



## Legislation Details (With Text)

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

**Type:** Ordinance      **Status:** Passed

**File created:** 9/21/2020      **In control:** City Council

**On agenda:** 10/6/2020      **Final action:** 10/6/2020

**Title:** Pass the ordinance granting approval of a variance to Section 6-7D-4 (Required Conditions) to allow a general service use below the second floor for the property located at 110 S. Washington Street (The NOW Massage) - (PZC 20-1-069)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Standards, 4. Petition for Development Approval, 5. Description of Request Letter, 6. Floor Plan, 7. Menu, 8. Images of The Now Massage, 9. Location Map, 10. NDP and DNA Support Letters for THE NOW at Central Park Place, 11. Additional Details on Proposal

Date	Ver.	Action By	Action	Result
10/6/2020	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Pass the ordinance granting approval of a variance to Section 6-7D-4 (Required Conditions) to allow a general service use below the second floor for the property located at 110 S. Washington Street (The NOW Massage) - (PZC 20-1-069)

**DEPARTMENT:** Transportation, Engineering and Development

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

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 20-1-069 at its September 16, 2020 meeting and recommended approval (approved 7-2).

**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. The objective of the B4 District is to provide 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 (letters of support are attached).

The Naperville Downtown2030 plan acknowledges that some properties along the periphery of the B4 could struggle if businesses were limited to only permitting commercial activities on the first floor in B4. 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.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff and the PZC are in general agreement with the petitioner's findings and recommend adoption by the City Council.

### ***Planning and Zoning Commission***

The public hearing before the PZC was opened on September 16, 2020. No members of the public spoke on the request. The Planning and Zoning Commission asked for additional details on the retail and walk-in appointment components of the business. The petitioner responded that walk-in appointments are accepted depending upon availability; and approximately 25% of sales come from a mix of events, retail products, and other services. Commissioners in support of the request found the business would fit in with the downtown Naperville shopping experience by providing an option for consumers to stop in to schedule an appointment and then proceed to shop within the downtown while they wait. Commissioners also found that the proposed business will bring a new type of retail to the downtown. The PZC closed the public hearing and voted 7-2 to recommend approval of the variance.

The dissenting votes were cast by Chairman Hanson and Commissioner Losurdo. Chairman Hanson desired a larger retail component and requested a retail use which would better promote walking traffic. Commissioner Losurdo found the use has been consistently located on the second floor within the downtown. Staff followed up with the petitioner on these concerns and the petitioner provided

further details regarding the proposed business which can be found in the attachments as “Additional Details on Proposal.” Staff continues to support the requested variance.

***Key Takeaways***

- The petitioner requests a variance in the B4 district to operate a massage business on the first 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 District.

**FISCAL IMPACT:**

N/A