



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 18-0335

File ID: 18-0335	Type: Ordinance	Status: Agenda Ready
Version: 3	General Ledger #:	In Control: Planning & Development Committee
File Name: ElusiveFX, Inc. / 1175 S. Frontenac Street / Special Use		File Created: 04/11/2018
		Final Action:

Title: An Ordinance Granting a Special Use Permit for an Internet Auto Sales (2814) Use on the Property located at 1175 South Frontenac Street (ElusiveFX, Inc. - 18-0335 / NA32/2-18.046-Su - SB - Ward 8)

Notes:

Agenda Date: 05/24/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2018-05-09 - 2018.046.pdf, Exhibit "B" Memorandum of Agreement - 2018-05-17 - 2018.046.pdf, Land Use Petition and Supporting Documents - 2018-04-06 - 2018.046.pdf, Property Research Sheet - 2018-04-13 - 2018.046.pdf, Legistar History Report - 2018-05-08 - 2018.046.pdf

Enactment Number:

Planning Case #: NA32/2-18.046-Su

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	04/17/2018	Forward to Planning Council	Planning Council			
	Action Text:	This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)					
1	Planning Council	04/24/2018	Notes: <i>Representative Present: Tabish Khan</i>				
<i>Mr. Khan said we're an Internet car collection and we're looking to buy and sell cars out of the warehouse at this address location. It is a fairly large facility and I'm looking to expand my business of buying and selling collectibles. We have a front dock area with 2 drive-in doors that we will be using to bring cars in and out and then I'll have an office space inside the facility that I will be using for transacting and meeting clients.</i>							
<i>Mr. Feltman said what kind of cars again?</i>							

Mr. Khan said we do older Porches, older BMW's, things mostly from the mid-80's, even earlier than that, the 70's, 80's and up until mid-2000's. That's our niche and that's where our focus is primarily.

Mr. Feltman said and as you said in the meeting, there's nothing going to be outside.

Mr. Khan said correct. We have no intention of parking anything outside because these are collectible cars. The majority retain original paint or have been repainted recently. We like to keep them all stored indoors in a temperature controlled facility between 50 and 60 degrees. That's why this facility works great. The gentleman who owns it has a printing/manufacturing business and he always keeps things at a certain temperature, so that was very important for bringing our cars in because a lot of them come from the south, so they really can't be exposed to any inclement weather. With Chicago weather we have rain, snow, sleet, depending on the day. My clients from Santa Barbara, California do not like that. We have no intention of keeping anything outside. Everything will be indoors. We'll just operate normal business hours.

Mrs. Vacek said Steve is going to be the Planner who is assigned to this. Have you been working with him on getting the public notices and everything out?

Mr. Broadwell said we have all the documents we need. We actually received the public notice documents, the mailing that is, yesterday, so we are all set there.

Mrs. Vacek said this is set for the May 16th Planning Commission. We'll vote this out probably next week or the week after.

1 Planning Council 05/01/2018

Notes: Mr. Broadwell said we have all the documents in Planning. We are just moving through the public notice process, which is going fine. I'm looking tentatively at the May 16th Planning Commission date.

Mr. Sieben said and I did have a discussion with the Ward Alderman who was asking about it. I kind of summarized everything for him and indicated what some of the restrictions are on Internet car sales. This isn't a typical used car situation.

1 Planning Council 05/08/2018 Forwarded Planning Commission 05/16/2018 Pass

Action Text: A motion was made by Mr. Broadwell, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 5/16/2018. The motion carried by voice vote.

Notes: Mr. Broadwell said we've been working with the Petitioner, again, going through the public notice process. I think we are all there. With that in mind, I am making a motion to vote this out of Planning Council to the May 16th Planning Commission meeting.

Mrs. Vacek said and there will be conditions placed on it on how the operation works, right?

Mr. Sieben said yes.

Mrs. Vacek seconded the motion. The motion carried unanimously.

2 Planning Commission 05/16/2018 Forwarded Planning & Development Committee 05/24/2018 Pass

Action Text: A motion was made by Mr. Cameron, seconded by Mr. Chambers, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 5/24/2018. The motion carried.

