



City of Aurora

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Legistar History Report

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Type: Ordinance

Status: ATS Review

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**General
Ledger #:**

In Control: Planning &
Development
Committee

File Created: 12/27/2016

File Name: Lighthouse Worship Center / Special Use / 170 E.
Indian Trail

Final Action:

Title: An Ordinance granting a Special Use Permit for a Religious Institutions (6400) Use on the Property located at 170 E. Indian Trail being at the southwest corner of Indian Trail Road and Aurora Avenue

Notes:

Agenda Date: 02/16/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2016.139 -.pdf, Exhibit B - Memorandum of Agreement - 2016.139 .pdf, Final Plan - 2017-01-30 - 2016.139.pdf, Landscape Plan - 2017-01-30 - 2016.139.pdf, Land Use Petition and Supporting Documents - 2016.139.pdf, Landscape Material Worksheet - 2016-12-27 - 2016.139.pdf, Property Research Sheet - 15-15-127-008 - 2016-08-01 - 2016.139.pdf, Property Research Sheet - 15-15-127-013 - 2016-08-01 - 2016.139.pdf, Plat of Survey - 2016-12-27 - 2016.139.pdf, Floor Plan - 2016-12-27 - 2016.137.pdf, Legistar History Report - 2017-01-31 - 2016.139.pdf

Enactment Number:

Planning Case #: AU15/1-16.139-Su

Drafter: jmorgan@aurora-il.org

Hearing Date:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	01/03/2017	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	01/10/2017					
	Notes: Representative Present: Toussaint Smith						

My name is Toussaint Smith. I'm a minister over at Lighthouse Worship Center. We are currently at 850 Ridgeway. I've been before you before for another project that we were doing the same thing, but inside of the warehouse that we were at right now. We found that was too much financially when it was all said and done for us. Everything we did, it was just too much. We have the opportunity now at 170 Indian Trail to be able to move into that building and try to grow our church. It is all about us doing ministry here in the Aurora area to grow the church.

Mr. Sieben said and for the record, you guys will be a tenant because Mike Sahli, the owner of the building you are currently at on Ridgeway bought this property, so you would be a tenant.

Mr. Smith said that is correct.

Mr. Sieben said so this would still stay on the tax rolls, at least for the time being.

Mr. Smith said yes sir that is correct.

Mr. Sieben said and then are you making really any exterior improvements to the property?

Mr. Toussaint said there are none. It is minimum. We decided that at this point in time our best effort is, because right now we are paying rent at both locations, so it is just best for us to just go ahead, get in this building, get settled with the interior modifications and then move forward from there.

Mr. Sieben said and based on your seating, I believe you exceed the parking requirement.

Mr. Smith said I did have question about that as well and it just came up today. Based on the numbers that we had, because we just want to make sure we stay above board as it pertains to membership coming into the sanctuary, the seating is at 38. I believe parking was 55, so that's just a minimum requirement that you are showing it with the 38?

Mr. Sieben said we require 1 parking space for every 4 seats in your sanctuary, so I believe your seating could go up in the future based on the amount of parking you have. You would have to come in for a building permit to expand, really just for an Occupancy Permit to maybe expand that seating count just so we have a record that you still meet the parking requirements.

Mr. Smith said so right now from what you're saying, that parking basically was at 38 spaces is the minimum requirement...

Mr. Sieben said so you have 38 parking spaces?

Mr. Smith said I think we have 55 parking spaces currently. I saw in your documentation that you sent out that is said 38 and I just want to make sure that if we are able to max out that 55 parking spaces, I want to make sure that we start there. Do you follow what I'm saying?

Mrs. Morgan said now the 55 is also including the portion that's actually not on your property, so some of our comments are saying that you need to actually grey that out because my understanding was that you weren't going to build that now since it is actually on the other property owner's property. That was kind of a second phase. So you will need to reduce that and take that out of your parking count, but even with that you still meet the required minimum 38.

Mr. Smith said okay we'll work through that.

Mr. Sieben said why don't we work it through with what your maximum seating could be based on what you have on your property.

