



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
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Legistar History Report

File Number: 19-0284

File ID: 19-0284	Type: P&D Resolution	Status: Appealable
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: Scientel Solutions, LLC / 245 N Eola Rd / Final Plan Revision		File Created: 04/05/2019
		Final Action:

Title: A Planning and Development Committee Resolution Approving a Revision to the Final Plan on Lot 2 of Scientel Solutions Subdivision located at 245 N. Eola Road (Scientel Solutions, LLC - 19-0284 / NA08/1-19.051-Fpn/R - TV - Ward 10)

Notes:

Agenda Date: 04/25/2019

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Approved Final Plan - Option 1 (PDFNL2018-011 (2018-05-25)).pdf, Exhibit "A" Final Plan Option 2, Phase 1 - 2019-04-04 - 2019.051.pdf, Exhibit "A" Final Plan Option 2, Phase 2 - 2019-04-04 - 2019.051.pdf, Exhibit "B" Landscape Plan - 2019-04-18 - 2019.051.pdf, Land Use Petition and Supporting Documents - 2019-04-04 - 2019.051.pdf, Fire Access Plan - Option 2, Phase 1 - 2019-04-04 - 2019.051.pdf, Appealable Sheet - 2019-04-18 - 2019.051.pdf, Plat of Survey - 2019-04-04 - 2019.051.pdf, Property Research Sheet 70246.pdf

Enactment Number:

Planning Case #: NA08/1-19.051-Fpn/R

Hearing Date:

Drafter: tvacek@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	04/09/2019	referred to	Planning Council			
	Action Text:	This Petition was referred to to the Planning Council					
1	Planning Council	04/16/2019	Forwarded	Planning Commission	04/17/2019		Pass
	Action Text:	A motion was made by Mr. Sieben, seconded by Mr. Broadwell, that this agenda item be Forwarded to the Planning Commission, on the agenda for 4/17/2019. The motion carried by voice vote.					

Notes: *Mr. Sieben said Tracey Vacek is not here. She is at a conference today, but let me just touch on some of the highlights of the staff report for a little bit of background for the record. In January of 2018, the City Council approved a Special Use Planned Development Revision, a Preliminary Plat and Plan Revision and a Special Use Permit for a communication facility on the subject property. Then in May of 2018, the City Council approved a Final Plat for a 2 lot subdivision and a Final Plan Revision on Lot 2 for an office for Scientel Solutions, LLC, which included a 195 foot lattice communication facility. Since approval of the Final Plat and Plan, the Petitioner has secured and recorded all the required sanitary sewer easements needed to extend the sewer to their property. In addition, Scientel Solutions recently constructed the communication facility on the subject property. The Petitioner has been working with the adjacent property owners for the last year to secure the necessary easements, including an access easement to construct a shared private road between the property and the adjacent property to the south as shown on the approved Preliminary Plan for the Northbridge Subdivision and on their approved Final Plan. However, to date, the Petitioner has been unsuccessful in obtaining these easements. Additional information is in the packet. What's being proposed here is with this Final Plan Revision with minor modifications is to develop the property in phases. Option 2, Phase 1 and Option 2, Phase 2, unless they can secure the necessary easement prior to construction of the private road as shown in the original approved Final Plan, which we are calling Option 1, which was approved by Final Plan on May 25, 2018. So essentially what we have, I think what we show up here on the TV is Option 2, Phase 1. It includes relocation of a shared access road between their property and the adjacent property to the south entirely under the Scientel property and terminating in the parking lot on Lot 2 on an interim basis so that the Petitioner can get access to Lot 2. Then Option 2, Phase 2 includes relocating the shared access road between the 2 properties back to the original location and extending the drive to the far eastern property line as approved on the Preliminary and Final Plan at such time the property to the south develops pursuant to the terms of the approved Annexation Agreement. If I can add one more discussion item, the Annexation Agreement specifically requires the owners of the property to grant cross access easements to each other at the time of the approval of the Final Plan. The agreement, however, does not specify which Final Plan triggers this obligation and the issues remains one of disagreement between the owners of the 2 properties, actually 3 properties, I guess. Rather than waiting for this issue to be resolved among the parties, staff does recommend the following two phase approach to facilitate development of the parcels. The revision to the Final Plan gives the Petitioner options to move forward with the development of this subject property.*

Representatives Present: Richard Williams, Michael Konopka, Dave Burroughs and Roxana Hoffman

I'm Rick Williams, Griffin-Williams, attorney for Scientel. We're ready to go. The city has put some time limitations on when we need to get our building up and we are ready to go. I think we have the foundation permit.

Mr. Konopka said we do have the foundation permit and we'll probably be looking to go ahead and begin the excavation for the foundations on May 1st.

Mr. Williams said the beauty about this plan is it provides an interim solution so that we can proceed, fulfill our obligations to the city, but also meet our business needs of getting our headquarters here and then as such time as we get the easement from the property owners from the south, if it happens before we build the road, as Ed said, we'll comply with the plan from May of 2018. If we don't get it in time, we'll construct this road and when they develop the property to the south, we will cooperate in making the property comply with the plan from 2018. It is a solution for us to go forward. It doesn't affect our neighbors in any negative way and allows us to proceed.

Mr. Konopka said just one other thing with that with what we've done on the construction side is to amend the construction schedule and sequencing so we are going to delay on that road until hopefully things can work out. Hopefully things can work out and then we don't have to do double work. Hopefully everything comes together and we get the road balanced on the property line. Right now what we are going to do is we are going to try do as little as possible in that area in terms of anything, utilities, road construction, or whatever it may be and we'll hold on until we can get it resolved hopefully.

Mr. Sieben said does staff have anything else to add on this? I know we met a few times preliminarily on this to lay this out.

Mr. Thavong said I know you guys are doing utilities in terms of like the sanitary and the water main. Are you still constructing that?

Mr. Burroughs said yes.

Mr. Williams said the sanitary sewer is on the ComEd property and the Midwest Generation property so we don't have any constraints with our neighbors to the south.

Mr. Thavong said to the north there are temporary construction easements that may be needed Dave.

Mr. Burroughs and yes and Souts I didn't get a chance to talk to you yesterday, but we did receive some of the comments back from that property owner regarding that plat. I am addressing those comments. One of the things is we were showing that as a public utility easement, just a standard city easement. He would like to limit that to water main at this time if possible. I haven't had a chance to talk to you about that, but that's what the owner would like to do, just limit it to water main for the majority of it because that's really what we need it for to loop that water main back.

Mr. Williams said there were some other legal requirements he wanted to see, restoration obligations, which we are fine with and no prohibition on encroachments, at least at this time. They say when they develop they'll grant the full city easement, but right now they just are willing to grant the water. It seems that they are willing to grant the water main easement.

Mr. Burroughs said the city, obviously, would have another bite at the apple when they come in to develop.

Mr. Thavong said worst case scenario, you could always adjust the water main location.

Mr. Burroughs said I could, yes I could.

Mr. Thavong said I sent review comments out last week. There is some minor stuff that just needs to be clarified. As we move forward in terms of Final Engineering, we still need the engineering fees and security. I'll determine that amount for you guys. I know we signed off on a foundation getting you guys going, but before formal engineering approval, those are the 2 things that I would need.

Mr. Burroughs said and we have both the sanitary and the water IEPA permit application signed back from the city so those have been sent down to Springfield, so here at the end of the month we'll have that in place and be able to get started on the sanitary. I was waiting until we got through this meeting today, but we still need to resubmit back to DDOT to let them know we moved the road 15 feet north.

Mr. Beneke said on our side, we have been working with them on the foundation. We did work together on a few tweaks for the fire plan and have signed off on the fire plan. We are good with this condition and we are good with working with the foundation also.

Mr. Frankino said I was asking Souts about the arrangement of the sanitary. I see sanitary going north and off-site yet, which would be beyond the area that we would need to see it for the future service area. Was there some arrangement with that? I think the property owner wanted to see it on there, but yet you don't intend on building it right now?

Mr. Burroughs said that was really ComEd, well actually between ComEd and the City of Aurora. We wanted to get the sanitary easement all the way up to Diehl Road and in order to do that ComEd wanted to see that profile, that sanitary sewer, but the application that I submitted down to the EPA does not include that last section. It only goes to our north property line.

Mr. Frankino said so what's on intending on being constructed now is what's on the IEPA?

Mr. Burroughs said right, but we did get the easement from ComEd all the way to Diehl, so we have that in place.

Mr. Thavong said and then the city wants that.

Mr. Burroughs said correct.

Mr. Thavong said we wanted to show that extension of the sanitary all the way up to Diehl.

Mr. Frankino said it is good to know it is secured.

Mr. Thavong said we don't want to walk back to ComEd.

Mr. Sieben said let me read the conditions that we had in the staff report, although I believe the landscaping has been resolved, but staff would recommend approval of the Planning and Development Committee Resolution approving a revision of the Final Plan on Lot 2 of the Scientel Solutions Subdivision located at 245 N. Eola Road with the following conditions:

The first condition had to do with revision to the landscape plan, but I believe I saw that was resubmitted Friday or Monday. I think it is fine, so we'll remove this condition on the landscaping provided that meets that. The other condition was that the Petitioner will cooperate with the property owner to the south to relocate the shared private road at such time as the property owner to the south fully complies with its obligation to dedicate the cross access easement as required by the Annexation Agreement.

Mr. Williams said and we state that in our qualifying statement that we will.

Mr. Sieben said I will make a motion to move this forward to the April 17th Planning Commission meeting with the conditions as read. Mr. Broadwell seconded the motion. The motion carried unanimously.

2 Planning Commission 04/17/2019 Forwarded 04/25/2019 Pass

Action Text: A motion was made by Mrs. Owusu-Safo, seconded by Ms. Tidwell, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.

Notes: Mrs. Vacek said the subject property is zoned B-2(S), which is part of the Eola Venture I Special Use Planned Development. You may recall, in January of 2018 the City Council approved a Special Use Planned Development Revision, a Preliminary Plat and Plan Revision and a Special Use Permit for a communication tower on the subject property. Then in May 2018, the City Council approved a Final Plat for a 2 lot subdivision and a Final Plan Revision on Lot 2 for an office for Scientel Solutions, LLC. Along with that was a 190 foot lattice communication facility. Since approval of the Final Plan and Plat, the Petitioner has secured and recorded all of the required sanitary sewer easements needed to extend the sewer to their property. In addition, Scientel Solutions, LLC recently constructed the communication facility on the subject property. The Petitioner has been working with the adjacent property owners for the last year to secure the necessary easements, including an access easement to construct the shared private drive between their property and the adjacent property to the south, which was shown on the approved plans. However, to date, the Petitioner has been unsuccessful in acquiring those easements. They come before you tonight to request a Final Plan Revision which would allow them to phase the construction of the property. Option 2, Phase 1 and Option 2, Phase 2. If they can secure the necessary easements prior to the construction of the private drive as shown on the approved Final Plan, they go ahead and do that. We're just trying to give them some options of how they can continue to construct their building and develop their property prior to them being able to get that private easement to the south. Option 2, Phase 1 would include relocating the shared access road between the property and the adjacent property to the south entirely on Scientel's property Lot 1 and terminating into the parking lot of Lot 2 on an interim basis so that the Petitioner can access Lot 2 basically. Then Option 2, Phase 2 includes relocating the shared access road between the two properties back to the original location and extending the drive to the far eastern property line as approved on the Preliminary/Final plan at such time that the property owner to the

south develops pursuant to their terms of the Annexation Agreement. I can turn it over to the Petitioner. If you have any questions for staff, I can answer those.

Ms. Tidwell said I think you just explained this, but I'm going to ask it again anyway. Can you explain why this is not premature?

Mrs. Vacek said they have a right to develop their land, so they are looking to develop their land. Unfortunately, they have been working with the adjacent property owners and they will continue, obviously the Petitioner can go into a little bit more detail, but they'll continue to work with the adjacent property owners to see if we can get those easements that are required for that shared private drive. What this would do is allow them on an interim basis to build a road entirely on their property and then when the property to the south is ready to develop, then they would move that road back to the original location that was approved on their Final Plan.

Ms. Tidwell said so basically it is a temporary road?

Mrs. Vacek said correct.

Mrs. Owusu-Safo said and would that be a condition on approval if we decide to go with this? Is there a condition that they agree to relocate the...

Mrs. Vacek said it would be pursuant to their Annexation Agreement, so they would have to work with the adjacent properties to work all that out.

