

**PIN:  
07-22-300-038**

**ADDRESS:  
808 S. ROUTE 59  
NAPERVILLE, IL 60540**

**PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540**

**BRB Case #106**

**ORDINANCE NO. 21 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 5-10-3:12 (ROOFTOP STRUCTURES AND EQUIPMENT) OF TITLE 5  
(BUILDING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE MATRIX LOCATED AT 808 S. ROUTE 59**

**WHEREAS**, KPW Investments, LLC is the owner and petitioner (“Owner” and “Petitioner”) of real property located at 808 S. Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

**WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping Center District) PUD and is improved with a commercial building and associated surface parking; and

**WHEREAS**, the subject building located at 808 S. Route 59 was constructed as part of the Fox River Commons Shopping Center and was occupied by Sam’s Club from the time of construction until it was vacated in 2018; and

**WHEREAS**, The Matrix is currently working to occupy the vacant commercial building with multiple tenants including a banquet hall, restaurant, performing arts academy, theater, art gallery, recording studio and sport court complex; and

**WHEREAS**, the subject building was constructed prior to the implementation of the City's current requirements for rooftop unit (RTU) screening, which was enacted by ordinance in 2004; and

**WHEREAS**, current requirements for RTU screening require that all roof structures and equipment be screened to their full height in the form of a parapet wall, unless otherwise approved by the Chief Building Official due to structural reasons; and

**WHEREAS**, The Matrix's significant scope of proposed work requires the building to be brought into compliance with current Municipal Code requirements, including requirements for rooftop screening as outlined in Section 5-10-3:12 of the Municipal Code; and

**WHEREAS**, the petitioner has requested a variance from Section 5-10-3:12 of the Municipal Code to allow modifications from required RTU screening as depicted on the building elevations and line of site rendering attached to this ordinance as **Exhibit C**; and

**WHEREAS**, the Building Review Board considered this matter at their meeting on February 17, 2021 and recommended approval of the Petitioner's requested variance (approved 5-0); and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request for a variance to Section 5-10-3:12 (Rooftop Structures and Equipment) should be granted as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The foregoing recitals are incorporated as though fully set forth here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from 5-10-3:12 (Rooftop Structures and Equipment) of the Naperville Municipal Code to allow modifications to required RTU screening, is hereby granted subject to compliance with the building elevations, which include extension of the existing parapet wall on the west elevation, as shown on **Exhibit C** and the condition that any additional future RTUs comply with Naperville Municipal Code screening requirements.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Steve Chirico  
Mayor

ATTEST:

---

Pam Gallahue, Ph.D.  
City Clerk