Mr. Smith said okay. That's fine.

Mrs. Morgan said we have reviewed it. We are close to sending you some comments. Some of it is formatting issues. We are happy to talk or meet with your architect if there is any misunderstanding about some of it because some of it is simply some formatting scaling.

Mr. Smith said I thought he fixed that.

Mrs. Morgan said no, so maybe there is miscommunication. So if he wants to call us on the formatting issues or meet with us, we are happy to do that.

Mr. Smith said okay. That is not a problem.

Mr. Wiet said are you going to be vacating your other location once you move in there?

Mr. Smith said yes we are.

Mr. Wiet said are we thinking of pulling the Special Use on that one?

Mr. Sieben said we could. I don't know what the plans are for the space. Again, that's a tenant situation in there. They are relatively a small percentage of that large building.

Mr. Wiet said how does he know if they then could advertise that as a church location?

Mr. Sieben said we get inquiries all the time if that one is already set up with zoning to go in that space, so maybe you leave it.

Mr. Wiet said or we pull it.

Mr. Sieben said or we pull it. You may want to check with Mike Sahli, the owner, to see what he wants to do with that once you guys are out of there.

Mr. Smith said I'll go back and check.

Mr. Wiet said it probably will come up during the process with what to do with that one.

- 1 DST Staff Council 01/17/2017
(Planning Council)

Notes: *Mrs. Morgan said we have sent back comments to them. We are actually on our second round of comments. Mostly it is some formatting issues. We worked with them to bump this up to the February 8th meeting. They already have their letters sent out to the surrounding land owners because this is a public hearing. They are fixing some parking issues which might have to change some of the layout, so we'll see what they come back with.*

- 1 DST Staff Council 01/24/2017
(Planning Council)

Notes: *Mrs. Morgan said I am working with the architect for the church. I'm trying to get this plan finalized. We are set for the February 8th Planning Commission. It is going to be a public hearing, so all the notices and everything have went out. We've got most of the layout and everything figured out right now. We are still having some changes for formatting and stuff that still needs to be ironed out.*

Mr. Wiet said this is the church that originally got approved on Ridgeway that has decided that build-out was too expensive and so the owner of the Ridgeway property is buying this building.

Mr. Sieben said he has already closed.

Mr. Wiet said closed on it and would like the church to occupy that building and not occupy it on Ridgeway. So as I mentioned earlier, maybe we can lift that Special Use off of that property. I don't know if it is something we can do as part of this if we want to.

Alderman Bohman said what is the size of the congregation?

Mr. Sieben said it is very small. They have a seating plan that they've submitted.

Mrs. Morgan said they needed around 44 spaces. It is 1 space per 4 seats.

Mr. Wiet said the max would be like 160 or something.

Alderman Bohman said and currently what are the number of parking spaces available?

Mrs. Morgan said they are showing around 44 I believe.

Mr. Sieben said they are showing 98 seats. So they have more than enough parking for their proposed seating.

Mr. Wiet said it is 1 space per 4 seats.

Alderman Bohman said but is that utilizing any of the Chihuahua Tire?

Mrs. Morgan said not currently no. They feel that that might be something they can expand in the future, having an agreement with the Chihuahua, but they are not showing that and they don't need that for their current congregation, but they have some room to grow potentially with an agreement with Chihuahua.

Alderman Bohman said and traffic and police are okay with the volume of traffic and timing in and out on Indian Trail?

Mr. Feltman said I can talk to the city Traffic Engineer.

Alderman Bohman said did the police have any input, you know, calls for number of accidents at this location, tie up on turning in from the east going into that property over railroad tracks? I just think there are some real issues here with traffic concerns and volume.

Mr. Seiben said Dan, could you follow up with Eric please and get back to Alderman Bohman?

Mr. Feltman said yes.

Alderman Bohman said do they hold mid-week services or prayer groups or what not where there would be gatherings mid-week when granted there is heavier traffic flows on Indian Trail versus on a Sunday when it may be lighter to mitigate any kind of traffic concerns? There is no left turn lane into that property, and I think it is a real problem.

