



City of Aurora

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

Legistar History Report

File Number: 18-0359

File ID: 18-0359

Type: Petition

Status: Draft

Version: 2

**General
Ledger #:**

In Control: Planning &
Development
Committee

File Created: 04/19/2018

File Name: West Aurora Plaza, LLC / 1901-2103 W. Galena
Boulevard / SUPD

Final Action:

Title: An Ordinance Establishing a Special Use Planned Development, approving the West Aurora Plaza Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to a zoning of B-2(S) General Retail District with a Special Use for the property located at 1901-2103 W. Galena Boulevard being north of Galena Boulevard between N. Constitution Drive and N. Edgelawn Drive (West Aurora Plaza, LLC - 18-0359 / AU18/4-17.208-SUPD/Fsd/R - JM - Ward 5) (PUBLIC HEARING)

Notes:

Agenda Date: 06/14/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2018-06-01 - 2017.208.pdf, Exhibit B Plan Description - 2018-05-14 - 2017.208.pdf, Property Research Sheet - 1901-2009 W. Galena - ID #16562-16568 - 2017-10-17 - 2017.208.pdf, Property Research Sheet - McDonalds - ID #16569 - 2017-10-17 - 2017.208.pdf, Property Research Sheet - Walmart - ID #16570 - 2017-10-17 - 2017.208.pdf, Property Research Sheet - Open Space - ID #16571 - 2017-10-17 - 2017.208.pdf, Land Use Petition and Supporting Documents - 2018-04-18 - 2017.208.pdf, Plat of Survey - 2018-04-18 - 2017.208.pdf, Legistar History Report (Special Use Planned Development) - 2018-05-29 - 2017.208.pdf, Findings of Facts - 2018-05-29 - 2017.208.pdf

Enactment Number:

Planning Case #: AU18/4-17.208-SUPD/Fsd/R

Hearing Date:

Drafter: jmorgan@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/24/2018	referred to	Planning Council			
	Action Text:	This Petition was referred to to the Planning Council					
1	Planning Council	05/01/2018					
	Notes:	<i>Representative Present: Jerry Callaghan</i>					

Mr. Callaghan said so this is a development that's been around, I believe it started, the first subdivision was in 1959 and buildings have been built after that time, but I think the most recent building had to be in the 70's I'm thinking.

Mr. Sieben said actually in the early 90's the Hobby Lobby/Big Lots building was new. They tore down the movie theater.

Mr. Callaghan said so they were built over a lot of years, decades in fact. It is kind of chopped up right now. Some of it is described by meets and bounds, some of it is in the 1959 subdivision and it is kind of unwieldy the way it is. I got involved in it with Cloverleaf, representing Cloverleaf about a year ago I think, and their objective was to be able to create some lots so that it would be more economically feasible to continue to operate the shopping center so that they could sell lots to investors, buildings to investors. So when we got into it, we started looking at the zoning and it appears that there is a strip along the frontage on Galena that is still zoned residential. We're not exactly sure where the line is, so what we are trying to do is just rezone everything B-2 to make sure everything is B-2. The other thing we are doing is there have been a number of Planned Development ordinances covering this property over the years. Some of the amendments affect some of the property, but not other parts. It is really difficult to put your arms around what exactly governs the entire site, so we thought well let's get rid of all of that and put it all into a new Planned Development. That's point two. Then point three is to resubdivide the property. You can see the lot layouts. Obviously the lots along the frontage would attract investors and, in fact, the McDonalds wants to move to Lot 2, the McDonalds that's at the north end of the property now, because they want frontage along Galena. So we think it will be a much more modern and productive shopping center if we do this. The Wal-Mart, the vacant Wal-Mart building, we've got in one lot. There are different potential users for that building that Cloverleaf is talking to. If at the end of the day it doesn't work that somebody will take that whole building or that the building could be divided up into various users, that would probably be demoed and we'd probably create a few lots there, but we'd come in for a resubdivision at that time. We are not asking for that right now. But there is an effort to try to make that work. The Wal-Mart sign by the way, that's on the McDonalds lot, so that's going to come down.

Mr. Sieben said okay and then we'll work with you, obviously, on a brand new sign once that redevelops there.

Mr. Callaghan said right. So that's it in a nutshell. I'll be happy to answer any questions.

Mr. Sieben said maybe just related to the outlots, I think that's one of the biggest changes of this. We're developing these with 3 potential outlots. It is a lot of unused space up front there to get more visibility. Do you want to just explain, there was a little bit of an issue with a restrictive covenant, where that stands and what you are doing with that?

Mr. Callaghan said if you go to the east side of the property that has frontage on Galena, there were some lots created in 1959 that front on Galena, and I can't remember the width or the depth of them off of Galena, maybe 150 feet. In fact, you can see a faint line there. I think that's it. You can see where the arrow points to the north part of it and it goes all the way across to where there's the property that's not included in this development. That was supposed to be reserved for open space. I know there was one, we got a sign up, we worked with the title company to get it, anybody who benefited from that that was part of the original subdivision to sign off. I think there is a bank and if I'm not mistaken they are supposed to sign...

Mr. Sieben said I believe it is Firth Third. To the northeast, here is the only entity that is to sign off.