Notes: 7 Our next item is an ordinance
8 granting a special use permit for an internet auto
9 sales use on the property located at 1175 South

10 *Frontenac Street by Elusive FX, Inc., in Ward 8.*

11 *And this is a public hearing.*

12 *MR. BROADWELL: Thank you, everyone.*

13 *So going into some background here,*

14 *here are the details of the request, include use of*

15 *the existing building at 1175 South Frontenac Street*

16 *for an on-site warehouse and office to support*

17 *services for the online selling, indoor display, and*

18 *shipping of light motor vehicles for domestic*

19 *customers.*

20 *So a little bit of some*

21 *characteristics of the building here because the*

22 *building and the proposal I think are both very*

23 *important.*

24 *So the existing building itself is*

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1 *approximately 121,000 square feet with 127 parking*

2 *spaces. There's two bay doors located on the east*

3 *side of the building you can see on Frontenac.*

4 *The Aurora comprehensive plan, which*

5 *provides a future guideline for development*

6 *designates the property as office, research, and*

7 *light industrial.*

8 *And the petitioner, Elusive FX, which*

9 *is represented by Mr. Kahn, is requesting approval*

10 *of a special use for an internet auto sales use.*

11 *This is an online entity business will be -- an*

12 *online entity internet business will be conducting a*

13 *majority of its transactions via websites like*

14 *Cars.com and Autotrader.*
15 *Maybe the petitioner can give you*
16 *more of the details of the business itself.*
17 *So going into kind of a little bit*
18 *more of the proposal.*
19 *So the building will be utilized by*
20 *the petitioner for office space with scheduled*
21 *in-person meetings, product discussions, and*
22 *providing information to clients. The warehouse and*
23 *dock space will be utilized for the indoor display*
24 *and storage of vehicles.*

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1 *Between 2,000 and 4,000 square feet*
2 *of space will be utilized with additional space*
3 *available in the warehouse for future expansion.*
4 *The building itself is presently*
5 *occupied by Embossed Graphics, which is a light*
6 *industrial printing business, and they'll continue*
7 *operation in their part of the building with*
8 *implementation of the special use.*
9 *And so I want to point out that the*
10 *petitioner has worked diligently to find this*
11 *building and also to comply with the use standards*
12 *of this -- of this internet auto sales and I just*
13 *wanted to point that out.*
14 *As we believe this building not only*
15 *serves the unique needs of this business being*
16 *online auto sales but also satisfies the following*
17 *use standards of the internet auto sales for the*

18 Aurora zoning ordinance. I'm just going to read the
19 definition that we've used for internet auto sales
20 so everyone understands.

21 It says as follows: This category is
22 comprised of fully enclosed establishments providing
23 for the indoor retail sale of like motor vehicles
24 with a maximum of five exterior parking spaces for

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1 customers and with the use being limited to the
2 display of vehicles to customers by appointment only
3 and related office use. No outside sales or
4 displays and no advertising inviting the general
5 public to the showroom shall be permitted.

6 So this use standard will ensure that
7 the business does not set a precedent for outdoor
8 used car sales in the surrounding business corridor,
9 which otherwise consists of office and light
10 industrial uses.

11 So that's kind of the background
12 here.

13 Is there any questions for staff?

14 COMMISSIONER COLE: I have two questions.

15 First off, what's a light motor
16 vehicle?

17 I understand the type of cars they're
18 selling, but it shows up in the ordinance also.

19 What's a light motor vehicle?

20 MR. BROADWELL: I would say like a passenger
21 car like you drive on a street like rather than a

22 pickup truck.

23 COMMISSIONER COLE: Okay. So they're not going

24 to be selling any antique trucks?

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1 MR. BROADWELL: I believe it's cars from the

2 1970s to the mid 2000s.

3 COMMISSIONER COLE: Okay.

4 And then my second question is:

5 Since this is an internet sales operation, will they

6 be paying sales tax to the City of Aurora?

7 MR. BROADWELL: You know, that's a good

8 question. I don't know.

9 That might be a good question for the

10 petitioner.

11 COMMISSIONER COLE: Because I don't order

12 through the internet, well nothing, but I've heard

13 that, you know, one of the reasons people do it is

14 because they don't have to pay sales tax.