Thank you. For the record, my name is Richard Williams. I'm an attorney with the law firm of Griffin Williams, 12 N. 4th Street, Geneva, Illinois. I represent the Petitioner, Scientel Solutions. With me tonight we have our Director of Operations, Roxana Hoffman. We have Mike Konopka, our architect, and we have David Burroughs, our engineer. We'd be more than happy to construct the original plan that was approved back in May of 2018, but our neighbors to the south will not grant the easements. The reason they're not granting the easements is they want us to obtain and secure easements for our property from the property owner to the north, Yorkville Partners II, as well as Commonwealth Edison so that they have access all the way from their property from Diehl Road. What they are asking of us is frankly impossible. We have a foundation permit and we are ready to start building our corporate headquarters right now. So we are in a bind. We have business obligations we have to meet. We are presently located in Lombard. We need to move. We are moving here to Aurora. We have to be out of our space in Lombard by June of next year, so we are ready to go and we are more than willing to work with our neighbor to the south and our neighbors to the north to try to get the easements that will all benefit us if we can get to Diehl Road, but it is impossible and we don't see a way forward to meet our timelines and meet our commitment to the city to come to your great town. Mr. Philipchuck spoke a little while ago and I want to correct a few things that he said. The Northbridge Subdivision was approved on December 14, 2010. That subdivision consists of Yorkville Partners II and Eola Ventures, who we are successor interest to. The Cibulskis property, which is south, the Preliminary Plat and Plan was approved December 21, 2010. It was not approved concurrently with the Northbridge Subdivision and we are not a unified development. We all agreed at the time, or Mr. Philipchuck on behalf of all three of his clients at the time, agreed that the developments would be integrated so there would be an orderly development, but there was never any condition that this property gets developed at one time. We are ready to do. Our neighbors to the south have no intention to develop any time soon. Our neighbors to the north would like to develop. This property has sat undeveloped for over 8 years. In late December, in December of 2016, we came to the city. We said we want to come to your town. We want to develop. We also met with the Cibulskis's, our neighbor to the south. We showed them our plan and they encouraged us to go forward. They wished us well. They had no objections to anything we were doing. So we went forward and in September of 2017 we had a public hearing to amend the Preliminary Plat and Plan of the Northbridge Subdivision for some minor changes to allow for our headquarter building and the tower. The Cibulskis's didn't show up and object. The City Council approved our development in January 2018. Again, the Cibulskis's didn't come and object. We went back in May of 2018 with this Final Plan. Actually in April of 2018 we were here before you. The Cibulskis's didn't come here and have an objection to the plan. Our plan, as approved in May of 2018, shows a shared access road,

which is exactly what the Northbridge Subdivision Preliminary Plat and Plant provides for and what the Cibulskis's plat and plan provides for. They are not willing to give us the half of the road, so we have no other choice but to move the road entirely onto our property. We are willing to do that. If they give us the easement, we'll cooperate and the lower half of the road can be built and we'll remove our half of the road that is being shifted north. This allows us to go forward. It doesn't affect their property. The access point off of Eola Road was never fixed in time and it can be moved and we're telling the city we'll more than cooperate in making that happen, but we need to go forward. I'm here to answer any questions you might have.

Mrs. Duncan said I do have a question. At what point in time did you let the Cibulskis brothers know that you were making this shift and coming forward to the Planning Commission to do this?

Mr. Williams said we have not had any communications directly with the Cibulskis's about that point. We've gone through the city on that.

Mrs. Duncan said I would think that with an agreement that was back from 2010 and where you are saying they won't cooperate, to your point, is this premature when the benefit of a conversation either with you, their attorney or with Mr. Cibulskis himself that you were coming forward to this. I believe that both Yorkville Partners and the Cibulskis brothers found out that you were doing this by nature of reading this in the agenda that was put forward by the city. That makes me a little bit uncomfortable in that there was no real communication between somebody that you are sitting next to and with the agreement relevant to shared expense and shared access for roads, I'm just a little concerned about how all of this is playing out and you are sitting on that piece of property there very close to one another and impacting one another pretty significantly that there was no conversation.

Mr. Williams said we have had numerous conversations with the Cibulskis family and Yorkville Partners II over the course of many, many months. The city has been involved in that. We had one about 2 months ago and the Cibulskis's attorney made it crystal clear that they are not going to give us anything until we get that easement from ComEd. Essentially what they are doing is they are trying to hold our development hostage on an off-site easement that we cannot obtain. We have committed to the city and we have committed to our neighbors to the south and our neighbors to the north to cooperate with them and try to get those easements, but what our plan does, does not affect Yorkville Partners in the least. We are not touching their property. We can do everything we need to do on our property and not bother our neighbors. If they want us to do the plan from 2018, we are more than happy to do that. Just give us a cross access easement. We're granting cross access easement to them. They will have immediate access to that new access of Eola Road, so they'll enjoy that. We're extending the sanitary sewer. They wouldn't give us the sanitary sewer. We had to go to ComEd and work with ComEd for many, many months and pay \$120,000 to buy an easement from ComEd because the Cibulskis's would not give us the sanitary easement. They've committed to the city in their Annexation Agreement to grant various easements to the city. They are not willing to do so. We can't make them do so. It is not fair to put Scientel Solutions in a situation where we have to solve their problems. It is not a unified development. I disagree with Mr. Philipchuck on that.

