



Legislation Details (With Text)

**File #:** 21-1577B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/16/2021      **In control:** City Council

**On agenda:** 1/4/2022      **Final action:** 1/4/2022

**Title:** Pass an ordinance granting approval of a variance to reduce the amount of required off-street parking for the subject property located at 1355 E. Ogden Ave - PZC 21-1-117

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Parking Chart, 5. Exhibit D - Parking Study, 6. Exhibit E -Response to Standards, 7. Zoning Variance Petition, 8. Location Map, 9. Public Comment

Date	Ver.	Action By	Action	Result
1/4/2022	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass an ordinance granting approval of a variance to reduce the amount of required off-street parking for the subject property located at 1355 E. Ogden Ave - PZC 21-1-117

**DEPARTMENT:** Transportation, Engineering and Development

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

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) reviewed PZC 21-1-117 on December 15, 2021 and provided a positive recommendation for the parking variance request (approved 6,0).

**BACKGROUND:**

The subject property is located at the northwest corner of Ogden Avenue and Naper Boulevard with a common street address of 1355 E. Ogden Avenue. It is zoned B3 (General Commercial District) and is approximately 4.41 acres in size. The subject property consists of two lots; Lot 1 has frontage along both Ogden Avenue and Naperville-Wheaton Road and is improved with a freestanding grocery store (Amazon Fresh) and Lot 2 is oriented towards Naper Boulevard and will be improved with a multi-tenant commercial building under construction. The development is collectively known as the Shops on Naper.

The petitioner is requesting approval of a parking variance in order to reduce the number of parking spaces required on Lot 2 in order to allow a restaurant and two medical offices to be located in the multi-tenant commercial building under construction at the subject property.

**DISCUSSION:**

While the Shops on Naper development functions as one shopping center with a connected parking lot, it is two separate lots. Lot 1 has 158 parking spaces and is improved with a grocery store and Lot 2 (subject property) has 68 parking spaces and will be improved with a multi-tenant commercial building. The total number of parking spaces within the development is 226 parking spaces.

For the purposes of this parking variance request, only the parking spaces which are located on Lot 2 are counted towards the total parking count for the multi-tenant commercial building. The parking spaces located on the adjacent property (Lot 1) are not counted towards the total number of parking spaces within this parking variance request given no shared parking agreement exists between the properties. Additionally, it should be noted that the 158 parking spaces provided on Lot 1 represent the minimum number required for the 35,000 square foot grocery store located on that lot.

The businesses that intend to occupy the building located on Lot 2 and the code required parking is identified in the chart below. A total of 73 parking spaces are required on the subject property per Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Municipal Code. There will be 68 parking spaces on the subject property, resulting in a deficit of five parking spaces.

<b>Building Use</b>	<b>Sq. Footage</b>	<b>No. of Spaces Required Per Code (per 1,000 sf)</b>	<b>Parking Required</b>
Medical Office (Pediatric Density)	2,428	5	12
Medical Office (American Family Care)	3,035	5	15
Restaurant (First Watch)	4,550	10	46
<b>Total Building Size</b>	10,093	<b>Total Parking Required:</b>	73
		<b>Total Parking Provided:</b>	68 (Lot 2)
		<b>Deficit:</b>	5

The petitioner has submitted a parking study to support the requested parking variance. The study reviewed the hours of operation and peak hours of parking intensity for each of the proposed tenants. Per the parking study, the peak hours of operation for each of the three tenants would occur mostly at alternating times with only a three-hour overlap which would occur Monday-Friday. The parking study also clarified the Pediatric Dentistry will be open three days per week for the first year and five days per week the following years (closed on weekends). The dentist would also only operate by appointment only.

In addition to the information in the parking study, the petitioner has provided detailed information of the onsite parking within the Response to Standards. The analysis found that even during the peak overlap hours, the parking lot on Lot 2 would only fill to approximately 90%, leaving seven available parking spaces on site. Upon review of the response to standards, staff and the PZC agree with the petitioner's findings and recommends their adoption by the City Council subject to the proposed condition noted below.

**Proposed Condition of Approval**

If the City's Zoning Administrator determines that the tenants' parking needs cannot be accommodated within the parking on the subject property, the owner shall 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 parking spaces and/or establishing an overflow parking location off-site, as necessary, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to accommodate tenant parking needs may result in the City's revocation of the parking variance. Staff has included this within the ordinance as a condition.

### ***Planning and Zoning Commission***

The PZC opened the public hearing for case 21-1-117 on December 2021 and voted to approve the variance request with the condition proposed by staff (approved 6,0). Staff confirmed the adjacent property (Lot 1) has the minimum required number of parking spaces and does not require approval of a parking variance. No members of the public spoke on the request.

### ***Key Takeaways***

- The petitioner requests a variance to reduce the amount of required off-street parking for the subject property located at 1355 E. Ogden Avenue from 73 parking spaces to 68 parking spaces.
- Staff and the PZC are in support of the parking variance request subject to the proposed condition noted above.

### **FISCAL IMPACT:**

N/A