



City of Aurora

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Legistar History Report

File Number: 18-0554

File ID: 18-0554	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: Panattoni / W. of Deerpath Road, N. of I-88 / Preliminary Plat & Plan Revision		File Created: 06/27/2018
		Final Action:

Title: A Resolution Approving a Revision to the Preliminary Plan and Plat Property for the Property Located at West Side of Deerpath Road and the North Side of I-88 (Panattoni Development Company, Inc. - 18-0554 / SG01/4-17.268-Ppn/Psd/R - SB - Ward 5)

Notes:

Agenda Date: 08/16/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A-1" Preliminary Plan - 2018-07-25 - 2017.268.pdf, Exhibit "A-2" Preliminary Plat - 2018-08-06 - 2017.268.pdf, Fire Access Plan - 2018-07-26 - 2017.268.PDF, Land Use Petition with Supporting Documents - 2018-06-27 - 2017.268.pdf, Property Research Sheet - 2017-12-29 - 2017.268.pdf, Legistar History Report - 2018-07-31 - 2017.268.pdf

Enactment Number:

Planning Case #: SG01/4-17.268-Ppn/Psd/R

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	07/03/2018	Forward to Planning Council	Planning Council			
	Action Text:	This Petition was Forward to Planning Council.					
1	Planning Council	07/10/2018					
	Notes:	<i>Representatives Present: John Pagliari, Dan Stevens and Jim Wegman</i> <i>Mr. Sieben said this is for a 764,000 square foot spec. Did I get that right?</i> <i>Mr. Pagliari said yes, 764,500.</i> <i>I'm John Pagliari. I'm a partner with Panattoni Development Company.</i>					

I'm Dan Stevens with Spaceco, the Engineer on the project.

I'm Jim Wegman with Auston Construction, the contractor for the project.

Mr. Stevens said like you said, this is a 764,000 square foot office/industrial building with access to Orchard-Gateway and Deerpath Road. This project was partially developed, I want to say in the early 2000's, and sat dormant. We are looking to redevelop it at this time. We are installing new stormwater facilities, addressing flood plain issues on the site, connecting to utilities that are directly, pretty directly adjacent to the site, along Orchard-Gateway and running an off-site water main to connect into the North Aurora system along Orchard Road.

Mr. Pagliari said we've been under contract for a couple of months with the seller, who's been pretty good to work with. We plan on starting in the fall, in October, grading and submitting our plans to FEMA for a CLOMR and then shoot those grades, submit the as-builts to FEMA to get LOMR and then start in earnest in the spring is our goal here.

Mr. Sieben said and John so you want to just describe the proposed use here? I know it is a spec building, but what you're anticipating is it going to be.

Mr. Pagliari said we build a lot of spec buildings across the country and we, obviously, like I-88. This could be a 1 to 4 multi-tenant building. We can easily divide all sorts of different ways on this building. We've got 4 entrances set up with car parking all around and truck and trailer parking all around. We are really not sure who is going to come and use it, an e-commerce type of use or a warehouse distribution or a light assembler to a manufacturer. So the buildings are very flexible. It will be a 36 foot clear height building so we really can accommodate, we hope, 99% of all the users out in the marketplace. So really at this time not sure, but we are conservative enough to have enough car parking, enough truck parking, and enough trailer docking to accommodate users out there. We'll divide it. We've had some good discussions already with a couple of folks in the neighborhood. We hope/feel that we'll be successful with this project.

Mr. Sieben said one of the issues that came up through the preliminary discussions is there will not be a public road connecting Deerpath to Orchard-Gateway. However, we do want to be able to provide emergency access through the property because essentially Orchard-Gateway to Vision Court on the west side is a long dead-end, so we wanted to be able to provide emergency access through that. We had talked about that.

Mr. Curley said I think the Fire Marshall has reached out to someone on your team.

Mr. Pagliari said yes. We just got his memo this morning actually and we are plowing through those comments today.

Mr. Sieben said and just to clarify again the process before I turn it over to Steve and Dan, this does need to go through a Preliminary. This originally was annexed in 1999 or 2000. Originally there was a road cutting through the middle of this with smaller lots on either side. This did have BB Business Boulevard zoning as a Planned Development. The anticipation was it could be commercial or ORI. The way the Annexation Agreement and Plan Description read is that if that original preliminary layout were to change that a new Preliminary would be submitted, which is what you are doing now and then the zoning could be changed back to ORI with a new Preliminary. It does not require a public hearing for that original Annexation Agreement, so that's really the step we're at. So what will happen, is just for everyone for the record, the Preliminary would get approved, the new zoning would get set as part of this Preliminary and then a Final Plan and Plat would come immediately thereafter with Final Engineering, landscaping, building elevations, etc. It is anticipated that we can kind of overlap the two processes because I know you are looking at an October start. I think we can accommodate that. I would anticipate if you guys are ready, depending on Engineering comments, which Dan will get into in a minute, that after this goes to Planning Commission for the Preliminary if you want to start getting ready to submit your Finals that would be okay. There was some talk of this going to the next Planning Commission. I don't think we are ready for that. I think it will have to go to

the August 8th Planning Commission, but that will not slow down the process at all because of our overlapping processes, so I just wanted you know that. With that being said, Steve is doing Panattoni, so Steve, I believe, just sent out comments on Planning and Zoning's end and then I'll let Dan talk about where Engineering is at.

Mr. Broadwell said did you have a chance to look at the Zoning comments?

Mr. Stevens said yes we did.

Mr. Broadwell said any issues?

Mr. Stevens said I think we are just looking at how we are going to reorganize the number of parking stalls of what to meet the requirement. I think we are over the requirement right now, so it may be a combination of losing some, maybe adjusting the high water. The comment was taken as far as being the high water level. We kind of knew that, so I guess at this point we'll adjust the volumes now.

Mr. Sieben said right if you don't mind. We were a little concerned and I don't know what Engineering's take is on some of this actually into the high water lever or how that is going to work, so maybe the possibility some could be put over here or something. That's just something to look for the banked parking.

Mr. Stevens said I think parking right here is pretty easily accounted for with getting it out of the stormwater, not having to modify the stormwater when we go to build those stalls. With these, they are probably a little more intrusive and having to change the engineering on this basin. We'll look to relocate some of these and maybe we get a little bit closer to the required amount instead of having the excess.

Mr. Pagliari said and we are over already. These are more just the land banking spots that we're looking for future in case we need them.

Mr. Sieben said and I think you had even said John if this would maybe go to more of an e-commerce I don't know if the trailer parking could open up for vehicles.

Mr. Pagliari said right, but e-commerce usually has a lot of employees and not quite as many big rig trucks, so maybe a whole side of the building is more now available for car parking in this truck area, so that would really add quite a bit if that's the case. But again, we just don't know.

Mr. Stevens said the (inaudible) on that usually works out okay to get like 3 rows of parking. Obviously, we'd have to re-orient some of the islands, but that contingency is thought about.

Mr. Pagliari said it gives us some flexibility.

Mr. Sieben said do you have anything on the Planning and Zoning comments per se? I don't think there was really much.

Mr. Pagliari said they were talking about some of these sidewalks, or pedestrian sidewalks in some of the areas.

Mr. Sieben said do you want to point out what we were talking about?

Mr. Broadwell said one of the things that was one of our concerns is that when there is car parking on the other side of these drive isles, the fire access lanes, people are going to have to, you know, someone parks here on the north side, for example, on the northwest corner. If they get out of their car, they are going to have to walk across this drive isle and if there's trucks coming through, like maybe just show where...

Mr. Sieben said so the designated area.

Mr. Stevens said so your concern is more for the parking, not so much in the designated area where they are going to walk through the parking lot?

Mr. Sieben said yes.

Mr. Stevens said okay. I think we've got extra space. What were you thinking? Like a striped area?

Mr. Broadwell said yes, maybe like on the north side of, for example, on the north side of these parking stalls here on the northwest corner, just show sidewalk kind of similar to what you have here in the northwest corner of the building.

Mr. Feltman said well we've met several times on this project. There are a lot of stormwater issues. I think we've come a long way with it. We are pretty far along. I don't have any really major concerns. I mean there is obviously going to be some details that we're going to need to work out. I think overall I think we are all on the same page and we will work through and get you some comments.

Mr. Sieben said but I think Tim still needs to get into the nitty-gritty, right?

Mr. Feltman said yes.

Mr. Stevens said I think a lot of how the control structures work and where they are at. That will probably be addressed on our mass grading plans.

Mr. Feltman said and then you submitted the CLOMR.

Mr. Stevens said yes.

Mr. Feltman said so we signed off on that and then submitted it.

Mr. Pagliari said we should hear back from them fairly shortly?

Mr. Stevens said the digital correspondence that they sent back to us said they received it and said we would get notice in 30 to 60 days and that was submitted, I want to say, 3 weeks ago. I'm guessing it's going to be closer to the 60 days, but as soon as we get that correspondence we'll forward it on, so whatever comments they may have. In the CLOMR it might come down to just platting issues and how we are going to designate it as opposed to...

Mr. Feltman said just, as usual, just please cc us so that we are in the loop.

Mr. Sieben said the other issue that needs to be coordinated is Deerpath Road. I'll let Engineering and you figure it out, but as far as what's right-of-way and what the Tollway owns it is a little different. There are slope easements here. I believe that's what they are called, so it is just a matter of trying to figure that out. We've also met with the owner of the law office and he had indicated he would be willing to dedicate his portion of right-of-way to help with any utilities. I think you guys have been in contact with him.

Mr. Pagliari said I've traded some phone calls with Pat.

Mr. Sieben said so if you could continue that. We had a meeting with him and with Chuck, the Deputy Mayor. He is aware that you guys were coming in. In fact it was literally a day before you submitted I think we met with him. So if you guys can continue to coordinate that.

Mr. Feltman said he was very interested in what the utilities were going to look like.

Mr. Sieben said because he is on a well and septic still, correct?

Mr. Feltman said yes.

Mr. Stevens said we want to talk about the North Aurora connection, but I think that's more technical than probably need. It is accounted for in the plans

Mr. Pagliari said my other question, I guess, is Ed you mentioned not being on the next meeting.

Mr. Sieben said well because it is next Wednesday. Engineering still has some of the nitty-gritty to go over, understanding this is a Preliminary. I think what we would anticipate is that this would go to the August 8th Planning Commission. It would be done in August, but we could have the Final, right after Planning Commission, could be submitted and that's even a shorter process. That ends at P&D Committee, which is a week after Planning Commission. I would anticipate that would probably go to a September Planning Commission and you are done the next week. So you would be done, hopefully, before your October start.

Mr. Pagliari said right because one of our big dates is our hard earned money date. September 4th our money goes hard, which means it is non-refundable, but applicable to the purchase price.

Mr. Sieben said I don't anticipate there's any issues on the city side. It is just a matter of working out the details. Like when we get the Final, we'll have comments on landscaping and things like that. If we have some comments, we can easily talk and meet on the fly and get you guys going as quick as possible. I hope the same could be for Engineering.

Mr. Stevens said just to back up on that a little bit, so that will be the September, or they will have the final Preliminary approval, right?

Mr. Sieben said you would have the final Preliminary approval by the end of August, because you are going to the August 8th Planning Commission. You'll be done at the 2nd City Council meeting, which is the 4th Tuesday of August. That really sets your entitlement with the ORI zoning.

Mr. Stevens said and that agreement is binding as far as when we go to Final?

Mr. Sieben said well you'll have an Ordinance.

Mr. Stevens said I'm just saying that because of the final process.

Mr. Sieben said the Final is a matter of working out the details, the Final Engineering, the final landscaping, and the elevations of the building.

Mr. Stevens said and since we're not going to start construction on the buildings until March, we may not rush that right in. I know we'll need to get the mass grading approved so that we can do the flood plain work, but ultimately the buildings won't be until next year. I just want to make sure the expectation is that we are not submitting final everything the day after we get Preliminary approval.

Mr. Sieben said no, it is up to you guys. We're just saying we are willing to work with you. You do not need to be back here next week, so just respond to Planning and Zoning's comments and then Tim will get his detailed Engineering comments out to you.

Mr. Feltman said Tim's mother passed away, so he's going to be out toward the back half of this week, but he'll be back and he's going to jump on it next week.

1 Planning Council 07/17/2018

Notes: *Mr. Broadwell said the Petitioner was here last week at Planning Council. Zoning hasn't received anything. I believe they are still working through stuff with Engineering.*

Mr. Feltman said yes. We've had several meetings about what is probably the biggest issue on the site, which is the flood plain stormwater management. So I think we've got a very good handle on that. We have a couple of utility comments that we need to work through. One is on the water main. We have a meeting next week with North Aurora to go over that second connection point with the meter. They are moving that along. It is the same property owner that has to grant the off-site easement and he is well aware of it and so is North Aurora. We have an IGA. I think we just need to

be in the same room to talk out the details. They will also need to get a permit from KDOT for being in the Orchard Road right-of-way.

Mr. Beneke said Fire Prevention has comments on this one too.

Mr. Frankino said for the District, we discovered 35 acres of that site needs to be annexed to us still. We've talked to them about that. We sent them information on fees and all that last week. It was actually last Tuesday and we haven't heard back.

Mr. Feltman said how much was it?

Mr. Frankino said about \$150,000. They thought that that was taken care of already. They were taken aback by it.

Mr. Feltman said I forgot to tell you, that was a conversation that happened in the hallway last week. But with that said, this was the first time you saw this, Fox Metro.

