

PIN: 07-13-424-006

**ADDRESS:
110 S. WASHINGTON ST.
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 #20-1-069

ORDINANCE NO. 20- __

**AN ORDINANCE APPROVING A VARIANCE TO
SECTION 6-7D-4 TO ALLOW THE NOW MASSAGE TO OPERATE
IN THE FIRST FLOOR TENANT SPACE OF THE PROPERTY
LOCATED AT 110 S. WASHINGTON (THE NOW MASSAGE)**

RECITALS

1. **WHEREAS**, Randall Kline, Sharon Kline and Stephen P. Squinto ("Petitioners"), have petitioned the City of Naperville for approval of a variance to Section 6-7D-4 (B4 Downtown Core District; Required Conditions) to allow the operation of a general service use on the first floor of the property located at 110 S. Washington Street, Naperville, Illinois, legally described on **Exhibit A** ("Subject Property"); and
2. **WHEREAS**, Great Central Properties III LLC, ("Owner") is the owner of the Subject Property; and

3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core District) and is improved with the Old Nichols Library and a four-story mixed-use building with commercial on the first floor; and
4. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner is requesting approval of a variance to Section 6-7D-4 (B4 Downtown Core District: Required Conditions) of the Municipal Code in order to allow a general service use, the NOW Massage, on the first-floor tenant space at the Subject Property; and
5. **WHEREAS**, the subject tenant space is located on the perimeter of the downtown core on the east side of Washington Street, making a pure retail use more difficult to sustain; and
6. **WHEREAS**, the Petitioner has indicated a portion of the business will be dedicated to retail sales and walk-in appointments are accepted and encouraged; and
7. **WHEREAS**, the Naperville Downtown 2030 Plan indicates that certain first-floor tenant space in downtown should be considered for general service uses based on their location; and
8. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit B** attached hereto; and
9. **WHEREAS**, on September 16, 2020, the Planning and Zoning Commission conducted a public hearing to consider the requested variance and recommended approval of the Petitioner's request; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 allow for a general service use (massage establishment) to occupy the first-floor space on the Subject Property pursuant to Section 6-7D-4 (B4 Downtown Core District: Required Conditions) of the Municipal Code is hereby approved for The NOW Massage, subject to the following condition:

1. The variance shall only apply to the operation of a general service use (massage establishment) by The NOW Massage.

SECTION 3: The variance 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 4: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

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

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

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk