

## Legislation Text

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File #: 19-179, Version: 2

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**BUILDING REVIEW BOARD AGENDA ITEM****ACTION REQUESTED:**

Consider the requested variance to Section 5-10-3 Subsection 12 of the Naperville Municipal Code (Rooftop Structures and Equipment) - BRB Case #98.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Peter Zibble, TED Operations Manager

**BOARD/COMMISSION REVIEW:**

The BRB will consider this request at their February 20, 2019 meeting.

**BACKGROUND:**

The subject building at 776 S. Route 59 was constructed in 1989 as part of the Fox River Commons Shopping Center. It was occupied by Walmart from the time of construction until it was vacated in 2014. The 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. The existing building includes short segments of parapet wall around the entrance (approximately 4 feet high) and short parapet walls along the north and south sides that range in height from 3.5' to less than one foot. There is no parapet wall along the east side which is the rear of the building.

The current requirements for RTU screening require that all roof structures and equipment, such as heating, air conditioning, ventilation, exhaust or other mechanical equipment, located on the roof of any building or structure shall be screened or enclosed in a manner that will mask the equipment from view. The screening in the form of a parapet wall, unless otherwise approved by the Chief Building Official due to structural reasons, shall be installed such that the entire piece of equipment is completely enclosed on all sides for the full height of the unit plus any supporting curb work.

The applicant, Project Naperville, LLC, is proposing to convert the existing building into a retail mall with multiple tenants, including a grocery store and a food court. The significant scope of the proposed work requires the building to be compliant with the current Municipal Code including the rooftop screening requirements outlined in Section 5-10-3 Subsection 12. However, the applicant has requested a variance from this section of the code and instead proposes to provide limited screening in various locations on the building.

**DISCUSSION:**

Based on the roof plan provided, the proposed development will include at least 50 RTUs of varying sizes. As plans have yet to be provided for all of the future tenants, there will likely be additional

RTUs that are not shown on the plans. For example, the proposed grocery store which will be the north anchor store has not yet submitted any plans for RTUs, including their refrigeration units.

The roof plan shows some proposed rooftop screening. Portions of the existing parapet wall around the front entrance are to be extended to be 8' high. Additional screens set back from the face of the building are also proposed: 85 lineal feet of 4' high screening on the south elevation, and 100 lineal feet of 4.5' high and 60 lineal feet of 6' high screening on the front of the building. The applicant has provided a line-of-sight diagram showing the impact of the screening for an observer located on Route 59 west of the building.

City staff has reviewed the proposed plans and has considered the applicant's request for a variance. Staff does not support the variance for the following reasons:

- No justification has been provided by the applicant as to why the screening as required by the Municipal Code cannot be provided.
- The limited screening that is proposed is not consistent with the intent of the code and is not to be painted to match the predominant color of the building façade.
- It is unclear as to the extent to which the partial screening proposed will actually block the view of the RTUs because the ultimate buildout of the mall/future RTU installations has yet to be determined.
- There is no screening proposed along the east elevation of the building (rear) which is directly adjacent to residential zoning.

If the Building Review Board finds that the applicant's request meets the standards for granting a variance, staff recommends that the Board recommendation for approval be subject to conditions that define the city's requirements for the development of the property. Options for the board to consider could include the following:

1. Recommend approval of the variance subject to the condition that the additional screening proposed in the application is installed, but that no additional screening is required for future RTUs. *(In this case, staff recommends that these screens be painted to match the predominant color of the building façade as opposed to the color of the new RTUs.)*
2. Recommend approval of the variance subject to the condition that the additional screening proposed in the application is installed, and that additional screening meeting the current city ordinance be provided for all future RTUs. *(Again, staff recommends that the proposed screens and all future screens be painted to match the predominant color of the building façade as opposed to the color of the new RTUs.)*
3. Recommend approval of the variance subject to the condition that RTU screening in the form of a parapet wall, unless otherwise approved by the Chief Building Official due to structural reasons, be installed for the full height of all proposed and future RTUs along the \_\_\_\_\_ elevation(s) of the building. *(Specify which elevation or elevations are required to have screening.)*