Mr. Frankino said we always encourage those involved to give us a call, you know, due diligence questions as early as absolutely possible and we'd be more than happy to talk to them instead of this what seems like last minute kind of thing right now. We've been around this before with Bricks and they know our process.

1 Planning Council 07/24/2018

Notes: Mr. Broadwell said Zoning is still waiting for revised documents.

Mr. Feltman said we had a meeting with North Aurora and Panattoni and their engineer last week. We talked about water. North Aurora is fine with not having a second water meter, which is fine by us. I thought the whole second water meter was their ask. I'm going to try to figure out how to formalize that and maybe how we formalize it is in the revision to the North Aurora IGA, which they brought up for whoever is working on that. That's been open for a while. They said they would like to try to wrap that up so that it's wrapped up and done.

Mr. Minnella said although the IGA for North Aurora will not expire until 2020.

Mr. Feltman said but they still are wanting, it's been a long process as it is now. It started with Tim Macholl.

1 Planning Council 07/31/2018 Forwarded Planning Commission 08/08/2018 Pass

Action Text: A motion was made by Mr. Broadwell, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 8/8/2018. The motion carried by voice vote.

Notes: Mr. Broadwell said we've been working on getting the plans together with Engineering. We are looking to move it forward for the August 8th Planning Commission. I guess the big thing was the roadway improvements along Deerpath Road.

Mr. Sieben said but they've supplied and any Zoning and Planning comments have been addressed, correct, at this point?

Mr. Broadwell said right.

Mr. Sieben said Dan do you want to discuss Engineering conditions?

Mr. Feltman said we have gone through numerous meetings, very detailed meetings, talking about stormwater management. I think we are really pretty comfortable with what they are presenting. We have signed the CLOMR they've submitted. They've actually got comments back from CLOMR's Conditional Letter of Map Revision. The next step that they want to make sure they can take is getting some type of mass grading approval so that they can build the ponds, build the pad, and shoot the line so that they can officially go for a Letter of Map Revision. Then that would move the line and create the pad that they can build on. They are looking to do that in the fall, which we're fine with. The

one thing that we had made comments on, and I think you had talked to the Petitioner and he was verbally okay with it, was we want road improvements, full road improvements, on Deerpath from their north property line to the south access and the taper. There appears to be some property items that need to be coordinated. The Tollway owns some property. There are some lot lines that are a little goofy. We did talk to their engineer. He is fully aware of it and had started dialogue with the Tollway, but that needs to be resolved. It sounded like to me the conversation that he had went well. I don't think there seems to be any real friction on that, but it is the Tollway and we need to get through their process and make sure that the accesses will work with all the properties out there.

Mr. Sieben said and this will come back for final. The preliminary pretty well sets the development layout and it will set the zoning to ORI from the current BB(S). You had a couple of conditions you were going to throw out there?

Mr. Feltman said well those were the two.

Mr. Sieben said the road improvements.

Mr. Feltman said and any property. We will formally send that to you guys and that way you can include it in the staff report.

Mr. Broadwell said with all that in mind, I'm making a motion to move this to the August 8th Planning Commission meeting with the conditions that Dan just mentioned. Mrs. Morgan seconded the motion.

Mr. Frankino said they've submitted a Plat of Annexation to use because they were informed about a month ago that they were needing to annex the remainder of this portion into Fox Metro. They submitted the Plat of Annexation, which has been approved. They said that's not going to arrive until today, so we expect them to be in our corporate limits by the 15th of August.

Mr. Sieben said we have a motion and a second with conditions to move this forward to the August 8th Planning Commission. The motion carried.

2	Planning Commission	08/08/2018	Forwarded	Planning & Development Committee	08/16/2018	Pass
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Action Text: A motion was made by Mr. Cameron, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 8/16/2018. The motion carried.

Notes: Mr. Broadwell said we have representatives here for Panattoni Development Company in regard to the proposed development. So a little bit of background. The subject property is currently vacant land/open space with a Business Boulevard District with a Special Use Planned Development zoning. The subject property is located in Parcel C, as identified in the existing Plan Description. You can see all these details in the Preliminary Plan and Plat, which are in your Legistar. So the subject property is located in Parcel C, as identified in the existing Plan Description, which was approved in 1999 and allowed for the developer to elect to utilize either the Business Boulevard Special Use or the ORI Special Use zoning district for development. The Preliminary Plat and Plan which was approved in 1999 utilized the Business Boulevard Special Use zoning district. You can see more about that in the Legislative History and the Property Research Sheet. So again, a little bit of what's being proposed here. The Petitioner is requesting approval of a Revision to the Preliminary Plat and Plan. Some of the details include a one lot subdivision of the subject property, which will be utilized for an approximately 764,500 square foot spec building for warehouse and office use. This Preliminary Plat and Plan Revision also elects to change the subject property's zoning district from the BB Special Use to the ORI Special Use as allowed per the approved Plan Description. In addition, the Preliminary Plat and Plan also details the subject property's stormwater management and utilities. Roadway improvements are also detailed to be made along Deerpath Road from the northern property to no less than 100 feet of the southern access point, and right-of-way will also be dedicated along both sides of Deerpath Road. So that's a little bit of background here. We have the developer here if there are any questions for staff.

