



Legislation Details (With Text)

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**File created:** 2/15/2022      **In control:** City Council

**On agenda:** 3/1/2022      **Final action:**

**Title:** Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2244 Corporate Lane - PZC 21-1-131

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Parking Study, 5. Exhibit D - Response to Standards, 6. Application, 7. Location Map, 8. PZC Meeting Minutes 2-16-22 - DRAFT

Date	Ver.	Action By	Action	Result
3/1/2022	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2244 Corporate Lane - PZC 21-1-131

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission conducted a public hearing on February 16, 2022 and provided a positive recommendation on the request (approved 8,0).

**BACKGROUND:**

The subject property is located on the south side of Corporate Lane and is zoned ORI (Office Research and Light Industry District). The parcel is 124,754 square feet in size and is improved with a 50,080 sf square foot industrial building and 123 associated parking spaces.

In 2011, a parking variance was processed for the property for Sky High (indoor trampoline facility). At the time, the code required 3 parking spaces per 1,000 square feet for such facility. The approved ordinance specified the variance is only applicable to Sky High and is not transferrable to any other user. Sky High has since moved out and the property owner has since split the space in half creating two suites within the building.

The building is currently occupied by two fitness facility users: Naperville Gymnastics occupies the west half of the building (Suite 110) and Naperville Athletic Center occupies the east half (Suite 100). Neither tenant obtained the required building permits prior to occupying their tenant space, thus

triggering Code Enforcement involvement. Staff has since received the required building permits and has worked with the applicant on the necessary documentation needed for the parking variance under consideration.

**DISCUSSION:**

The property owner, Thomas Burgess GST Trust, is requesting approval of a parking variance in order to reduce the number of required parking spaces to permit two fitness facilities, Naperville Gymnastics and Naperville Athletic Center, to continue operating within the building. Both businesses are considered to be a fitness facility which is a permitted use in the ORI zoning district. In 2013, the zoning code was amended to require 4 parking spaces per 1,000 square feet for any fitness facility. The leasable square footage of the building is 49,972 sf in size which requires 200 parking spaces to be provided ( $49,972/1000 * 4 = 200$ ). There are 123 parking spaces at the subject property which results in a deficit of 77 parking spaces.

The applicant has submitted a parking study to support the requested parking variance. In the submitted parking study, it is indicated that the parking counts are an estimate which may not accurately reflect the daily number of parking spaces used by both tenants. Additionally, the applicant has indicated that a shared parking agreement exists with the adjacent property owner (2368 Corporate Lane) and that the property owner is currently seeking a parking agreement with another adjacent property owner (2235 Corporate Lane). However, because these agreements are not formalized, staff is not able to count these additional parking spaces towards the total parking available to the subject property.

Because the uses are currently in operation, staff believes that the existing parking supply (including use of adjacent parking areas) may be sufficient. However, given the above issues regarding parking estimates and lack of formalized parking agreements, staff is recommending the following conditions be adopted by the Planning and Zoning Commission and the City Council if the requested parking variance is approved:

***Proposed Conditions of Approval***

1. The property owner is required to submit parking counts once a month for the six months following approval of the parking variance. The parking counts should provide the number of parking spaces occupied and the number of parking spaces vacant for one peak weekday and one peak weekend day each month. Additionally, if special events are held, parking counts should be completed for the special event as well.
2. At the conclusion of the 6-month period, the City's Zoning Administrator will review the submitted parking data. If the City's Zoning Administrator determines that the parking needs cannot be accommodated based on the submitted parking data, the owner of the Subject Property 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, limiting business hours of operation, and/or formalizing the shared parking agreements by nature of a recorded covenant agreement. 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 approved variance.
3. Any complaints submitted to the Naperville Code Enforcement Department regarding parking at the Subject Property must be addressed within 7 days of their receipt by the City.

*Findings of Fact*

Upon review of the response to standards, staff and the Planning and Zoning Commission agree with the petitioner's findings subject to the proposed conditions noted above and recommends their adoption by the City Council.

***Planning and Zoning Commission***

The Planning and Zoning Commission conducted a public hearing on the request on February 16, 2022. The PZC discussed City code enforcement involvement and the shared parking agreement. No members of the public spoke on the request. The Planning and Zoning Commission closed the public hearing and provided a positive recommendation on the request (approved 8,0).

***Key Takeaways***

- The petitioner requests a variance to reduce the amount of required off-street parking for the subject property located at 2244 Corporate Lane to permit two fitness facilities.
- Staff and the Planning and Zoning Commission are in support of the parking variance request subject to the proposed conditions noted above.

**FISCAL IMPACT:**

N/A