Mrs. Duncan said all of that being said, those are things that need to be worked out between the individual partners and owners of these properties or attorneys, however you want to do that. My real question is why was there no notification that you were coming forward to a Planning Commission with such a significant change and what an agreement was? I would think that that would just be standard operating practice. That's really my question. We can dig deep into all the details and go back to 2010, but the reality is I'm trying to understand how you couldn't have had a conversation or notification and it was found by just somebody that regularly reads the Planning Commission agendas.

Mr. Williams said we don't view this plan as a major change. We're just shifting access onto our property. When they develop, we will cooperate and the original plan will be followed. This is an interim solution designed to allow our property to go forward.

Mrs. Duncan said are you willing to go back and renegotiate an agreement that states some of what you're saying right now when you are saying that here?

Mr. Williams said that's what the conditions of your approval will say if you approve our interim plan. We have committed already in our Qualifying Statement. Everything you are saying is already in what we've submitted. We have agreed and committed to the city to do exactly what I said.

Mrs. Duncan said and they are aware?

Mr. Williams said I assume they are. They had access to this.

Mrs. Duncan said if they discovered it on their own.

Mr. Williams said it doesn't affect them in the least. This will return the development to what was approved in May of 2018 when they develop. When they develop and they grant the easement, we will more than happily cooperate and that road can be extended all the way to the east. Until that time, we can't go forward. We can't come to your town and we have to find other solutions. We are out of time. We've tried ad nauseam to talk to our neighbors to the south and it has not been productive.

I'm Mike Konopka with Cordogan Clark & Associates. We're building the project as well as being the architect. One of things that we had discussed was if the road were to move, we changed our building schedule so that we could, what I say, delay it to whenever it is decided. What's happening is, what Rick was talking about previously, is we are running into the season where we would want to be building and through the city they have allowed us with a foundation permit. Well that will only take us so far. So what we've done is we've looked at our construction schedule and we informed Scientel and I believe I informed the city as well is that we will not construct anything until it gets worked out to whatever plan it needs to be worked out. We're ready to go. We've been doing this for a while. We've sort of been held in limbo for a little bit so what we've been trying to do is get a lot of the materials ordered up front so that we are ready to go. So we've gone through all of our shop drawing procedures. We've signed up all of our subcontractors at a certain amount of risk not knowing what was going to happen. Everything is sort of lined up to go. Anyway, for us, we looked at it and said hey look we can certainly delay the construction of that road. We are going to have a temporary cut road in anyway to bring in the trucks to go ahead and build the building. So hopefully that delay will get the people to the table so that they can resolve their issues about this cross access agreement or the road of where it goes. We just wanted to prove to the city that we can go ahead and we can construct the building. We could delay on that road. Everything else would stay the same and if they could come to an agreement on it we are okay with it. We are not tested for time on the road. We are tested for time on the building.

Mrs. Owusu-Safo said what's the general construction period for the building?

Mr. Konopka said the total site was a year. I don't know exactly for the road. We just said that we could live without it. It is going to be a temporary road anyway. If you've never driven out there, it is sort of the road and curb cut that's already there. There is a dirt track, which we're going to drop rock on so we can get back and forth on it.

Mrs. Owusu-Safo said just a general question. You said it was impossible to get an easement from ComEd?

Mr. Konopka said it is not impossible, but their process is about 5 months. That's about how long it took us to go and get the sanitary sewer easement. We've committed, and the city is involved in this. Chuck Nelson is working on putting a meeting together, but from the time you actually file with ComEd, they say you have 72 days. I can tell you when we got the sanitary sewer easement it wasn't 72 days from the time we filed until we got the easement. It was more like 90, but there are preliminary steps that you have to go through and we are more than willing to do that, but we have to do that together. I will tell you also that several years ago before my client owned the property there was a meeting with ComEd to talk about a full access to Diehl Road and ComEd said we're not going to do it. Don't come back to us until you have a development. We're your development now. We can go forward with them, but we are out of time to delay our building. Frankly I've had conversations with Mr. Philipchuck and was under the impression based upon oral representations early, 2 years ago,

that this would never be an issue with easements. It has actually turned out to be quite an issue. That's why we are here today before you.

