



Legislation Details (With Text)

**File #:** 20-1071      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 9/10/2020      **In control:** Planning and Zoning Commission

**On agenda:** 9/16/2020      **Final action:** 9/16/2020

**Title:** Conduct the public hearing for The Now Massage to consider a variance to Section 6-7D-4 to allow a general service use below the second floor for the property located at 110 S. Washington Street - 20-1-069

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition for Development Approval, 2. Description of Request Letter, 3. Repsonse to Variance Standards, 4. Floor Plan, 5. Menu, 6. Images of The Now Massage, 7. Legal Description, 8. Location Map, 9. NDP and DNA Support Letters for THE NOW at Central Park Place

Date	Ver.	Action By	Action	Result
9/16/2020	1	Planning and Zoning Commission	approved	Pass

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing for The Now Massage to consider a variance to Section 6-7D-4 to allow a general service use below the second floor for the property located at 110 S. Washington Street - 20-1-069

**DEPARTMENT:** Transportation, Engineering and Development

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

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 20-1-069 was published in the Daily Herald on Monday, August 31, 2020.

**BACKGROUND:**

The property is located on the east side of Washington Street, just north of Jefferson Avenue with a common street address of 110 S. Washington Street. The property is zoned B4 (Downtown Core District) and is currently under construction for the development known as Central Park Place. Central Park Place is a four-story mixed-use building with commercial spaces on the first floor and condominium units on the second through fourth floors. The NOW is requesting to be located on the first floor of the building in suite 108. The suite is approximately 2,154 square feet in size.

**DISCUSSION:**

The petitioner seeks to operate a massage boutique in suite 108, located on the first floor of the mixed-use building currently under development at the subject property. The petitioner has indicated that unlike other massage businesses, a portion of the waiting area at the front of the business will be

dedicated to retail which attracts walk-in customers. Additionally, the petitioner has indicated that walk-in appointments are accepted depending upon availability. Images and floor plans of other The NOW establishments have been provided by the applicant which showcase the retail component (see attachments).

Per Municipal Code Section 6-7D-4 (B4: Required Conditions), a variance is required to permit a massage business, 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 massage establishments, 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.

The east side of Washington Street is located on the edge of the Downtown Core District and retail uses have historically struggled along this side of the street. The proposed use will be complimentary to the existing businesses along Washington Street and will be unique in nature given the retail component. Furthermore, the proposed use has been reviewed by the Naperville Development Partnership (NDP) and the Downtown Naperville Alliance (DNA). Both the NDP and the DNA support the proposed use (the letters of support may be viewed in the attachments).

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. The variance process allows for review of each request on a case-by-case basis. Staff supports the requested variance for the subject property given its location, as well as the fact that retail has been included at the front of the tenant space, thereby increasing its commercial appearance and use.

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.

### **Key Takeaways**

- The petitioner requests a variance in the B4 district to operate a massage business on the 1<sup>st</sup> floor at the subject property.
- Staff supports the variance finding the business will provide a unique contribution to the tenant mix within the Downtown Core.