Mrs. Morgan said I think Sunday was their main focus. I can't say that they said that they don't do any meetings during the week.

Mr. Wiet said I know there are conflicts with the turn lane off of Indian Trail.

Alderman Bohman said restaurants, bar use. You've got comings and goings, but you've got heavy peak discharge and arrival times where I think it really chokes that area, which is a main thoroughfare for the city. Is there any possibility with them coming in through or exiting through the back access around the transmission and tire place to the Water Treatment roadway?

Mr. Sieben said I don't believe that's possible.

Alderman Bohman said it is fenced off right now. It is blockaded, but as an alternative. I think if it becomes a problem, I think we need to look at other exits.

Mr. Wiet said as a secondary?

Alderman Bohman said yes.

Mr. Feltman said I'm not sure if we are going to want people driving through the Water Treatment Plant. There are Homeland Security issues. I think we are going to want to keep that gated.

Alderman Bohman said you don't have any security entrance to that now that bars any public from going down your access road for security. I mean it is kind of a non-issue right now. Anybody can drive down there because the neighbors use it as their access to their property to the south.

Mr. Feltman said I can look into that too.

Alderman Bohman said I really disagree that there is security currently in place that would prohibit use of that access road.

Mr. Feltman said I'll look into that.

Alderman Bohman said when is this moving forward?

Mrs. Morgan said it will be a public hearing at the Planning Commission on February 8th. They have advertised and they will put their sign up.

Alderman Bohman said could someone get me a copy of the plans?

Mrs. Morgan said yes.

Mr. Sieben said and I mentioned last week, the church is a lessee, so this will stay on the tax rolls because the church is a lessee. They are not the owners. Mike Sahli is the owner.

1	DST Staff Council (Planning Council)	01/31/2017	Forwarded	Planning Commission	02/08/2017	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 2/8/2017. The motion carried by voice vote.

Notes: Mrs. Morgan said staff did receive a resubmittal on this. They addressed all of staff's comments, so I am going to vote to move this forward to the February 8th Planning Commission with the condition that the number of seats in the principal sanctuary can only be increased beyond 180 seats with a long-term lease agreement with the adjacent property owner for additional parking spaces the equivalent of the 4 seats for every 1 parking space added.

Mr. Sieben said I believe for the record, the Traffic Engineer has looked at the in and out and has no concerns regarding additional ins and outs there. Is that correct Souts?

Mr. Thavong said I'm not aware.

Mr. Sieben said Dan was just here. He wasn't able to stick around, but I believe Eric did take a look at that. He was going to have Eric get back to Alderman Bohman because she had a question on that.

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

2	Planning Commission	02/08/2017	Forwarded	Planning & Development Committee	02/16/2017	Pass
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Action Text: A motion was made by Mrs. Cole, seconded by Mr. Chambers, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 2/16/2017. The motion carried.

Notes: Mrs. Morgan said the Petitioner is requesting a Special Use for a Religious Institution. This property is located at the southwest corner of Indian Trail Road and Aurora Avenue. The property is currently vacant. It used to be a restaurant of the building on the side, if you are familiar with the site. The details of the project include some minor renovations to the interior to the approximately 6,500 square foot building. It will be converted to house a principal sanctuary with 150 seats, a multi-purpose room, a small office and a kitchen. The current parking will be reconfigured for 45 spaces. The vehicle entrance and exit will remain off of Indian Trail Road where it is currently. The Petitioners are here and can discuss some further information about the use of the property and when they will be using it and additional information on that. I can turn it over to them unless there are any additional questions for staff.

The Petitioners were sworn in.