Mr. Cameron said as I run through my mind, and I don't have the facts, I just have general impressions, and as I remember the initial problems were that your client basically put a cell tower on a telephone pole in mis-accordance with everything that was allowed to be done. Then when you came before our Commission back in that timeframe, I don't know exactly what the time, but it could have been the 2018, there was the same kind of a problem in communication with the adjacent land owners at that point in time in which supposedly I think there would have been a change of ownership in one of the pieces and you or someone from your client said that they couldn't track the land owners down even though the city was aware of the change. Frankly, it left a bad taste in my mouth and I accepted the fact that the city went ahead because it is good to have customers and users and that type of thing, but in general I do not have a particular pleasant memory of your client and the actions that occurred at that time. That's more for information. We've had a fair number of change on the Plan Commission and I might ask Ed, do you remember any of those things? I don't want to put you on the spot.

Mr. Sieben said I would let Mr. Williams respond to that. I don't know if there was an actual tower on the property. I believe there was a wooden pole.

Mr. Williams said there was an allegation that we had a tower and that was raised in a September Planning Commission hearing I believe. What was happening was there was illegal fly dumping going on the property and Scientel put a pole up and put an antenna with a camera. We are a wireless communications company. That's how we communicate. That antenna was pointed to Lombard. There was a call made by a Scientel representative to the city to see if we needed a permit to put a pole up to put up a camera on. They said no permit was necessary. What was not understood at the time was that if you put an antenna on a tower you fall within the prevue of your Telecommunications Ordinance and that requires a process. When that was brought to our attention we immediately removed it. As far as your comment on the change of ownership, and YPII, that's what happened and maybe the fault is mine, but the records that were provided to me had an individual who has nothing to do with YPII anymore. I later found out that the owner of YPII is an engineering company and the prior owner owed that company a lot of money and that he conveyed his interest in the entity to the engineering company. That's why we didn't track it down. We met the Cibulskis's right away. We tried to reach out to our neighbors to the north unsuccessfully. We didn't have a lot of communication. It wasn't until like a few days before the public hearing that we got a call from Mr. Rosanova saying he represented YPII at which point we engaged in discussions.

Mr. Cameron said I guess my only point on that was that I felt that at that time it was kind of a rush to judgment that could be alleviated by a little bit of more searching on you folks. I understand. I was a builder and developer for 32 years, so I understand all of the other parts of the program and the pressures and all of that. I just wish that somehow, regardless of who is at fault, that the communications could be something other than deadline motivated.

Mrs. Vacek said staff would recommend conditional approval of the Planning and Development Committee Resolution approving a Revision to the Final Plan on Lot 2 of Scientel Solutions Subdivision located at 245 N. Eola Road with the following conditions:

- 1. That the landscape plan be revised as follows:*
 - a. Relocate the 2 trees on the south side of the building to the parking islands on the north side of the building. Replace 1 tree from the south side of the building with 20 shrubs and add 10 shrubs to each parking island on the north side of the building.*
 - b. Relocate the 2 trees on the south side of the building to the east side of the building.*

They have actually made that change. I did not get the landscape plan into the packet, so that condition will be actually going away once I get it into the packet for Planning and Development Committee.

2. That the Petitioner will cooperate with the property owner to the south to relocate the shared private road at such time as the property owner to the south fully complies with its obligation to dedicate the cross access easement as required by the Annexation Agreement.

MOTION OF CONDONAL APPROVAL WAS MADE BY: Mrs. Owusu-Safo

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: Mr. Cameron, Mrs. Duncan

Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.

Aye: 10 At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, At Large Owusu-Safo, SD 129 Representative Head, SD 131 Representative Hull, At Large Tidwell, At Large Gonzales and At Large Elsbree

Nay: 2 At Large Cameron and SD 204 Representative Duncan

3	Planning & Development Committee	04/25/2019	forwarded to the Committee of the Whole (Final/Appealable)	Pass
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Action Text: A motion was made by Alderman Franco, seconded by Alderman Jenkins, that this agenda item be forwarded to the Committee of the Whole (Final/Appealable). The motion carried.

Aye: 3 Chairperson Saville, Alderman Jenkins and Alderman Franco
