



Legislation Details (With Text)

File #: 18-356 **Version:** 1

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

File created: 4/24/2018 **In control:** Planning and Zoning Commission

On agenda: 5/2/2018 **Final action:**

Title: Conduct the public hearing to consider a variance to Section 6-7D-4:1 (B4 District: Required Conditions) of the Naperville Municipal Code to allow a general service use on the first floor of the Naper Place property located at 119 S. Main Street Unit 103, Naperville - PZC 18-1-024

Sponsors:

Indexes:

Code sections:

Attachments: 1. Application, 2. Legal Description, 3. Findings of Fact, 4. Location Map

Date	Ver.	Action By	Action	Result
5/2/2018	1	Planning and Zoning Commission	accept	Fail

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider a variance to Section 6-7D-4:1 (B4 District: Required Conditions) of the Naperville Municipal Code to allow a general service use on the first floor of the Naper Place property located at 119 S. Main Street Unit 103, Naperville - PZC 18-1-024

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 18-1-024 was published in the Naperville Sun on April 15, 2018.

BACKGROUND:

The petitioner is proposing to lease a 1,390 square foot first floor tenant space in the Naper Place building to operate a California Closets store. Naper Place is a multi-tenant building with retail and restaurant uses on the first floor and dwelling units on the upper floors. North Central College was the prior tenant of the subject property and utilized the space as a student lounge in conjunction with the student housing located on the upper floors. NCC no longer requires the additional housing space and has vacated the property; the upper floors are currently being converted to market rate apartments and the tenant space is being converted to leasable space.

The subject property is located near the southwest corner of Van Buren Avenue and Main Street with a common address of 119 S. Main Street Unit 103. The property is zoned B4 (Downtown Core). The petitioner is requesting a variance to [Section 6-7D-4 \(B4 District: Required Conditions\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?&_ga=2.151111111.151111111.151111111-151111111.151111111)
<[https://library.municode.com/il/naperville/codes/code_of_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?&_ga=2.151111111.151111111.151111111-151111111.151111111)

[nodeId=TIT6ZORE_CH7BUDI_ARTDB4DOCODI_6-7D-4RECO>](#) of the Naperville Municipal Code to allow a general service use, a California Closets store, on the first floor.

The [Naperville Downtown2030](#)

<https://www.naperville.il.us/contentassets/7fed1bf2ba19496fa9a037f019616748/cmp-naperville-downtown2030.pdf> plan identifies the future land use of the subject property as “Downtown Core.”

The proposed California Closets store is considered a general service use and is not consistent with the purpose of the Downtown Core to “serve as the retail and activity center of the downtown, allowing for the most intense development form and uses.”

DISCUSSION:

California Closets, a luxury closet designer, is requesting to open a showroom on the first floor at the subject property. A showroom is defined in [Section 6-1-6 \(Definitions\)](#) https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE of the Municipal Code as a general service (see full definition below). Per Section 6-7D-4 (B4 District: Required Conditions) of the Municipal Code, general services are not permitted below the second floor in the B4 District. As noted in the Naperville Downtown 2030 plan, the purpose of this requirement is due to the nature of general service uses as largely destination uses (i.e. patrons do not “happen upon” general service and office uses, instead they plan their visit.). Therefore, general service uses do not require ground floor visibility to attract customers. General service uses are desirable in the downtown because they add to the daytime population and contribute additional retail activity. However, due to their typical lack of need for first floor visibility, general services are restricted to the second floor and above.

SERVICES, GENERAL:	The business or occupation of doing work for others for a fee with a primary business, office, showroom or training component. General services are typically scheduled by appointment. Uses include business, professional, medical or dental offices, workrooms or studios of artists, authors, interior designers, sculptors or other trades people, instruction in music, dance, fitness, home crafts and art, showroom and meeting/conference space, health spas without lodging facilities/massage establishments, and similar uses. Accessory retail is allowed, up to a maximum of ten percent (10%) of the customer area, in conjunction with permitted general service uses.
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The petitioner’s responses to the standards for granting a variance are attached; staff does not concur with the responses to the standards submitted by the petitioner. Staff’s comments with respect to the proposed findings for the requested variance, based upon a review of the subject property, applicable Code provisions for the B4 District, the standards for granting a variance, and the Naperville Downtown2030 Plan, are as follows:

Variance Standard #1: The variance is in harmony with the general purpose and intent of the Zoning Regulations and the adopted comprehensive master plan.

Staff Comments: The Naperville Downtown 2030 Plan designates the subject property as Downtown Core. The existing zoning is B4 (Downtown Core). The existing tenant mix is in compliance with the B4 District and includes restaurants and retail on the first floor and dwelling units on the upper floors. The proposed first floor general service use is not consistent with the Naperville Downtown 2030 Plan’s recommendations for the subject property, the property’s existing B4 zoning designation, or the existing tenant mix.

Variance Standard #2: Strict enforcement of the Zoning Regulations would result in practical difficulties or impose exceptional hardships due to special or unusual conditions which are not generally found on other properties in the same zoning district.

Staff Comments: The subject property is zoned B4; general service uses, including professional offices, medical offices, fitness studios, and showrooms, are not permitted on the first floor. The subject property does not have any exceptional traits that would make it unable to sustain a retail tenant and as such, does not warrant special consideration to permit a non-retail tenant on the first floor. Therefore, staff does not find that strict enforcement of the B4 zoning regulations would impose any exceptional hardships on the subject property.

It should be noted that general service uses, such as the proposed showroom, are permitted on the first floor in the B5 (Secondary Downtown) District or above the first floor in the B4 (Downtown Core) District.

Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Staff Comments: The surrounding first floor tenants include retail and restaurant uses including Pandora, Giordano's, and Moshi Moshi. The purpose of restricting general services from the first floor is to maintain a customer focused, pedestrian friendly shopping environment in the downtown core. A closet showroom is not typically an impulse visit; therefore, staff finds the showroom will create a break in the shopping and pedestrian experience. As such, staff finds the proposed showroom will alter the essential pedestrian/shopping oriented character of the neighborhood.

Conclusion

As noted above, the subject property is located in the traditional downtown core. The Naper Place building also provides an important link between the historic downtown located along Jefferson Avenue and Main Street and the newer buildings to the north (Main Street Promenade and Main Street Promenade East). Staff finds that a general service use, which typically does not attract walk-in customers, will reduce the vibrancy of this important block in the downtown core by creating a break in the pedestrian shopping experience.

Key Takeaways

- The petitioner is requesting a variance to permit a general service use, a California Closets showroom, on the first floor in B4.
- Staff does not support the request because it is not consistent with the B4 district, the Naperville Downtown2030 Plan, the surrounding first floor uses, and the standards for granting a variance.