



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/4/2021 **In control:** City Council

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Title: Pass the ordinance granting approval of a variance to Title 6 (Zoning Regulations) Chapter 7 (Business Districts) Article D (Downtown Core District) Section 4 (Required Conditions) of the Naperville Municipal Code to allow a general service use below the second floor for the property located at 50 S. Main Street Suite 112 - PZC 21-1-103

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C -Response to standards, 5. Exhibit D -Floor Plan, 6. Development Petition, 7. Retail Images, 8. PZC MInutes 11-3-2021 - DRAFT

Date	Ver.	Action By	Action	Result
11/16/2021	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting approval of a variance to Title 6 (Zoning Regulations) Chapter 7 (Business Districts) Article D (Downtown Core District) Section 4 (Required Conditions) of the Naperville Municipal Code to allow a general service use below the second floor for the property located at 50 S. Main Street Suite 112 - PZC 21-1-103

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered PZC 21-1-103 on November 3, 2021 and recommended approval of the request (approved, 7,0). Staff concurs.

BACKGROUND:

The subject property is zoned B4 (Downtown Core District) and is located on the east side of Main Street, north of Van Buren Avenue, and connected to the Van Buren parking deck. The parcel is improved with a multi-tenant commercial building with retail on the first floor. The retail businesses located within the first-floor tenant spaces that face Main Street include Anthropologie and Lululemon. The subject tenant space is currently vacant and is located at the north end of the building with a common street address of 50 S. Main Street, Suite 112. The parcel directly north of the subject parcel is also improved with a multi-tenant commercial building and contains Evereve and the Michael Graham Salon & Spa businesses on the first floor.

On October 15, 2013, the City Council passed an ordinance (Ord. 13-122) permitting Pure Barre to operate below the second floor in the B4 zoning district at 144 W. Jefferson Street, subject to the following four conditions:

- (1) The fitness studio shall be limited to a maximum of 712 square feet,
- (2) There shall be a minimum of 315 square feet of retail use,
- (3) the display window facing Jefferson Street shall be used to display retail items, and
- (4) the variance shall only apply to the operation of a general service use (fitness studio) by Pure Barre.

Following approval of the variance, Pure Barre operated within the 144 W. Jefferson St location until 2017. The business was then purchased by the petitioner, Kristy Gagovski, and Pure Barre transitioned to a new second floor tenant space which is still in operation at 130 W. Jefferson Avenue, Suite 212. The petitioner has noted that Pure Barre is in need of a larger tenant space to accommodate clients and to allow for retail business growth.

DISCUSSION:

The petitioner is proposing to operate Pure Barre within a first-floor tenant space. The proposed business will include a training studio for fitness instruction and space dedicated to the retail sale of items in support of the fitness studio. A variance is required to permit a training studio, which is classified as a general service, in the first-floor tenant space in the B4 zoning district. The variance previously granted is not applicable to the subject address. A new variance is required for the proposed use at the specified tenant space.

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. Offices and other similar uses are not permitted on the first floor because they tend to be appointment driven and do not provide complementary retail opportunities that are consistent with the uses permitted in the B4.

In 2010 based on the recommendations of the Naperville Downtown 2030 Plan, an amendment to the Municipal Code was processed to include the ability for petitioners to seek approval of a variance for general service uses looking to operate out of a first-floor location. The variance process allows for review of each request on a case-by-case basis.

The petitioner is proposing to provide a retail portion of the tenant space which complements the training studio and provides for a business more in line with the intent of the B4 district. The petitioner has stated that because of their current presence on the second floor, Pure Barre is limited in its ability to grow the retail side of the business. The petitioner finds that the retail setup necessitates ground floor visibility to attract retail consumers.

Staff is supportive of the requested variance based on the retail proposed at the front of the store, as was previously required for the Pure Barre business operation approved for 144 W. Jefferson Avenue. While the tenant space will also include a general service use, staff finds that this use is acceptable at the proposed property given its location on the edge of the downtown retail area. In

order to maintain the intended retail environment, staff is recommending conditions of approval in the ordinance which are consistent with the prior conditions approved for Pure Barre in 2013 but have been updated for the current request under consideration.

Proposed Ordinance 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. *Note: The floor plan proposes a defined wall separation between the retail use at the front and the fitness studio in the back. To enter the studio, clients will go through a door at the back of the retail space. The defined separation drives the proposed retail square footage and allows for retail display along the storefront; the proposed fitness studio will not be visible from the street.*
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.

Response to Standards

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 subject to the conditions noted above.

Planning and Zoning Commission

The public hearing before the PZC was held on November 3, 2021. No members of the public spoke on the request. The PZC asked for additional details on the required minimum retail square footage and for clarification on how staff evaluated this request. Staff clarified that the required minimum retail square footage is specific to this tenant space. The tenant space will have two separate areas (retail area and studio area). The defined retail area in the front of the tenant space determined the required minimum retail square footage. Staff noted that the location of the tenant space at the edge of the downtown retail area and the presence of the dedicated retail at the front of the space were both factors staff considered when determining the level of support for the request. The Planning and Zoning Commission closed the public hearing and voted 7-0 to recommend approval of the variance.

Key Takeaways

- The petitioner requests a variance in the B4 district to operate a Pure Barre on the 1st floor at the subject property.
- Staff and the PZC supports the variance request with conditions and notes the presence of a dedicated retail business that supports the proposed fitness studio is an important factor for this request.

FISCAL IMPACT:

N/A