Mr. Callaghan said and I think they are real close. I don't know if it's been done yet. My former partner is still handling that stuff. So if that happens, outlot 4, which would be essentially an outlot, would be a valuable development site. The other thing is there are a bunch of restrictive covenants and easements and things like that on the property. All of those are being boiled down into one CC&R and I think that will be done this week. So we have a draft. It is just that we want to make sure that anybody who had a beneficial interest in it signed off.

Mr. Sieben said I believe the main issue with the restrictions, the use restrictions, were other similar restaurants of a certain type.

Mr. Callaghan said yes, and there were some easements that no longer, I mean, they were easements created by leases and the leases have terminated. We have all that taken off the survey, so you may have seen easements in the past that were shown on earlier surveys. They are no longer on the survey that we provided a couple of weeks ago.

Mr. Sieben said so obviously the goal of all this is to regenerate new life into this almost 60 year old center, create some new life with some outlots. We have some vacancies there. I know there are a few exceptions that are separate ownership. One of them is up there at that north side. That's the former Hobby Lobby and Big Lots. I think the City Council just approved the Special Use for an entertainment center there. You have the exception for the Brown's Chicken/Tiawanna's Café for example, so those are not included, but they benefit from the shared parking and so on. So this is to get some new businesses up front there. The big thing, I think, is to release those use restrictions to allow some other multiple uses in there that would be beneficial to the west side.

Mr. Callaghan said obviously both the owner and the city would like to see some sales tax paying businesses in these locations, especially along that frontage. I think that's probably where you would see a lot of activity.

Mr. Sieben said I believe Rush Copley is opening today or tomorrow, so that's a big plus, the former Blockbuster that's been vacant.

Alderman Franco said Anytime Fitness is opening soon. Mega Fun Park will be opening in August or September.

Mr. Sieben said Lot 7 is a vacant parcel way up in the northwest corner. Maybe Jerry if you want to touch on that, I'll let Jill comment.

Mr. Callaghan said it is a difficult parcel because it doesn't have any frontage. It is not as visible as even the other properties that are on the back. I think what we've decided to do was if we get somebody who is interested, we don't know what the use might be, and we'll come in at that point because we just can't tell you what's going to end up there. So instead of trying to guess and probably guess wrong, we have the use list. If one of these uses fits up there and somebody wants to go there then they can just come in and go through the normal building permit process and all that. If not, the city may have some ideas of what would be a good user there, but it is difficult to come up with.

Mr. Sieben said the other issue, obviously, everyone knows McDonalds likely is going to move down to Lot 2. Their old building, I think the plan is to repurpose it for another restaurant with a drive-thru, right?

Mr. Callaghan said yes. I'm not sure what's going to end up there. I don't know what the current plans are, but the most important thing is to get them down on Galena. That's where they want to be and I think their sales will only increase and they will be happier there. That's been kind of one of the driving forces here when they said they'd like to stay but they want to be on the road. This would enable them to do that. There is still plenty of parking. The place has tons of parking.

Mr. Sieben said I believe there is already an overall cross parking easement for all these and the exception ones.

Mr. Callaghan said yes. Now some of those may remain, but we are doing a new one so that all these lots are incorporated into it. Everybody will have cross access and parking rights. That's the critical thing. There are 2 signals here, so in terms of traffic flow we don't have to pick up any additional traffic signals. I think there is a right-in/right-out as well as the 2 signals and then you have access to roads to the north.

Mr. Sieben said you actually have 2 right-ins/right-outs and 2 signals.

Mr. Callaghan said so it's really got great access.

Mrs. Morgan said staff is in review. We did a lot of pre-work on this before we even submitted. I think most of the changes were made to the Plan Description, so we just need to kind of go back and look at that. We will be having you go on June 6th to Planning Commission. I will send out all the notifications next week. You have to send out letters to all the surrounding properties within 250 feet. You'll have to post a sign. We'll provide the signs. You just have to put them up. I should be getting that out to you next week then you'll just have to submit all the information back to us showing that you have done the mailings. One question I wanted to verify. You are removing one of the plaza signs. Is that what you...

Mr. Callaghan said what used to be the Wal-Mart sign is on a pole and it is a blank sign.

Mrs. Vacek said you have 2 smaller ones and then the bigger one, right?

Mr. Callaghan said exactly and I think that was written into the...

Mrs. Morgan said yes it was. For some reason I had thought I had mentioned making sure there were easements on that and I thought you were saying that one of them was being removed.

Mr. Callaghan said one of them is being removed. That's what got us talking about what are we going to do with it.

Mr. Sieben said we asked that that be removed.

Mrs. Morgan said the Wal-Mart sign?

Mr. Sieben said yes.

Mr. Callaghan said and I went back and there was some discussion and then they realized that's where McDonalds is going to be at and that's not a sign that they are going to want.

Mr. Sieben said there are allowances in the Plan Description for new signage once Wal-Mart develops and all the outlots, etc.

Mr. Feltman said some of these easements that are being granted, there's not clear dimensions.

Mr. Callaghan said you mean on the subdivision plat?

Mr. Feltman said yes. We just need to have a couple cleared up. Any of them that are being granted to the city at this point, we want it to be a minimum of 15 feet. I think there was one that was shown as 10.

Mrs. Morgan said there are several 10's.

Mr. Feltman said it shouldn't affect anything from your standpoint. It is just from a practicality

standpoint.

Alderman Franco said so in reference to the restrictive covenants that McDonalds has, have you been negotiating with them to ease those up for everybody overall?