Good Evening. I'm John Pagliari. I'm with Panattoni Development Company. Jason Auer is here with me. He is our general contractor from Alston Construction. They will be building the building for us. These 2 folks here, Jason and John and myself have worked on probably 50 buildings in the Chicagoland area over the last 15 years similar to this building, large industrial buildings that we build speculative. We are taking a chance on these buildings in this market, but we feel very confident in the product we put out there, the buildings that we build and the location in your fine town right off the interchange there at 88. These buildings are very flexible. We could lease to 1 to 4 different tenants and divide them or lease to 1 single guy. We are very confident. We've got pension fund money. This is involved with us. We hope to close on the land this fall and start construction soon thereafter on this building.

Mrs. Cole said I think there is some area on this property that's really wet. Do you have to get some special permission for that?

Mr. Pagliari said we have to get special permission and I'll let Jason handle a couple of those. We are in the process of that.

Good evening. I'm Jason Auer with Alston Construction. There is what's called a LOMR, which is a Letter of Map Revision based on the design that's worked through FEMA. That has been worked out with the Engineering Department here and been approved. It has also been submitted to FEMA and they have already issued some comments back, which were minor, so we expect that approval to occur within the next month or so.

Mrs. Cole said is Orchard-Gateway already a road that exists?

Mr. Sieben said yes.

Mrs. Cole said how do you get to it?

Mr. Sieben said have you ever been to Woodman's?

Mrs. Cole said I have.

Mr. Sieben said it just crosses at the signal there. That's Orchard-Gateway. It goes all the way back, wraps around. There is an old television station studio back there.

Mrs. Cole said I know where it's at now.

Mr. Sieben said and PPG is on it west of some of the commercial.

Mr. Cameron said was this the property that originally the Machine Shed and hotel and the sports bar were going to going?

Mr. Sieben said yes. The original owner, Mr. Schmitt, still retains, I believe, between Deerpath and Orchard. You guys are not buying that. That is still zoned commercial. The Machine Shed, in fact, 18 years ago when I started at the City of Aurora I think the first project that came up at Planning Council was the Machine Shed. They were out of Iowa. They were going to build right there off of the Orchard ramp there. The developer fell through on his commitments there. That is still available.

Mr. Broadwell said the developer has been working very diligently with the city's Public Works/Engineering Department to kind of work through some of the development of the site. Staff would recommend conditional approval, and this is based on the conversation that we've had with Public Works/Engineering, staff would recommend conditional approval of the Resolution approving a Revision to the Preliminary Plat and Plan for the property located at the west side of Deerpath Road and the north side of I-88 with the following conditions:

1. Full-width and full-depth roadway improvements, including street lighting, are to be completed for Deerpath Road from the north end of the property to no less than one 100 feet south of the curb on

the south side of the southerly entrance to the site, and that's because if you look at the southern portion of Deerpath Road kind of near the Toll road there is a pretty drastic slope there, so that's one thing we are working on.

2. Right-of-way for Deerpath Road along the subject property's frontage, on both sides of Deerpath Road, and in front of the commercial property located at 2114 Deerpath Road, shall be dedicated, and all issues with the Illinois State Toll Highway Authority regarding property and/or easements that may be in conflict with the right-of-way dedication and construction of Deerpath Road shall be resolved prior to occupancy.

Chairman Truax said what's the status of the Tollway Commission interface?

Mr. Sieben said there's really nothing needed, I think, from the Tollway there. We determined that they have a slope easement, but this will not impact the Tollway slope easement for the bridge, which is the Deerpath Bridge over the Tollway.

Chairman Truax said that's just a technicality as a correction?

Mr. Sieben said correct, yet.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds

NAYS: None

Mr. Broadwell said this will next be heard at the Planning and Development Committee on Thursday, August 16, 2018, at 4:00 p.m. on the fifth floor of this building.

Aye: 11 At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, Fox Valley Park District Representative Chambers, At Large Owusu-Safo, SD 129 Representative Head and SD 131 Representative Hull