15 Thank you.

16 CHAIRWOMAN TRUAX: Any other questions for

17 staff?

18 COMMISSIONER OWUSU-SAFO: Are there any repairs

19 that will be done in the facility or strictly for

20 showing?

21 MR. BROADWELL: Strictly for showing. All

22 repairs will be off-site.

23 COMMISSIONER OWUSU-SAFO: How many vehicles are

24 they intending to keep in there?

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1 MR. BROADWELL: I think they have, like, 2,000
2 square feet for the entire area including the --
3 that includes the office, so I think the petitioner
4 will be able to answer that at this point.

5 CHAIRWOMAN TRUAX: Okay. Thank you.

6 Let's have petitioner come forward.

7 (Mr. Kahn sworn in.)

8 MR. KAHN: Tabish Kahn. T-a-b-i-s-h first
9 name, K-a-h-n. 2309 Bilter Road, Aurora, Illinois.

10 To answer your question of the sales
11 tax. So any car sold in the State of Illinois will
12 be collecting Illinois sales tax. There are
13 reciprocating states that we also will be collecting
14 sales tax for and based on county, whether it's
15 DuPage, Kane, or what have you, there's also a
16 percentage that is collected in addition to the
17 state sales tax.

18 So I hope that answers your
19 question --

20 COMMISSIONER COLE: It does.

21 MR. KAHN: -- in regards to the online sales.

22 In regards to any work that's done on
23 any of the cars. So all our work is subcontracted
24 out to mechanic shops and facilities that do our

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1 work.

2 We don't tend to buy anything that is
3 in rough or rough shape in general. We specialize
4 in a niche market of older BMW classic cars and

5 usually we buy them with condition reports of
6 minimum 3.8 to 5 out of a 5 scale. So, yeah, older
7 cars do require maintenance and repairs but we don't
8 do that on site. We don't intend to.

9 So that's the issue with that.

10 Were there any other questions?

11 CHAIRWOMAN TRUAX: So you would buy a car from
12 someone who is interested in selling it but it
13 probably wouldn't ever be on your site until when,
14 until you get an internet customer?

15 MR. KAHN: So all of our cars are purchased
16 from private individuals. We do not buy anything
17 out of wholesale auctions or from other dealers
18 unless they're collector grade dealers that do the
19 same thing.

20 Once the cars come in and they're --
21 they go through our process of making sure they're
22 retail ready, we photograph all the cars and we
23 would market and advertise them.

24 Right now we are top rated sellers on

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1 eBay and Cars.com and Autotrader and other portals.

2 The majority of the products that I
3 sell people are kind of known and familiar with the
4 cars that we deal with, so the majority of the items
5 don't really get marketed off that much.

6 CHAIRWOMAN TRUAX: So what's a typical car you
7 would be interested in buying and selling?

8 MR. KAHN: We do a lot of older Porsche 911s

9 and older BMW M3s. The M3 market is what we built
10 our niche off of and we have a dealership out in
11 Ohio that pretty much does the same thing and
12 they've grown tremendously over the years and our
13 goal is to kind of become a competitor of theirs in
14 a larger scale and that's why we picked this
15 building because of the growth that offers us.

16 So I know somebody else asked how
17 many cars will we be doing. Our intent is to start
18 at 15 to 20 cars because we're very selective in
19 what we buy. We cherrypick these items. It's hard
20 to kind of have a thousand of these cars but it's
21 easier to have maybe 20 of these cars.

22 CHAIRWOMAN TRUAX: Okay.

23 Are there other questions for the
24 petitioner?

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1 COMMISSIONER REYNOLDS: Do you finance the
2 cars? If somebody wants to buy it, do they go to
3 the bank or do they go to you?

4 MR. KAHN: Since these cars are older, we work
5 with a few different credit unions that will do
6 collector car financing, but the majority of our
7 buyers are cash buyers for these items.

