Robin Olk
5:00 p.m.	0	Robin Olk
6:00 p.m.	0	Robin Olk
7:00 p.m.	0	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/21/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora IL 60502

(name)
(address)

Robin Olk
4/21/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Sunday, April 22, , 2018	Number of cars parked in lot	Name of person collecting data
9:00 a.m.	0	Robin Olk
10:00 a.m.	2	Robin Olk
11:00 a.m.	2	Robin Olk
12:00 p.m.	2	Robin Olk
1:00 p.m.	3	Robin Olk
2:00 p.m.	0	Robin Olk
3:00 p.m.	0	Robin Olk
4:00 p.m.	0	Robin Olk
5:00 p.m.	0	Robin Olk
6:00 p.m.	0	Robin Olk
7:00 p.m.	0	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/22/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

____ Robin Olk
2680 Diehl Road
Aurora IL 60502

Robin Olk
4/22/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Monday, April 23, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	13	Robin Olk
4:00 p.m.	15	Robin Olk
5:00 p.m.	10	Robin Olk
6:00 p.m.	6	Robin Olk
7:00 p.m.	3	Robin Olk
8:00 p.m.	1	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/23/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora 60502

Robin Olk
4/23/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Tuesday, April 24, 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	13	Robin Olk
4:00 p.m.	15	Robin Olk
5:00 p.m.	10	Robin Olk
6:00 p.m.	8	Robin Olk
7:00 p.m.	0	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/24/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora Il

Robin Olk
4/24/18

Vehicle Count for property located at 1150-1220 Frontenac, Naperville Illinois

Date Wednesday, April 25 2018	Number of cars parked in lot	Name of person collecting data
3:00 p.m.	18	Robin Olk
4:00 p.m.	18	Robin Olk
5:00 p.m.	10	Robin Olk
6:00 p.m.	3	Robin Olk
7:00 p.m.	2	Robin Olk
8:00 p.m.	0	Robin Olk
9:00 p.m.	0	Robin Olk
10:00 p.m.	0	Robin Olk

I do hereby certify that the counts recorded in the table above reflect the actual number of cars parked at 1150-1220 Frontenac on 4/25/18 at the specified times. I would testify under oath as to the accuracy of such counts if so required.

Robin Olk
2680 Diehl Road
Aurora IL

Robin Olk
4/25/18