Mr. Callaghan said yes. They are going to go away. I don't know what the new lease provides. Another law firm is doing the lease with McDonalds.

Mr. Sieben said could we get back specifics? I know we talked about it, but if we could get that so everyone knows exactly what's being released.

Alderman Franco said because Mega Trampoline, I think, has had negotiations with McDonalds, but that is a one on one. That's not a whole encompassing thing, so I'd kind of like to know what's going on there. I remember I talked to Cloverleaf probably 9 months or a year ago and they were talking about new lighting, new sidewalks. Do you know anything about that as far as putting money into the whole complex itself?

Mr. Callaghan said I'm not sure, but I can ask them.

Mr. Feltman said new sidewalks internal?

Alderman Franco said yes. Some are in disrepair and some could be enhanced. Just make it aesthetically more pleasing. I think that was part of the goal to make everything aesthetically more pleasing, especially with the outlots now and moving pieces of the puzzle around. Then those outlots, are those going to be purchased by somebody else or is Cloverleaf going to build outlots and then lease the building or they don't know yet?

Mr. Callaghan said I'm not sure. McDonalds is going to have a lease, but whether they sell it subject to the lease I have no idea. I think it gives them flexibility, which is really what they are looking for. They'd all be tied together with the new CCR's, so they would be subject to that and whatever contribution anybody would have to make would be built into that. Again, we tried to get them done, but they were still dealing with some of the other property owners, but they should be done this week or next week. We'll get those to the city as soon as they are finished.

Mr. Sieben said one thing Planning and Engineering are going to look at Jerry is there is no sidewalk or bike path along the north side of Galena across your frontage. I believe we have a sidewalk on the south side when that shopping center came in. There is either an 8 or 10 foot bike path from Constitution west of Orchard, so it would be nice to get that connection, at least across your frontage. You do have the bank on the corner that would be intervening, but we want to take a look at that. So Engineering will look at that.

Mr. Feltman said so at least if we could maybe think about even piecing it as these outlots develop.

Mr. Sieben said you don't own the bank or the office in the middle.

Mr. Callaghan said I will ask them that.

Mr. Feltman said but it would be in the right of way, so you wouldn't necessarily have to, but maybe as part of the McDonalds at least to start get the ball rolling.

Mr. Beneke said I think we may have a couple of questions in the future about easements. If the Wal-Mart building stays, you know, separation distances and stuff like that, but I think that can all wait until later.

Mr. Callaghan said and we did put the fire lane dedicated on the plat where the city directed that we put it, so that is all in place on the plat.

Mr. Frankino said some of these lots in front, I think we've had a couple of calls about some of these.

We've told them that there didn't appear to be any public sewers along the frontages for this, except there is like a 12 inch line that's on this side of the road. I'm just wondering if there was any thought or plan, because there is a long service here to serve this one building. We don't know if this is tied into the service for the bank. Even over here along this, we didn't know if there was a thought of maybe extending a couple runs of public sewer because there is one crossing here and possibly one here to serve these 2 and possibly even take this off that dual service or if there was any thought on that or any planning going on.

Mr. Callaghan said Roake is not only the surveyor, but they are providing engineering services. I'll ask Cloverleaf to follow up with them on that.

Mr. Feltman said but isn't there a sanitary sewer running along Galena?

Mr. Frankino said on the other side. If you are talking about a service for every building, those could be potentially expensive, super expensive crossings, so I thought maybe one on the one side and then one on the other side to minimize them.

Mr. Feltman said but with the subdivision itself, because there is public sanitary, they are served.

Mr. Frankino said which ones are served?

Mr. Feltman said all those outlots because there is a sanitary sewer running along Galena.

Mr. Callaghan said yes on the south side. That's a costly thing is what you are telling me.

Mr. Frankino said you are talking about an auger all the way under Galena for every one of them where one auger with a public sewer running across the back sides. Like I say, these two lots here, again, I believe they share one 6 inch service, which technically should come off.

Mr. Callaghan said I'll bring it up. They may have already designed for it. I don't know.

Mr. Frankino said we could be looking at a possibility of not only, the service is theirs, I believe, but one here, one here, one here, one here, up to 6 or 7 crossings instead of 2.

Mr. Feltman said but with that said, it is not required.

Mr. Frankino said Roake's called us and we've stated like I think you are going to have to cross the street for Lot 2 or 3 and he's like whoa.

Mr. Callaghan said I think at one of the staff meetings we did have a discussion you'd have to bore to get to that. If that was the sewer that was going to serve it, it would be on the south side, but I appreciate your comment.

Mr. Frankino said Dan said it exactly right. It is not required, but it is something that we wondered if it was being thought of.

Mr. Callaghan said I'll have to talk to the engineers. I'm not going to venture into that territory.

Mr. Frankino said I just wanted to bring it up for the record.

Mr. Feltman said that's a good comment, but I guess on the record, you are not required.

Mr. Sieben said I've got one more item. Jill and I spoke with Roake Engineering yesterday. They are doing specific engineering also for Lot 2 for McDonalds, so they indicated they were going to circle back with your team. The north line of Lot 2, and I guess Lot 3 there, the outlots, those may shift slightly north. They were trying to get that line to line up with how the parking lot isles line up. So how it was drawn right here was slightly off, so instead of having to restripe everything they would try to match that, so there might be just a little tweak of that line. I think he said at the most 5 feet.

Mr. Callaghan said in which direction?

Mr. Sieben said north, I believe, especially as you go east. I think the parking lot line isles are a little bit, they are not exactly east/west, they are slightly different. They said they would show that and get back to Cloverleaf.

Alderman Franco said I have one more question. Wasn't Lot 2 at one time a gas station?

Mr. Sieben said it was its own parcel. It was very small. It was not nearly that big. It was actually kind of near where 2 and 3 meet, I think, but it was just a small parcel. That's all that was.

Alderman Franco said I guess I have two questions. If somebody were to go into Wal-Mart, would they want to have a gas station? Some of these bigger places, and I don't know if we are going to get one, would want a gas station there. Then two, when you build over it, being that it was a gas station before, is that a problem when you develop?

Mr. Feltman said no. I think the gas tank and everything has been pulled. I think actually if you look at an aerial you can see where the patch is at where they removed it.

1 Planning Council 05/08/2018

Notes: Mrs. Morgan said staff will send out the public notice information to them this week to public notice for the June 6th Planning Commission. I still need to review some of the documents. They made some minor changes to the location of 2 lots, but nothing major.

Mr. Thavong said Engineering will take a look at the Final Plat and we'll get comments out.

Mr. Sieben said the minor change was really to the outlots 2 and 3, I believe.

Mrs. Morgan said yes, just shifting the northern property line.

Mr. Sieben said just to line up with the existing parking lot isles. Just a slight change.

1 Planning Council 05/15/2018

Notes: Mrs. Morgan said this is going to go to the June 6th Planning Commission. We are in the process of public noticing it for the meeting. Planning didn't have any comments on the Plat or the Plan Description. We had worked almost everything out prior. They resubmitted a new Final Plat with a slight change for Lots 2 and 3 northern property line, but that was fine with Planning. Engineering anything?

Mr. Feltman said no.

1 Planning Council 05/22/2018

Notes: Mrs. Vacek said this will be going to the June 6th Planning Commission.

1	Planning Council	05/29/2018	Forwarded	Planning Commission	06/06/2018	Pass
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Action Text: A motion was made by Mrs. Morgan, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 6/6/2018. The motion carried by voice vote.

Notes: Mrs. Morgan said staff has reviewed the Plat. They made all the formatting changes. I think they might still be in the process of increasing some of the width of their easements, but nothing major. We do want to condition putting in, along with the approval of the Plat and especially the Planned Development, to put in sidewalks along the frontage of Galena.

Mr. Sieben said so the question, as I hear sidewalk, to the west over in front of the Walgreens and the Aldi and the bank I believe it is a bike path and typically we do bike paths on the north side our arterials. It will be either a sidewalk or a bike path, so let's double check exactly what that would be.

Mr. Feltman said at minimum I think we would want to have at least a sidewalk.

Mrs. Morgan said I motion to move this out of Planning Council for the June 6th Planning Commission with the condition of a sidewalk or a bike path. Mrs. Vacek seconded the motion. The motion carried unanimously.

2	Planning Commission	06/06/2018	Forwarded	Planning & Development Committee	06/14/2018	Pass
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Action Text: A motion was made by Mr. Cameron, seconded by Mrs. Head, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 6/14/2018. The motion carried.

Notes: See Attachment for Items 18-0359 and 18-0360.

Aye: 6 At Large Cameron, At Large Cole, At Large Pilmer, At Large Anderson,
Fox Metro Representative Divine and SD 129 Representative Head

Attachment for Items 18-0359 and 18-0360:

18-0359 An Ordinance establishing a Special Use Planned Development, approving the West Aurora Plaza Plan Description and amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to a zoning of B-2(S) General Retail District with a Special Use for the property located at 1901-21-3 W. Galena Boulevard being north of Galena Boulevard between. Constitution Drive and N. Edgelawn Drive (West Aurora Plaza, LLC – 18-0359 / AU18/4-17.208-SUPD/Fsd/R – JM – Ward 5) (PUBLIC HEARING)

18-0360 A Resolution approving a Revision to the Final Plat for a portion of Lots 1-8 of West Aurora Plaza Subdivision Unit One located at 1901-21-3 W. Galena Boulevard, being north of Galena Boulevard between N. Constitution Drive and N. Edgelawn Drive and establishing Lots 1-8 of West Aurora Plaza Resubdivision (West Aurora Plaza, LLC – 18-0360 / AU18/4-17.208-SUPD/Fsd/R – JM – Ward 5)

- 11 Our next item is an Ordinance
- 12 establishing a Special Use Planned Development,
- 13 approving the West Aurora Plaza Plan Description and
- 14 Amending Ordinance No. 3100, being the Aurora Zoning
- 15 Ordinance and the Zoning Map attached thereto, to a
- 16 zoning of B-2(S) General Retail District with
- 17 Special Use for the property located at 1901-2103
- 18 West Galena Boulevard being north of Galena
- 19 Boulevard between North Constitution Drive and North
- 20 Edgelawn Drive. West Aurora Plaza in Ward 5.

21 This is a public hearing.

- 22 MS. MORGAN: Can you also read the following
- 23 petition in as well as it's related, and then we'll
- 24 vote on them separately.

1 CHAIRWOMAN TRUAX: We also have a resolution

2 approving a revision to the Final Plat for a portion
3 of Lots 1-8 of West Aurora Plaza Subdivision, Unit
4 One, located at 1901-2103 West Galena Boulevard,
5 being north of Galena Boulevard between North
6 Constitution Drive and North Edgelawn Drive, and
7 establishing Lots 1-8 of West Aurora Plan
8 Resubdivision by the West Aurora Plaza also in
9 Ward 5.

10 MS. MORGAN: So the first petition is for the
11 settlement of a special use planned development,
12 which includes creating a new West Aurora Plaza plan
13 description for all the properties owned by West
14 Aurora Plaza that codifies the existing development
15 and creates some additional uses and restrictions.

16 So the creation of this new West
17 Aurora Plaza plan description will also remove all
18 the previous plan descriptions and all of the
19 revisions thereto.

20 West Aurora Plaza plan description
21 goes back to the '80s. The legislative history on
22 it is very complex and confusing, so this will kind
23 of just basically clean up all the previous
24 legislation and create one clear plan description.

1 Included in some of the confusions of
2 the previous plan descriptions is that there are
3 three different zonings technically. There's
4 B-2(S), a portion actually is B-2, and there's a
5 portion R-2 residential along the Galena Boulevard.

6 So this new plan description will
7 create -- allow all of it to be zoned B-2(S), allow
8 for commercial and business uses on the entire
9 property.

10 And if you bring up the map, you can
11 see the portions, that is what's owned by West
12 Aurora Plaza.

13 The plan description codifies all the
14 current uses, the bulk restrictions, and the signage
15 in the center. It allows some additional uses,
16 including retail sales and services with a
17 drive-thru and two restaurants with a drive-thru
18 facility, so it'll allow the current McDonald's
19 building to be used as a drive-thru as well as an
20 additional drive-thru will be allowed on the plaza.

21 The petitioner is also requesting a
22 final plat revision, so it will be resubdividing all
23 of the area of the West Aurora Plaza into eight
24 lots. Five of those lots are -- corresponds to the

1 current buildings and parking areas, and it also
2 creates three new outlots along Galena Boulevard, so
3 it will -- with the previous plan description
4 revision, it will allow the three new commercial --
5 potential commercial uses along Galena Boulevard.

6 Is there any questions for staff?

7 COMMISSIONER CAMERON: Where is the current
8 storm sewer located on that lot?

9 Is it on the north side of Lot 6 or
10 1? Where is that?

11 MS. MORGAN: Ummm...

12 MR. SIEBEN: I believe there's multiple storm
13 sewer through here.

14 MS. MORGAN: Yeah, I'm not sure exactly where.

15 MR. SIEBEN: I'm not exactly sure.

16 MS. MORGAN: The petitioners can answer that.

17 Any other questions for staff?

18 MR. SIEBEN: Maybe just one slight
19 clarification.

20 I mean Jill indicated that this plan
21 description goes back to the '80s and I think that
22 was maybe the last iteration. I believe the very
23 first action of the City annexation of the site was

24 1959 and I believe the center opened in 1961 because

43

1 I believe the barbershop has been in existence since

2 then. So that's how far back this goes, just, you

3 know, for reference.

4 COMMISSIONER HEAD: Just a question: So you're

5 not going -- because there's already two

6 drive-thrus, so there will be no additional

7 drive-thrus?

8 Because Brown's Chicken, that's a

9 drive-thru.

10 MS. MORGAN: That is actually not part of West

11 Aurora Plaza.

12 COMMISSIONER HEAD: That's where I'm getting a

13 little confused.

14 I looked at the other one. So

15 McDonald's isn't either then, correct?

16 MS. MORGAN: McDonald's is.

17 MR. SIEBEN: I'll bring that up in one second.

18 So I'm zooming in. Where it says,

19 Exception No. 1, that's where the Brown's Chicken,

20 the Tiawanna's is, so that is not owned by

21 Cloverleaf.

22 Right behind it, Lot 6, is the

23 existing McDonald's, so it would allow for the reuse
24 of the existing McDonald's building because they are

44

1 moving, they actually just submitted something to us
2 this week to Lot 2, which is in front of the
3 Wal-Mart there on Galena.

4 COMMISSIONER HEAD: Got it.

5 MR. SIEBEN: Okay. But I can pull up the
6 property.

7 MS. MORGAN: That got it.

8 MR. SIEBEN: Does that cover that?

9 COMMISSIONER COLE: I have a question.

10 The lots that will be new lots on
11 Galena where currently that's green; is that right?

12 MS. MORGAN: Correct.

13 COMMISSIONER COLE: And is there --

14 MS. MORGAN: Well, some of it -- most of it is
15 parking.

16 COMMISSIONER COLE: Is it parking?

17 MS. MORGAN: Yeah. There is, I guess, a little
18 bit of green but most of it is parking.

19 COMMISSIONER COLE: To the east, isn't it?

20 MR. SIEBEN: I'll pull it up the area.

21 COMMISSIONER COLE: Anyway, there's a 40-foot

22 setback before they can start the building; is that
23 correct?

24 MS. MORGAN: Correct.

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1 COMMISSIONER COLE: Okay.

2 MR. SIEBEN: This -- so in blue, this is kind
3 of the east half there, but you can see there's two
4 proposed outlots in front of the Wal-Mart on the
5 left side there. A lot of that is already parking.
6 The one outlot on the very east side, a lot of that
7 is already green, you are correct.

8 COMMISSIONER COLE: Okay. On the east, is that
9 going to be -- there.

10 Will that be a buildable lot as far
11 as commercial goes or will that stay green?

12 MS. MORGAN: It will be buildable.

13 MR. SIEBEN: As defined on the plat, which I
14 would have to go back to the plat. It's not all of
15 that green, there's only enough room for one outlot
16 on that east side.

17 COMMISSIONER COLE: Okay.

18 MR. SIEBEN: East of the main entrance.

19 COMMISSIONER COLE: Okay.

20 And how deep does that go? Because I

21 was, like, is that more than 40 feet?

22 MS. MORGAN: The lot you mean?

23 COMMISSIONER COLE: The green area.

24 MS. MORGAN: Oh, the green area.

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1 MR. SIEBEN: Lot 4 is 1.4 acres. It does come

2 back --

3 COMMISSIONER COLE: It comes back into the

4 parking area considerably.

5 MR. SIEBEN: Yeah. You can see where that

6 green line is or that gray dash is there, so it does

7 come back about another third into the parking lot.

8 COMMISSIONER COLE: Okay.

9 MR. SIEBEN: I don't have that exact dimension

10 on here.

11 CHAIRWOMAN TRUAX: So if you're looking at

12 property from, say, from Jewel across the street,

13 the McDonald's will be in front of the colonial end

14 of the property?

15 MR. SIEBEN: No.

16 MS. MORGAN: In front of where the Hobby

17 Lobby -- kind of where the Hobby Lobby -- no, no.

18 In front of Brown's Chicken.

19 MR. SIEBEN: Yeah. It will be Lot 2.

20 So Lot 8 is the current former
21 Wal-Mart building on the west end.
22 CHAIRWOMAN TRUAX: Okay.
23 MR. SIEBEN: So Lot 2 and Lot 3 are in front of
24 the Wal-Mart there. That's -- all that Lot 1 is a

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1 large former Wal-Mart parking, which comes a little
2 bit into Lot 2 and Lot 3, so McDonald's would move
3 into Lot 2. That's right at the stoplight in front
4 of the former Wal-Mart.

5 CHAIRWOMAN TRUAX: Okay. So it's on formerly
6 parking lot?

7 MR. SIEBEN: Correct. Right at the stoplight.

8 COMMISSIONER CAMERON: Is the detention
9 grandfathered in?

10 MS. MORGAN: It was already --

11 COMMISSIONER CAMERON: There's no detention on
12 site.

13 MS. MORGAN: Yes. It had been grandfathered
14 in.

15 COMMISSIONER CAMERON: And originally it was
16 illegally connected to the lake.

17 MS. MORGAN: I don't know.

18 MR. SIEBEN: Don't know that.

19 CHAIRWOMAN TRUAX: Connected to what?

20 COMMISSIONER CAMERON: The lake down on the
21 corner.

22 CHAIRWOMAN TRUAX: Oh.

23 COMMISSIONER CAMERON: The good part of it was
24 when the gas tanks at Zayre started leaking, that

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1 stopped -- because it was broken up, it stopped the
2 field tile from running the gas underneath the
3 apartments to the north.

4 CHAIRWOMAN TRUAX: Okay.

5 COMMISSIONER CAMERON: Bad part was that there
6 was no permission to do the hookup.

7 CHAIRWOMAN TRUAX: No other questions?

8 If not, I thank you.

9 If the petitioners have questions or
10 comments or would like to present something to us,
11 this is your opportunity to do so.

12 (Mr. Gerald Callaghan sworn.)

13 MR. CALLAGHAN: Jerry Callaghan from the
14 Law Firm of O'Donnell, Callaghan & Haddad in
15 Libertyville.

16 I represent the petitioner West
17 Aurora Plaza, LLC. Also with me this evening from

18 the petitioner are Mike Basofin, Jonathan Basofin,
19 and Ross Cosyns, and then we have the project
20 engineer from Roake, Jim Caneff.

21 They're not planning to make a
22 presentation, but if you have questions for them,
23 they're available to answer them.

24 The petitioner bought this property

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1 in, I believe, 2008 or 2009, so they've owned it
2 about nine or ten years and they owned the 37 acres
3 that are reflected on the proposed plan of
4 subdivision that you've seen.

5 As mentioned, this subdivision -- the
6 east part of this property is part of an old
7 subdivision from 1959 and then the west part of the
8 property is not subdivided, and so it was all
9 incorporated into one large holding as a shopping
10 center.

11 So the way that this whole process
12 started was -- and, by the way, I agree completely
13 with the staff that we came in initially to request
14 a subdivision because you have all these buildings
15 and one giant parcel, so it just made sense for
16 purposes of attracting investors, users, renters to

17 have separate lots.
18 Also, to get some outlots along
19 Galena because if you look at any modern shopping
20 center, there are always outlots along the main
21 thoroughfare that attracts other shoppers to the
22 center and it boosts sales tax because those tend to
23 be users that produce a lot of sales tax for the
24 City and other municipalities in similar situations

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1 like this.
2 So that's kind of how we started. We
3 came in, must have been about a year ago, to sit
4 down with the staff and propose this.
5 Well, as we dug into it, we started
6 to look at what is the history of the property. We
7 did find all of these old planned development
8 ordinances and you'd look at the legal descriptions
9 and it was hard to determine where on the property
10 those particular ordinances applied, you know, what
11 was governing the property was difficult.
12 Then we learned that there's some
13 strip along Galena that apparently is zoned
14 residential, which makes no sense because it's not
15 consistent with the use.

16 So the staff suggested that let's
17 wrap everything up here, let's zone it up in the B-2
18 zone, and we agree with that completely. Let's put
19 it all into one planned development ordinance so
20 everybody knows what the rules are with respect to
21 this property because it was really impossible to
22 tell.

23 So if these petitions -- if the
24 petition for rezoning, planned development, and

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1 final plat are approved, this property will become
2 much more attractive we believe to tenants. Some
3 users want to own their own lot and you can't do
4 that right now because there are no separate lots.

5 So as mentioned, the existing
6 buildings are placed in their own lot and the
7 parking is placed in its own lot and there's a
8 reciprocal parking right for everybody to use the
9 parking and then the three outlots, which are
10 critical to this because it's going to make the
11 shopping center -- it's going to modernize it,
12 frankly, and enable the petitioner to continue to
13 upgrade it and make it completely more usable than
14 it is today.

15 One other good point is that the
16 Wal-Mart sign, that big sign, is coming down.
17 That's on the lot where McDonald's is going to move.

18 So McDonald's has signed a lease, the
19 lease is in place. It's all contingent on these
20 petitions being approved.

21 So that's kind of the history and how
22 we got to this place this evening. So we ask that
23 you approve all of these things.

24 I have submitted a qualifying

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1 statement on the standards. I can go over those if
2 you'd like me to. We can stand on what's written in
3 the record and leave it at that.

4 We can answer any questions that you
5 might have.

6 And there is a condition that's
7 recommended by the staff, which is putting a bike
8 path along the front. The petitioner accepts that
9 condition and we'll be putting that bike path in.

10 In fact, today I got the -- we got
11 the standards, the specifications from the City
12 engineer as to how -- the specs for that, the base
13 and the pavement and all of that. So that will be

14 going in if this is all approved.

15 I'm trying to think if there's

16 anything else I want to mention.

17 The -- we did have the opportunity to

18 review the development plan description that will be

19 Exhibit B and we went over that and worked with the

20 staff on those standards and they are acceptable.

21 So with that, I would close and

22 welcome any questions.

23 CHAIRWOMAN TRUAX: Okay.

24 Questions for the petitioner?

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1 Ken?

2 COMMISSIONER CAMERON: On the east side of the

3 property where there's a current entrance, will that

4 stay -- how does that fit in relation to Lot 4?

5 MR. CALLAGHAN: Both entrances -- the entrances

6 are going to remain where they're at. Two of them

7 are signaled and we want to make sure we can take

8 advantage of the signals. I believe there's a right

9 in and right out in the center of the property and

10 that's going to remain.

11 COMMISSIONER CAMERON: Right here in this upper

12 corner adjacent to the church.

13 MR. SIEBEN: That will stay.

14 MR. CALLAGHAN: That will stay.

15 I think all the access points are

16 going to stay.

17 COMMISSIONER CAMERON: Well, according to the

18 lot, it looks like it includes that.

19 MR. SIEBEN: Yes. The Lot 4 goes all the way

20 to that southeast corner but that right in, I

21 believe, will remain.

22 The development will be just west of

23 that in that right in.

24 COMMISSIONER CAMERON: So that will be there --

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1 it will be used by the --

2 MR. CALLAGHAN: Yeah.

3 MR. SIEBEN: Yeah.

4 MR. CALLAGHAN: And I don't think there's a

5 present user for Lot 4, so the petitioner will work

6 with whomever comes in to make that work.

7 CHAIRWOMAN TRUAX: Okay.

8 Other questions for the petitioner?

9 I thank you.

10 MR. CALLAGHAN: Thank you.

11 CHAIRWOMAN TRUAX: This is a public hearing.

12 If anybody wishes to make a comment or ask a
13 question, this is your opportunity to do so.

14 Seeing that no one came forward, I'm
15 going to close the public hearing and see if we have
16 a staff recommendation.

17 MR. CALLAGHAN: I'm trying to write faster.

18 Thank you.

19 COMMISSIONER CAMERON: That's what happens when
20 your firm name is too long.

21 MS. MORGAN: Staff would recommend conditional
22 approval of an ordinance establishing a Special Use
23 Planned Development, approving the West Aurora Plaza
24 Plan Description and Amending Ordinance No. 3100,

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1 being the Aurora Zoning Ordinance and the Zoning Map
2 attached thereto, to a zoning of B-2(S) General
3 Retail District with Special Use for the property
4 located at 1901-2103 West Galena Boulevard being
5 north of Galena Boulevard between North Constitution
6 Drive and North Edgelawn Drive with the following
7 condition: 1. That a 10-foot bike path that meet
8 the City standards be installed along the entire
9 frontage of West Galena Boulevard for all parcels
10 included in the special use planned development.

11 And, as you heard, the petitioner is

12 amenable to that.

13 CHAIRWOMAN TRUAX: Okay. You heard staff

14 recommendation.

15 What's the wish of the Commission?

16 COMMISSIONER CAMERON: Move for approval with

17 the conditions.

18 COMMISSIONER HEAD: Second.

19 CHAIRWOMAN TRUAX: It's been moved and

20 seconded.

21 Would you call the roll, please.

22 MS. JACKSON: Mrs. Anderson.

23 COMMISSIONER ANDERSON: Yes.

24 MS. JACKSON: Mr. Cameron.

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1 COMMISSIONER CAMERON: Yes.

2 MS. JACKSON: Mrs. Cole.

3 COMMISSIONER COLE: Yes.

4 MS. JACKSON: Mr. Divine.

5 COMMISSIONER DIVINE: Yes.

6 MS. JACKSON: Mrs. Head.

7 COMMISSIONER HEAD: Yes.

8 MS. JACKSON: Mr. Pilmer.

9 COMMISSIONER PILMER: Yes.

10 CHAIRWOMAN TRUAX: Motion carries.

11 I think we have to do findings of

12 fact on this.

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 HEAD: Yes, it does.

4 CHAIRWOMAN TRUAX: Is the proposal consistent

5 with a desirable trend of development in the general

6 area of the property in question, occurring since

7 the property in question was placed in its present

8 zoning classification, desirability being defined as

9 the trend's consistency with applicable official
10 physical development policies and other related
11 official plans and policies of the City of Aurora?

12 COMMISSIONER ANDERSON: Yes, it does. And it
13 will also bring it into conformance.

14 CHAIRWOMAN TRUAX: Will the proposal maintain
15 a compatible relationship with the traffic pattern
16 and traffic volume of adjacent streets and not have
17 an adverse effect upon traffic or pedestrian
18 movement and safety in the general area of the
19 property in question?

20 COMMISSIONER HEAD: There should be no adverse
21 effect.

22 CHAIRWOMAN TRUAX: Will the proposal allow
23 for the provision of adequate public services and
24 facilities to the property in question and have no

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1 adverse effect upon existing public services and
2 facilities?

3 COMMISSIONER HEAD: Those are in place.

4 CHAIRWOMAN TRUAX: Does the proposal take
5 adequate measures or will they be taken to provide
6 ingress and egress so designed as to maximize
7 pedestrian and vehicular circulation ease and

8 safety, minimize traffic congestion, and not
9 substantially increase the congestion in the public
10 streets?

11 COMMISSIONER CAMERON: It has the existing
12 egress and ingress will be maintained, so there
13 should be no difference.

14 CHAIRWOMAN TRUAX: 9a: Will the special use
15 not preclude the normal and orderly development and
16 improvement of surrounding properties due to the
17 saturation or concentration of similar uses in the
18 general area?

19 I don't believe that's an issue with
20 this proposal.

21 9b: Is the special use in all other
22 respects in conformance to the applicable
23 regulations of the district in which it is located,
24 except as such regulations may in each instance be

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1 modified by the City Council pursuant to the
2 recommendations of the Plan Commission?

3 COMMISSIONER CAMERON: It is.

4 CHAIRWOMAN TRUAX: Those are the findings of
5 fact.

6 MS. MORGAN: This will next be heard at the

7 Planning and Development Committee on Thursday the
8 14th at 4:00 p.m. on the 5th Floor.

9 CHAIRWOMAN TRUAX: Okay.

10 I thank you. Good luck with the
11 project.

12 MS. MORGAN: Wait. The next one.

13 CHAIRWOMAN TRUAX: Sorry. Good luck anyway.

14 A resolution approving a revision to
15 the Final Plat for a portion of Lots 1-8 of West
16 Aurora Plaza Subdivision Unit One located at
17 1901-2103 West Galena Boulevard, being north of
18 Galena Boulevard between North Constitution Drive
19 and North Edgelawn Drive, and establishing Lots 1-8
20 of West Aurora Plaza Resubdivision by West Aurora
21 Plaza, LLC, in Ward 5.

22 MS. MORGAN: Staff would recommend a
23 conditional approval of a resolution approving a
24 revision to the Final Plat for a portion of Lots 1-8

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1 of West Aurora Plaza Subdivision Unit One located at
2 1901-2103 West Galena Boulevard, being north of
3 Galena Boulevard between North Constitution Drive
4 and North Edgelawn Drive, and establishing Lots 1-8
5 of West Aurora Plaza Resubdivision with the

6 following condition: 1. That a 10-foot bike path
7 that meet the City standards be installed along the
8 entire frontage of West Galena Boulevard for all
9 parcels included in the final plat revision.

10 CHAIRWOMAN TRUAX: You heard the staff
11 recommendation.

12 What's the wish of the Commission?

13 COMMISSIONER COLE: Move for approval with the
14 staff recommendation.

15 COMMISSIONER ANDERSON: Second.

16 CHAIRWOMAN TRUAX: It's been moved and
17 seconded.

18 Would you call the roll, please.

19 MS. JACKSON: Mrs. Anderson.

20 COMMISSIONER ANDERSON: Yes.

21 MS. JACKSON: Mr. Cameron.

22 COMMISSIONER CAMERON: Yes.

23 MS. JACKSON: Mrs. Cole.

24 COMMISSIONER COLE: Yes.

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1 MS. JACKSON: Mr. Divine.

2 COMMISSIONER DIVINE: Yes.

3 MS. JACKSON: Mrs. Head.

4 COMMISSIONER HEAD: Yes.

5 MS. JACKSON: Mr. Pilmer.

6 COMMISSIONER PILMER: Yes.

7 CHAIRWOMAN TRUAX: Okay. Motion carries.

8 MS. MORGAN: This will also go to P&D on

9 Thursday.

10 CHAIRWOMAN TRUAX: Thank you.

11 We'll be looking forward to seeing a

12 new West Aurora Plaza.