8 COMMISSIONER REYNOLDS: And so the transaction
9 takes place at your facility?

10 MR. KAHN: Most of the transactions are wire
11 payment and they're paid in advanced and then most
12 of the cars -- 90 percent of my clients are clients

13 that want the cars in closed trailer to their home.
14 So it's a door-to-door service.
15 We have the cars shipped in and sent
16 to the warehouse and shipped back out. Even if they
17 do come in person to transact, usually they don't
18 drive the car back because they don't want to get
19 rock chips or something to fall on it. That's the
20 kind of the level of the item that we're --
21 COMMISSIONER REYNOLDS: Again, how many square
22 feet is your facility?
23 MR. KAHN: The facility is a large facility,
24 it's got about 120,000 square feet. We'll be using

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1 the dock area and the back warehouse. We're
2 starting out with anywhere between from 2- and 4,000
3 square feet and that's kind of the range of space
4 that I need to kind of start out. But I do have
5 space to expand if we do end up expanding.
6 Like I said, it's tough to find these
7 types of cars.
8 COMMISSIONER REYNOLDS: I was out there last
9 night and looked and the garage was open. You have
10 about six cars there?
11 MR. KAHN: Yeah. About six or seven cars in
12 there right now, yeah.
13 COMMISSIONER REYNOLDS: I didn't go in.
14 MR. KAHN: Next time come in.
15 COMMISSIONER ANDERSON: How many people work
16 with you?

17 MR. KAHN: I have -- majority of the work is
18 subcontracted out. So we have detail shops that we
19 send things out to and mechanical shops, but I have
20 a buyer and that buyer as well and then thanks to
21 the internet, most of our products are sold through
22 portals such as that. Two or three employees.
23 CHAIRWOMAN TRUAX: Okay. Other questions for
24 the petitioner?

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1 Thank you.
2 This is a public hearing, so those in
3 the audience have a question or comment to make,
4 this is your chance to do so.

5 We need to swear you in.

6 (Dr. Ristich sworn.)

7 DR. RISTICH: My name is Dr. Sam Ristich.

8 I'm the veterinarian and owner of
9 Indian Prairie Animal Hospital, which is located
10 directly south of Embossed Graphics and of the site
11 that the proposed auto sales are going in.

12 I have quite a large investment in my
13 clinic and I don't want anything to adversely affect
14 it. And the concern I have was the ambiguity with
15 the internet auto sale zoning, will they be allowed
16 to have cars displayed up front?

17 The other concern I have is it was
18 mentioned earlier tonight that the cars will be
19 detailed inside. And I don't believe that to be
20 true. I left my clinic approximately two weeks ago

21 and was greeted when I went out the exit door on the
22 north side of the building by extreme profanity in
23 Embossed Graphics parking lot. And there was a
24 group of young men detailing two cars there.

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1 I do believe they've already occupied
2 that space and they've been running business out of
3 there without the Zoning Board's approval. And if
4 they're not going to follow the rules to begin with,
5 you need to guarantee me that that's not going to
6 adverse my investment in the property I have there.

7 That's a concern I have. If they're
8 not following the rules now, why would they follow
9 rules if you give them approval.

10 And I would like to address the fact
11 is: What is the Zoning's position if they have
12 occupied already?

13 That's all I have.

14 CHAIRWOMAN TRUAX: Okay. Thank you for your
15 comments.

16 Do other people wish to ask a
17 question or make a comment?

18 Okay.

19 Ed, can you fill us in on the issue
20 of preoccupancy?

21 MR. SIEBEN: Well, let me address the complaint
22 first.

23 The doctor did contact our office, I
24 believe it was maybe earlier this week, and I did

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1 email Mr. Kahn and apparently Mr. Kahn, they were
2 doing some detailing outside. I indicated to him
3 that if this is approved and, again, it sounds like
4 there's been some activity going on jumping the gun,
5 but if there's any detailing going on, it all has to
6 be within the building. There should be absolutely
7 no indication that this is anything different than
8 an industrial warehouse office building. For
9 example, how it's been operating with Embossed
10 Graphics.

11 This is just a relatively small
12 square footage of that piece. And based on the
13 conditions Steve mentioned, he can mention them
14 again, all activity has to be within the building.

15 This is very unique. The City of
16 Aurora has been very strict with special uses for
17 used car lots but the typical used car lot wants a
18 visible display, they want a visible outdoor
19 display. So, historically, and I've been here 18
20 years and I've talked to all the aldermen, the only
21 two places the aldermen or the City Council was
22 interested really in allowing used car dealers and
23 really we've done some new car dealers, is primarily
24 along East New York Street and a little bit on

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1 Hill Avenue.

