



Legislation Details (With Text)

**File #:** 20-177B      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 2/6/2020      **In control:** City Council

**On agenda:** 2/18/2020      **Final action:**

**Title:** Pass the ordinance approving a variance to Section 6-7D-4:1 of the Naperville Municipal Code to allow a general service use on the first floor of the property located at 236 S. Washington Street, Naperville - PZC 19-1-141

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Fitness- Ordinance - PZC 19-1-141, 2. Exhibit A. Legal Description, 3. Application, 4. Findings of Fact, 5. Business Description and Pictures, 6. Location Map, 7. PZC Meeting Minutes 2-5-20 DRAFT

Date	Ver.	Action By	Action	Result
2/18/2020	1	City Council		

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a variance to Section 6-7D-4:1 of the Naperville Municipal Code to allow a general service use on the first floor of the property located at 236 S. Washington Street, Naperville - PZC 19-1-141

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on February 5, 2020 and voted to recommend approval (approved, 9-0). Staff concurs.

**BACKGROUND:**

The property is located approximately 160 feet northeast of Chicago Avenue and Washington Street, with a common street address of 236 S. Washington Street. The property consists of approximately 5,000 square feet and is improved with an existing multi-tenant commercial building. The western unit on the 1<sup>st</sup> floor is occupied by Potbelly fronting Washington Street, and the eastern unit is adjacent to the alley and the central parking deck. The subject tenant space is approximately 1,200 square feet and was formerly occupied by a bridal boutique.

**DISCUSSION:**

The petitioner seeks to operate a fitness facility in the existing eastern tenant space on the subject property. The use will include a training studio for fitness instruction with a variety of training programs on aerial hammocks. The actual fitness area will occupy approximately 800 square feet of

the tenant space. No exterior changes to the building or site are proposed.

Per [Municipal Code Section 6-7D-4 \(B4: Required Conditions\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH7BUDI\\_ARTDB4DOCODI](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI)>, a variance is required to permit a training studio, which is classified as a general service, on the first floor in the B4 District. The B4 District permits retail, eating and drinking establishments and commercial services (which includes banks, beauty shops/salons, and dry cleaning) on any floor of a building. It also allows general services, such as training studios, but restricts their location to the second floor in the “Required Conditions” section of B4. The objective of the B4 District is to provide opportunities for retail type businesses on the street level that provide shopping opportunities for pedestrian traffic within a concentrated commercial area.

Retail uses have historically struggled at this tenant space, and the property owner has trouble attracting viable tenants long-term. There is a lack of visibility with no direct street access with pedestrians relying on the alley or a narrow walkway access point near the front of building over 100’ away. It is reasonable to then assume that the space may not attract as much pedestrian traffic as other more prominent locations. The proposed use is also complimentary to the nearby uses. In 2010 based on the recommendations of the Naperville Downtown 2030 plan, a text amendment was processed to include the ability for petitioners to seek approval of a variance for general service uses seeking a first-floor location. Staff does not feel that approving a variance at the proposed location will set a precedent for allowing general services on the first floor throughout the district. Each property in the downtown has its own unique set of circumstances that staff would review on a case-by-case basis.

The petitioner’s responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner’s Findings and recommends adoption by the Planning and Zoning Commission.

***Planning & Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on February 5, 2020. Caitlin Paloian with Rosanova & Whitaker, Ltd. spoke on behalf of petitioner. No members of the public spoke about the request. After limited discussion, the PZC closed the public hearing and voted to recommend approval of the variance (approved: 9-0).

***Key Takeaways***

- The petitioner requests a variance in the B4 district to operate a fitness facility on the 1<sup>st</sup> floor at the subject property.

Staff supports the variance due to the lack of visibility for the tenant space.

**FISCAL IMPACT:**

N/A