



Legislation Details (With Text)

File #: 19-023 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/3/2019 **In control:** City Council

On agenda: 1/15/2019 **Final action:** 1/15/2019

Title: Pass the ordinance approving a variance to Section 402.1.1 of the 2012 International Building Code for 776 S. Route 59, Mall of India.

Sponsors:

Indexes:

Code sections:

Attachments: 1. CC ORD - BRB#97, 2. BRB#97 Application - Mall of India

Date	Ver.	Action By	Action	Result
1/15/2019	2	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a variance to Section 402.1.1 of the 2012 International Building Code for 776 S. Route 59, Mall of India.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Peter Zibble, TED Operations Manager

BOARD/COMMISSION REVIEW:

The Building Review Board considered this matter on December 19, 2018 and voted to recommend approval of the variance with the conditions proposed by staff (5-0, 1 abstention)

BACKGROUND:

The developer, Project Naperville LLC, is seeking to modify the property at 776 S. Route 59 (the former Walmart building) into a mall space. The mall will have internal walkways, an open area food-court and vendor spaces. A grocery store will be established as an anchor store at the north end of structure. The applicant would like to maintain a separate, but connected tenant space (Space YY) on the far north side of the building. The tenant space, which was the former garden center, does not qualify as part of the mall because access would be from outside and no direct access would be provided from the mall.

Per Section 402 of the International Building Code, a mall must have at least 60 feet of permanent, open space surrounding the mall and any anchor stores to provide for suitable fire access. The tenant space would be located in that open space area. Additionally, the adjacent existing building at 760 S. Route 59 also encroaches into the required open space by approximately three feet. The applicant therefore requests a variance to allow Tenant Space YY and the adjacent building at 760 S. Route 59 to encroach into the open space required around the mall, and to allow Tenant Space YY to

be connected to the mall building.

DISCUSSION:

City staff from the Building Department and the Fire Department have reviewed the variance request and recommend approval based upon the following conditions:

1. A fire barrier with a fire-resistance rating of 3 hours be provided between Tenant Space YY and the mall/anchor store.
2. Fire protection be provided for both Tenant Space YY and the mall, which could be provided as a single system.
3. A minimum of sixty feet (60') of open space be maintained around the exterior perimeter of Tenant Space YY.
4. The current exterior unconditioned space will not be allowed for material storage, and if converted to interior conditioned space, it must conform to the above requirements.

The Building Review Board discussed the matter at their December meeting. There were questions of staff and the applicant to clarify the nature of the request. The board also wanted to verify that if the variance were to be granted, the remaining open space around the building would provide adequate access for the fire department. Fire Marshal Scott Scheller confirmed that was indeed the case.

FISCAL IMPACT:

None