2 We've had a couple new big dealers,
3 we just had a new/used car dealership by Mr. Satoric

4 on East New York Street and they've all turned out
5 very well.
6 But that's really the areas that we
7 concentrate them on. We have a couple of
8 preexisting on Lake Street. We have not approved
9 any new ones on Lake Street, so those are all
10 basically grandfathered and when they go away, they
11 go away.

12 Internet car sales is a little bit of
13 a different animal. We did look at best practices
14 by other communities, other cities, and the
15 conditions we have on here would be enforced, so
16 there should be -- there would be absolutely no
17 display of any cars and there should not be any work
18 on any cars outside of the building. So that should
19 absolutely not occur.

20 I'll leave it up to the Commission,
21 you know, what the thought is on that.

22 I did contact Mr. Kahn earlier this
23 week and indicated to him that effect, there can be
24 no activity and he -- I'll let him answer that,

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1 but -- maybe he can answer that question.

2 CHAIRWOMAN TRUAX: Thank you.

3 Would you prefer to comment?

4 MR. KAHN: Yes.

5 In regards to -- as Mr. Sieben
6 mentioned, there is no outdoor sales or anything
7 like that. There's no display. That's not the

8 *model that we have.*

9 *Our model is we've collected cars*

10 *that are going to be stored inside of the warehouse*

11 *and no work is to be done.*

12 *We have moved a few cars over and*

13 *kept them there as storage but there is no sale or*

14 *operation of anything going on in regards to that.*

15 *CHAIRWOMAN TRUAX: So your intention is to keep*

16 *everything within the building as per the ordinance?*

17 *MR. KAHN: These are classic cars. They have*

18 *original paint and, you know, it's not something*

19 *that can really be left outside in the rain or in*

20 *the sun or what have you.*

21 *You know, you're dealing with*

22 *collectible items, so it's a different thing.*

23 *But as far as the detailing, we have*

24 *all our detailing done outside, not at the facility*

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1 *or anything like that. So, you know, we do take*

2 *pictures of the cars, we do do that, but no*

3 *detailing. We won't be doing any detailing or any*

4 *work on the cars.*

5 *CHAIRWOMAN TRUAX: Okay. Did you have a*

6 *further comment for us?*

7 *DR. RISTICH: Since I received the letter,*

8 *there's been daily activity outside of Embossed*

9 *Graphics with multiple cars out there taking*

10 *pictures and delivery of cars.*

11 *And my associate Dr. Charles Benson,*

12 who was unable to attend tonight, but he also
13 encountered a situation too where he was leaving our
14 facility and they were detailing a car in the
15 parking lot.

16 Now the concern I have is the
17 proximity to my parking lot with my clients leaving.
18 They can't afford to have a bunch of guys out there
19 swearing detailing a car.

20 And, second, I have 30 employees and
21 predominantly young female employees and I don't
22 want to get complaints from fathers when their
23 daughters are leaving to go home that there's a
24 bunch of guys in a parking lot detailing a car.

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1 So I do have to have some assurance
2 from you that that won't happen. It's already
3 happened and it's already happened without your
4 approval.

5 The other thing I have a question for
6 because it was unable to be answered by the Zoning
7 when I called the number, is is he required to have
8 license to sell cars in the state, and that was
9 unable to be answered.

10 MR. SIEBEN: So one of my duties as Zoning
11 Administrator for the City of Aurora, I do have to
12 sign off with the Illinois Secretary of State's
13 office of various licensees, one of them is used car
14 license sales.

15 I have not been presented that by

16 *Mr. Kahn yet, so that has not been presented to me,*
17 *and, obviously, I would not sign that unless the*
18 *special use for this petition would be granted.*

19 *I have not -- I have not seen a*
20 *license come here to my attention yet. But I do --*
21 *the City does have sign off through the zoning*
22 *district.*

23 *DR. RISTICH: So is the licensed required?*

24 *MR. SIEBEN: I believe it would be for this*

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1 *particular site, correct.*

2 *DR. RISTICH: So it's very possible that if*
3 *there's been any cars sold out of that facility,*
4 *they've been done without a license.*

5 *Those are the concerns I have.*

6 *When I came before the Commission to*
7 *put in my animal hospital, you had me jump through*
8 *hoops, and I would hope you would encourage anyone*
9 *that's going to come in next door to jump through*
10 *the same hoops that you had me jump through.*

11 *CHAIRWOMAN TRUAX: Thank you for your comments.*

12 *Anybody else wish to address the*
13 *question or make a comment?*

14 *MR. KAHN: As Mr. Sieben said, there is a*
15 *dealer license that he'll be signing off on and that*
16 *is based on acceptance of conditional use permit to*
17 *be able to sell and operate used car sales out of*
18 *the facility.*

19 *As I stated, we haven't sold any cars*

20 out of this facility. We simply stored a few cars
21 there because we are actively buying cars. That's
22 what my business does, we buy cars.
23 State of Illinois dealer license
24 requires that the zoning, we go through this and

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1 everything like that. So I have submitted to State
2 of Illinois dealer license application but without a
3 sign off from the City of Aurora, which is the city
4 that the license would be initiated from, they -- we
5 can't get a license until that happens.

6 CHAIRWOMAN TRUAX: Okay.

7 MR. KAHN: Once again, I don't have any
8 detailers swearing at anybody and I apologize if
9 something has happened in the past but this is all
10 news to me.

11 CHAIRWOMAN TRUAX: Okay. Thank you.

12 So the license issue is a timing
13 issue more than anything.

14 Are there other questions for staff?

15 COMMISSIONER PILMER: I have a question for
16 staff.

17 The petitioner is asking for up to
18 4,000 square feet of a 120,000 square foot building
19 but is there -- we're limiting him to five spaces
20 for customer -- five parking spaces. What happens
21 if he wants to expand?

22 MR. SIEBEN: I would have to double-check with
23 Steve, but I believe -- do we have the 4,000 square

24 foot as a condition?

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1 The Commission can put a limit of
2 that 4,000 square foot if that's not already on
3 there. Because the intent was that this was going
4 to take some unused space from Embossed Graphics.
5 It was kind of a win-win for the current owner and
6 tenant to allow this use in a small portion there.

7 So, Steve, I don't remember if you
8 had the 4,000 on there.

9 But it would be fine if the
10 Commission wanted to limit that, which would mean
11 that if Mr. Kahn -- if this gets approved and we can
12 see how he does, if he wanted to expand in the
13 future, he would have to come back and modify the
14 special use.

15 COMMISSIONER PILMER: As the building sits now,
16 it's a single tenant building, they're just
17 subleasing.

18 MR. SIEBEN: There's a small dock area that's
19 unused by Embossed Graphics.

20 MR. BROADWELL: We do not have a condition here
21 for square footage.

22 MR. SIEBEN: So we could add that.

23 CHAIRWOMAN TRUAX: Okay. If there are no other
24 questions, ready for a recommendation.

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1 COMMISSIONER COLE: I think I have -- I think I
2 have -- I do have a question.

3 *If there is in the future detailing*
4 *being done outside the building, who would take care*
5 *of making sure it never -- okay. I'm looking at*
6 *him.*

7 *MR. SIEBEN: You're looking at me and my two*
8 *zoning inspectors. So we'll get on it right away.*
9 *I believe Mr. Kahn knows that that's no longer*
10 *allowed if that did occur, there should be no*
11 *detailing outside of the building.*

12 *I would say if they want to*
13 *photograph a car in the sunlight, I would say that's*
14 *fine, but no work on cars.*

15 *COMMISSIONER COLE: Thank you.*

16 *COMMISSIONER CHAMBERS: Quick question, Ed.*

17 *Is it normal practice to establish*
18 *something like this without having a license to sell*
19 *cars?*

20 *MR. SIEBEN: I believe Mr. Kahn has a facility*
21 *maybe in Naperville, so I don't know if he still is*
22 *operating out of there. But we've approved other*
23 *new/used car dealers and a lot of the existing used*
24 *car dealers turn over with new owners and they all*

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1 *have to come in to me at the City for the sign off*
2 *of the state license.*