Good evening. My name is Toussaint Smith. I am one of the elders at a place called Lighthouse Worship Center. We are located at 850 Ridgeway. We are a small church. We've been before you before. We are in a warehouse right now and previously we were trying to modify that warehouse and it became a little bit overwhelming for us. The owner of the building, which you probably are familiar with, Mr. Sahli, has taken a kind heart and has found that he wanted to purchase us a building, and so he did. We will be tenants at that location at 170 Indian Trail. Our church right now, we are probably around 100 members of our church and we are looking to grow that membership, of course, but things were getting a little tight. We were probably averaging somewhere around 50 on every Sunday. The one thing we do know is that it is growing and has constantly grown with 100 members, but you are seeing around 50 people every Sunday. When we do move to the new location, our plans are to have approximately around 150 people at service on Sunday. That's the goal. We are looking at services for Sunday morning. Sunday morning services start at a 9:00 o'clock timeframe, which we will have our men and women start typically around 9:00 to 11:00 o'clock. We get together and do pretty much a men's group and a women's group and then our services start from there until around 3:00 o'clock. We will also be having services on Tuesday night, which is our Bible study. Our Bible study typically takes place on Tuesday at 7:00 o'clock. That Bible study goes from 7:00 o'clock until around 8:30. Mondays are a variance day where right now we meet probably once a month on Monday and that is a training that takes place on Monday. That normally starts at around 6:30 where there is a window of fellowship from 6:30 until around 7:00 and then our evening starts at 7:00 o'clock. I think I've put it out

there for you. Are there any questions for me?

The public input portion of the public hearing was opened. The witnesses came forward.

My name is Lazaro Castro. I'm the owner next to 170 E. Indian Trail. My address there is 120 E. Indian Trail. I received a letter and I wanted to know if this will change something in my parcel. Really I don't want anything changing on my parcel there and that's my question.

Chairman Truax said where is your parcel?

Mr. Castro said at 120 E. Indian Trail, next to the 170.

Mr. Sieben said is that Chihuahua Tire?

Mr. Castro said it is the Chihuahua Tire, correct.

Mr. Sieben said I can answer the question. He is the owner of Chihuahua Tire. I believe he used to own the restaurant, but there is a cross access to both Chihuahua Tire, which is the darker shaded in area just to the south, and then there is another business, I believe, south of that, which is called Lake Auto. So there are 2 businesses just south of this that use the same access through the parking lot up to Indian Trail. That access will stay. All the church is doing is a little bit of restriping to maximize the parking, but all the access to his business and the other auto business would stay as it is.

Chairman Truax said so there really would be no change in this gentleman's parcel?

Mr. Sieben said correct.

Mr. Castro said okay. That's all I wanted to know.

The public input portion of the public hearing was closed.

Mrs. Morgan said staff would recommend conditional approval of the Ordinance granting a Special Use Permit for a Religious Institution Use on the property located at 170 E. Indian Trail, being the southwest corner of Indian Trail Road and Aurora Avenue with the following condition:

1. That the number of seats in the principal sanctuary be limited to 180 seats until such time as a long-term lease agreement can be established with the adjacent property owner for the use of additional parking spaces, at which point the seating capacity may be increased at the equivalent of 4 seats for every 1 parking space added.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Chambers

AYES: Mr. Bergeron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Pilmer, Mr. Reynolds

NAYS: None

FINDINGS OF FACT

1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Cole said these are listed in the staff report.

2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

Chairman Truax said this a commercial area. It is on a corner with really no residential property around it, so I would think that this would be a logical establishment of the requested classification.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Duncan said it will fill a spot with a highly desirable tenant and bring more people to the community on a regular basis.

4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?

Mr. Pilmer said at one point this was a highly used retail center and there should be no change to the existing traffic patterns or volume of traffic.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mr. Bergeron said all those services are presently in place.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Mr. Pilmer said there should be no change.

9a. Will the Special Use not preclude the normal and orderly development and improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?

Mrs. Duncan said there is no saturation of this kind of proposal in the general area.

9b. Is the Special Use in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?

Chairman Truax said I believe it is in conformance with the other requirements.

Mrs. Morgan said this will next be heard at the Planning and Development Committee meeting on Thursday, February 16, 2017, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 7 At Large Bergeron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Divine, SD 204 Representative Duncan and Fox Valley Park District Representative Chambers
