

PIN: 07-13-430-016

**ADDRESS:
12 W JEFFERSON AV
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 #20-1-10

ORDINANCE NO. 20- ____

**AN ORDINANCE APPROVING A VARIANCE TO
SECTION 6-7D-4 (B4 DOWNTOWN CORE DISTRICT; REQUIRED CONDITIONS) TO
ALLOW A SHOWROOM TO OPERATE IN THE FIRST FLOOR TENANT
SPACE OF THE PROPERTY LOCATED AT
12 W JEFFERSON AVENUE (LOVESAC)**

RECITALS

1. **WHEREAS**, The Lovesac Company, NASDAQ ("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 Lovesac Company to operate a general service use (showroom) on the first floor of the property located at 12 W Jefferson Avenue, Naperville, Illinois, legally described on **Exhibit A** ("Subject Property"); and
2. **WHEREAS**, the owner of the Subject Property is Naperville 12 Jefferson LLC; and
3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core District) and is improved with a one story commercial building; and

4. **WHEREAS**, per the Naperville Downtown 2030 plan, the intent of the B4 District is to serve as the retail and activity center of the downtown, accommodating service, office and intensive retail uses which enhance the shopping environment and generate sales tax revenue; and
5. **WHEREAS**, the B4 District permits general services uses, such as a showroom, but restricts the location of general service uses to the second floor describing the use as a destination use which does not require ground floor visibility to attract customers; and
6. **WHEREAS**, the Petitioner is requesting approval of a variance to Section 6-7D-4 (B4 Downtown Core District: Required Conditions) of the Municipal Code to allow The Lovesac Company to locate a general service use (showroom) on the first-floor space at the Subject Property; and
7. **WHEREAS**, the Petitioner indicates the proposed showroom will have a retail component and will generate local retail sales tax as further described in **Exhibit B** attached hereto; and
8. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, on February 19, 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 (showroom) 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 Lovesac Company, subject to the following conditions:

1. The variance shall only apply to the operation of a general service use (showroom) by The Lovesac Company.

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