3 *COMMISSIONER CHAMBERS: Thank you.*

4 *CHAIRWOMAN TRUAX: Other questions?*

5 *Ready for a recommendation.*

6 *MR. BROADWELL: Staff would recommend*

7 conditional approval of the ordinance granting a
8 special use permit for a internet auto sales use at
9 the property located at 1175 South Frontenac Street
10 with the following conditions: 1, That all vehicles
11 utilized for retail sale be stored permanently
12 within the building; No. 2, That the use be limited
13 to the display of vehicles to customers by
14 appointment only; No. 3, That no outside sales,
15 display, or advertising inviting the general public
16 to the showroom be permitted; and, No. 4, That no
17 car repair services occur at this location; and,
18 No. 5, That a maximum of five exterior parking
19 spaces for customers be provided.

20 CHAIRWOMAN TRUAX: Okay. You've heard staff
21 recommendation.

22 COMMISSIONER CAMERON: Can we close the public
23 hearing?

24 CHAIRWOMAN TRUAX: Yes. I'm sorry. I will

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1 close the public hearing.

2 And we have heard the
3 recommendations, so we need a motion.

4 COMMISSIONER CAMERON: I would like to make a
5 requirement that it be limited to 4,000 feet and so
6 that Mr. Kahn can prove to us that he does know how
7 to operate properly if we're going to get bigger.

8 I don't know if we need to include
9 something that car detailing is not allowed in case
10 that's not considered by the law to be car repair.

11 I mean, I think that might ease the
12 veterinarians.

13 MR. SIEBEN: We can add that to the condition
14 on the no car repair, and, again, that's inside or
15 outside.

16 COMMISSIONER HEAD: My concern would be about
17 the car detailing, if they're photographing, there
18 might be a smudge that they're going to wipe off,
19 well, that's technically detailing, so we have to be
20 very careful that we don't limit it to the point
21 where he can't get photographs taken.

22 COMMISSIONER OWUSU-SAFO: I also can see as
23 people come in and maybe inspect or test it, they
24 might leave, you know, footprints or stuff like

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1 that, that still needs to be polished before it's
2 presented to the next potential buyer, so I think
3 that -- I think we probably should just keep it no
4 outside detailing.

5 MR. SIEBEN: No outside detailing is an
6 additional condition.

7 CHAIRWOMAN TRUAX: Okay. So your motion is
8 with the conditions?

9 COMMISSIONER CAMERON: Conditions.

10 CHAIRWOMAN TRUAX: And additional condition of
11 4,000 square feet?

12 COMMISSIONER CAMERON: Right.

13 CHAIRWOMAN TRUAX: Is there a second?

14 COMMISSIONER ANDERSON: Second.

15 CHAIRWOMAN TRUAX: *Okay. It's been moved and*
16 *seconded.*

17 *Would you call the roll, please.*

18 MR. SIEBEN: *Mrs. Anderson.*

19 COMMISSIONER ANDERSON: *Yes.*

20 MR. SIEBEN: *Mr. Cameron.*

21 COMMISSIONER CAMERON: *Yes.*

22 MR. SIEBEN: *Mr. Chambers.*

23 COMMISSIONER CHAMBERS: *Yes.*

24 MR. SIEBEN: *Mrs. Cole.*

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1 COMMISSIONER COLE: *Yes.*

2 MR. SIEBEN: *Mrs. Head.*

3 COMMISSIONER HEAD: *Yes.*

4 MR. SIEBEN: *Mrs. Owusu-Safo.*

5 COMMISSIONER OWUSU-SAFO: *Yes.*

6 MR. SIEBEN: *Mr. Pilmer.*

7 COMMISSIONER PILMER: *Yes.*

8 MR. SIEBEN: *Mr. Reynolds.*

9 COMMISSIONER REYNOLDS: *Yes.*

10 MR. SIEBEN: *Motion carries.*

11 CHAIRWOMAN TRUAX: *Okay. The motion carries.*

12 *Findings of fact.*

13 *We need to evaluate the proposal with*

14 *respect to the following:*

15 *Is the proposal in accordance with*

16 *all applicable official physical development*

17 *policies and other related official plans and*

18 *policies of the City of Aurora?*

19 COMMISSIONER COLE: *These are listed in the*
20 *staff report.*

21 CHAIRWOMAN TRUAX: *Does the proposal represent*
22 *the logical establishment and/or consistent*
23 *extension of the requested classification in*
24 *consideration of the existing land uses, existing*

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1 *zoning classifications, and essential character of*
2 *the general area of the property in question?*

3 COMMISSIONER REYNOLDS: *Typically I would say*
4 *it would represent the highest and best use but in*
5 *this case I don't think it's the highest and best*
6 *use of the property.*

7 CHAIRWOMAN TRUAX: *Is the proposal consistent*
8 *with a desirable trend of development in the general*
9 *area of the property in question, occurring since*
10 *the property in question was placed in its present*
11 *zoning classification, desirability being defined as*
12 *the trend's consistency with applicable official*
13 *physical development policies and other related*
14 *official plans and policies of the City of Aurora?*

15 COMMISSIONER REYNOLDS: *Again, I don't think*
16 *the proposal is consistent or desirable trend of the*
17 *property.*

18 CHAIRWOMAN TRUAX: *No. 4, Will the proposal*
19 *maintain a compatible relationship with the traffic*
20 *pattern and traffic volume of adjacent streets and*
21 *not have an adverse effect upon traffic or*
22 *pedestrian movement and safety in the general area*

23 of the property in question?

24 COMMISSIONER OWUSU-SAFO: Based on the volumes

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1 presented, I don't think there will be any adverse

2 effect on traffic patterns.

3 CHAIRWOMAN TRUAX: Will the proposal allow for

4 the provision of adequate public services and

5 facilities to the property in question and have no

6 adverse effect upon existing public services and

7 facilities?

8 COMMISSIONER ANDERSON: These are all in place.

9 CHAIRWOMAN TRUAX: Does the proposal take

10 adequate measures or will they be taken to provide

11 ingress and egress so designed as to maximize

12 pedestrian and vehicular circulation ease and

13 safety, minimize traffic congestion, and not

14 substantially increase the congestion in the public

15 streets?

16 COMMISSIONER PILMER: These have been addressed

17 in the petition. However, if he doesn't -- if

18 petitioner doesn't following the zoning ordinance,

19 it could negatively impact traffic and congestion in

20 the general area.

21 CHAIRWOMAN TRUAX: And I believe we have

22 additional standards for special use petitions.

23 Will the special use not preclude

24 the normal and orderly development and improvement

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1 of surrounding properties due to the saturation or

2 concentration of similar uses in the general area?

3 It seems doubtful there will be a

4 saturation of internet car sales.

5 B, Is the special use in all other

6 respects in conformance to the applicable

7 regulations of the district in which it is located,

8 except as such regulations may in each instance be

9 modified by the City Council pursuant to the

10 recommendations of the Plan Commission?

11 COMMISSIONER OWUSU-SAFO: I think the proposal

12 is in conformance.

13 CHAIRWOMAN TRUAX: Those are the findings of

14 fact.

15 This will go onwards to ...

16 MR. BROADWELL: This will next to be heard at

17 the P&D committee meeting at 4:00 p.m. in Conference

18 Room B in City Hall on Thursday, May 24th at

19 4:00 p.m.

20 CHAIRWOMAN TRUAX: Thank you.

21 Did you have a comment, Mr. Cameron?

22 COMMISSIONER CAMERON: I was going to say that

23 I think it would be wise to not consider the parking

24 lot as an area of the Sebring Racecourse out there.

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1 I would suggest customer drives and such, if they

2 are done, not be done on that parking lot because

3 you know that you have an observer that will -- I

4 would assume promptly report that to us at a point

5 in time that you would like to expand, and I think

6 *it's wise to make sure that you make sure you have a*

7 *good neighbor policy in place so that actions don't*

8 *cause a problem if your business hopefully is*

9 *successful and continues to be successful.*

10 *MR. KAHN: Thank you.*

11 *CHAIRWOMAN TRUAX: Okay. Good luck with the*

12 *project.*

Aye: 8 At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp
Representative Reynolds, At Large Anderson, Fox Valley Park District
Representative Chambers, At Large Owusu-Safo and SD 129
Representative Head
