

**PIN: 07-13-419-031**

**ADDRESS:**

**50 S MAIN STREET SUITE 112  
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 #21-1-103**

**ORDINANCE NO. 21- \_\_**

**AN ORDINANCE APPROVING A VARIANCE TO  
SECTION 6-7D-4 TO ALLOW PURE BARRE TO OPERATE  
IN THE FIRST FLOOR TENANT SPACE OF THE PROPERTY  
LOCATED AT 50 S. MAIN STREET SUITE 112 (PURE BARRE)**

**RECITALS**

1. **WHEREAS**, Kristy Gagovski ("Petitioner"), has 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, Pure Barre, on the first floor of the property located at 50 S. Main Street Suite 112, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, RPAI Naperville Main, 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 multi-tenant commercial building; and

4. **WHEREAS**, pursuant to Section 6-3-6:2 (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, Pure Barre, on the first-floor tenant space at the Subject Property; and
5. **WHEREAS**, the subject tenant space is located on the edge of the downtown retail area on the east side of Main 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
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 C** attached hereto; and
9. **WHEREAS**, on November 3, 2021, 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 (fitness studio) 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 Pure Barre, subject to the following conditions:

1. A minimum of 350 square feet (or 18%) of the total square footage of the proposed tenant space shall be dedicated to retail use, as shown on the attached floor plan (**EXHIBIT D**).
2. The display window facing Main Street shall be used to display retail items to further emphasize the retail portion of the business.
3. The variance shall only apply to the operation of a general service use (fitness studio) by Pure Barre.

**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 \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk