



City of Aurora

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Aurora, Illinois 60505
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Legistar History Report

File Number: 15-00597

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Type: Ordinance

Status: ATS Review

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General Ledger #:

In Control: Planning & Development Committee

File Created: 07/01/2015

File Name: Tennis Academy / Lot 4 Eola Crossing / Special Use / Variance / Final Plan

Final Action:

Title: An Ordinance Granting a Special Use Permit for a Special Purpose Recreational Use and Granting a Parking Variance on Lot 1 of Eola Crossing 4th Resubdivision

Notes:

Agenda Date: 10/29/2015

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description.pdf, Exhibit "B-2" Landscape Plan - 2015-09-22 - 2014.358.pdf, Exhibit "B-3" Building and Signage Elevations - 2015-09-22 - 2014.358.pdf, Exhibit "B-4" Fire Access Plan - 2015-09-22 - 2014.358.pdf, Exhibit "C" Memorandum of Agreement.pdf, Land Use Petition and Supporting Documentation - 2015-07-01 - 2014.358.pdf, ALTA Survey - 2015-07-01 - 2014.358.pdf, Community Research Table - Recreational Facilities.pdf, Response Letter from John Phillipchuck - 2015-08-25-2014.358.pdf, Property Research Sheet - 2015-10-21 - 2014.358.pdf, Legistar History Report (Special Use-Final Plan) - 2015-10-13 - 2014.358.pdf

Enactment Number:

Planning Case #: WH06/4-14.358-Fsd/R/Su/Fpn/V

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	07/07/2015	Forward to Planning Council	DST Staff Council (Planning Council)	07/14/2015		
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	07/14/2015					
	Notes: Representatives Present: John Phillipchuck, Gus Fernandes, Hanna Choi, and Margie Pierce						

I'm John Philipchuck, attorney, representing the applicants.

I'm Gus Fernandes. I'm the owner of Fernandes Tennis Academy. We train high performance tennis players, top players in the nation, very specific. The Fernandes Tennis Academy has been training athletes since 2012 now. We are looking for an indoor for all year use.

I'm Hanna Choi. I'm going to be working with Gus Fernandes. Our kids are heavily involved with the tennis. I have been working with him with his business.

I'm Margie Pierce, the realtor, and my backhand will never get any better.

Mr. Philipchuck said well I guess the easiest part of this is obviously the consolidation, taking 2 existing commercial lots and combining them into 1. The bigger situation issue is the Special Use for the recreational facility and a request for a variance in the parking standards. Tennis is a unique opportunity here for the youth of our area with Gus who's a nationally known instructor. Some of these children that are taking top notch instruction have to travel many, many miles in the Chicago area to be able to access these kinds of coaches, and as a result of people traveling from the area, we'll be able to offer some of those elite players an opportunity to learn from Gus and his instructors here in Aurora. We had a meeting with Alderman Bugg. We showed him what the proposal was. He was very enthusiastic about it and said he was fully in support of it. The owners of the property, Mike Steck and Ron Werhli, have signed off on the plans and they, of course, control what goes into their lots out there in the commercial center and they felt this was a good use for those back lots. They've had them on the market for many years and I know you've had some inquiries from time to time for various uses, none of which have come to fruition unfortunately, but in our case we think it is a great location low impact use. We have the 4 courts that are indoors and we have given the staff a matrix of how we anticipate our day's schedule going. With this kind of user, you can see that with the instructors and the various times of the day we just don't generate the kind of parking that's anticipated. Generally with an Ordinance that says you've got "x" amount of square feet you have to have "y" amount of parking spaces, which in some instances like the prior petitioner that was here, it probably makes sense, they needed more, but for what we do we don't have large spectators. We don't have teams of people rotating in and out like we did in the Supreme Courts for instance when we did that indoor recreational facility. Here it is a much lower impact and need for parking. You get generally the parents that bring, many of these children are not of age to drive yet, so many of them are just dropped off by the parents and then they come back and pick them up after their lessons. We do do some adult lessons and, of course, those take up, if you look at the matrix, the part of the day when the kids are usually in school and so as a result we are in a situation then where we again don't need a tremendous amount because you can only put "x" number of people on a court, usually 4 max at a time, so we think that it is a reasonable request under the circumstances. We think that the use fits in well out there. It is a compliment to the Eola Center, which the ownership felt it was a good use for those back lots. So we are hoping that staff will recommend approval of the Special Use for this indoor tennis recreational facility.

Mr. Wiet said I've got a question. Are you ever going to be using this for volleyball?

Mr. Fernandes said it is tennis only and for training only.

Mr. Wiet said most clubs actually hold volleyball events on weekends. I've been involved with Club Volleyball for a lot of years and I know there are a lot of tennis clubs that are used off-season for, or partially for, volleyball. Of course the reason I say that is that any use of this for volleyball would be under parked. But there are parking spaces throughout this commercial center that could be attractive to people if you were to expand your use of this facility. I think there is probably a general concern about the parking right now, but that would completely blow it out of the water if there was thought about doing anything else.

Mr. Philipchuck said that's a fair point. That's not the intent here.

Mr. Wiet said and we've not studied enough tennis courts in the area to know what the parking ratio is.

Mr. Fernandes said this facility is for training, high performance training, of young athletes. The max per court is 5 players per court, so it is not like volleyball where you can have, I think, 12 on a court. There are no spectators as well.

Ms. Choi said we are pretty maxed out with our tennis players, so there really isn't any time to put in any of the volleyball, the volleyball after school events. We're pretty packed from...

Mr. Wiet said well volleyball is mostly on weekends.

Ms. Choi said we are pretty packed with our academy.

Mr. Fernandes said basically what we are going to do is just transfer the academy that I have now.

Mr. Wiet said where is your academy at now?

Mr. Fernandes said at North Central College.

Mr. Sieben said so that's just something we'll need to take a look at. You do in your qualifying statement list the reasons that you just mentioned for the parking ratio as shown. From a land use perspective, I think we all agree this is a nice use for that. It has been sitting vacant for quite a long time. I know a daycare facility was approved, but then it never pulled the trigger, if you will. Dan, do you have any comments at this time?

Mr. Feltman said no. Obviously, as we talked in the submittal meeting, we deferred the Engineering submittal to later on after you get your Special Use just because we didn't want you to potentially spend money on engineering and then potentially get denied. Not that I think you are going to, but just to be safe, I was willing to defer it. Just keep in mind that once you get your entitlement that we can hit the engineering plans.

Mr. Seiben said as I mentioned at the submittal meeting, we do want to really pay attention to that buffering behind the building there. I know you are attempting to get a little verticalness, but I don't think that's quite going to cut it, so we're going to take a look at that.

Mr. Fernandes said where at?

Mr. Wiet said next to the residential.

Mr. Sieben said on the east side of the building.

Mrs. Vacek said the whole east side of the parking, there is going to be a buffer that's going to be required, so we'll take a look at it and we'll just give you comments on that. In addition, there will probably be some requests for some upgrades to the building if it's just some brick veneer.

Mr. Wiet said a metal building is fine for tennis. I don't know if the entrance can be...

Mr. Fernandes said of course.

Mr. Wiet said take a look at maybe throwing some brick veneer on the corner.

Mr. Sieben said is that CMU, or what is the bottom portion?

Mr. Wiet said is it all metal?

Mr. Fernandes said right now it is all metal.

Mr. Seiben said it is 100% metal, even the lower portion?

Ms. Choi said the lower part is...

Mr. Sieben said I thought it was block.

Mr. Wiet said is it like a block?

Ms. Choi said yes.

Mrs. Vacek said we'll take a look at it and we'll just probably comment on it.

Mr. Sieben said so Tracey will be getting comments and then Dan's staff will be getting comments. Fox Metro, any issues?

Mr. Frankino said Fox Metro will just expect to do a full review on the building and the site work.

Mr. Feltman said and that submittal will be the engineering plans to Fox Metro. So once you get your engineering plans together, submit it into us as well as Fox Metro for their review.

Mr. Seiben said so you don't need to come next week. Just wait for comments back. We'll get you eventually a tentative schedule for the Plan Commission because there will need to be notices for it.

- 1 DST Staff Council 07/21/2015
(Planning Council)

Notes: Mrs. Vacek said I am reviewing this today or tomorrow. I did look at the parking variance and they will need to buy 110 to 130 feet of additional land to accommodate the parking. I will be sending out comments to this effect.

- 1 DST Staff Council 07/28/2015
(Planning Council)

Notes: Mrs. Vacek said I'm finishing up my review on this and I will be sending out comments in the next couple of days.

Mr. Feltman said Engineering deferred the Final Engineering submittal because of the Special Use, so we don't have engineering plans to review.

- 1 DST Staff Council 08/04/2015
(Planning Council)

Notes: Mrs. Vacek said I sent out comments last week. I think there were a couple of main things that I had in my comments. Number one is the parking. You guys are asking for about a 55 parking variance, which staff is not in support of. I know you had some questions on that, so we can talk that through. Then I think the other main thing was the building elevation. We are asking for some upgrades to the building elevations to kind of meet what's kind of existing out there.

Representative Present: John Philipchuck

Mr. Philipchuck said well first of all with regard to the parking, obviously we had requested that given the nature of the use here, and we provided you with the data on the operation of this as a tennis teaching facility, that the amount of parking that is being provided is actually considerably in excess of what is needed to support the use that's before you. Now when I mentioned something to Tracey, she said well that's fine, but we have a concern about what happens if the tennis facility goes out. Well I think the answer to that is we have to look and see what the zoning allows out there and what needs to be done in order to increase the amount of parking to meet the new use. Obviously this location could certainly lend itself to an office use and it wouldn't take all that much because the criteria for office is 1 per 300, not 1 per 200 like it is for a recreational facility. If you look at the gross square footage, based on what we are providing in the number, the 84, you'd be required to have 92. We are only down 8 spaces, and Ed, as you know, there are certain exemptions that come in under the parking regulations. In other words, you take certain areas out. For instance, restrooms, the area that is devoted to restrooms, comes out of that square footage calculation as I read the ordinance.

Mrs. Vacek said that's correct, but you have not provided us any of that information. Unless you provide us that information, we don't look at it that way.

Mr. Sieben said so if you'd like to provide that John.

Mrs. Vacek said so if you can provide the information of what can be taken out then we can take a look at that.

Mr. Philipchuck said I'm looking prospectively because your concern was not so much with our use, but what would happen if the use went out.

Mr. Wiet said I mean, I guess, we could put it bluntly. All you are trying to do, this is an arbitrary parcel line that you guys are buying and you are just trying to fit a tennis facility and parking in there and you are coming up with reasons why you don't want to go beyond this arbitrary line. To me you're just trying to argue how you can fit this in this parcel, not the fact that just move the line over 50 feet. It is vacant, same owner, and then you could meet the criteria.

Mr. Philipchuck said it is not the same owner, Bill. It is not the same owner. We are buying existing lots. It is not the same owner.

Mr. Wiet said it's vacant. Everything is vacant.

Mr. Philipchuck said it is vacant. We inquired, but the price is out of this world.

Mr. Wiet said so it takes me back to the fact that you are just trying to make an argument for 55 spaces because it is a parcel that is, our opinion, too small for this. Last week we expanded the DuPage Swim Club, we expanded the Great Lakes Volleyball because of the need for additional parking.

Mr. Philipchuck said exactly Bill because they have tournaments and meets there.

Mr. Wiet said I go to 2 tournaments with my kid in Club Volleyball that are played in tennis facilities and I'm parking 3 blocks away.

Mr. Philipchuck said well that may be, but are they public facilities or is it a private academy?

Mr. Wiet said they are clubs. They are like tennis clubs. I don't what you want to call them.

Mr. Philipchuck said well then they shouldn't be having the volleyball tournaments in there.

Mr. Wiet said they are money makers. It is \$5.00 a pop.

Mrs. Vacek said but they are special purpose.

Mr. Philipchuck said we are fine with conditions on this Special Use that it can't be used for those kinds of things.

Mr. Wiet said I just think we're probably going to hold our position and then you guys can argue at Planning Commission.

Mr. Philipchuck said but why weren't they told that months ago then?

Mr. Sieben said John, let me come into that play. You were not at the first DST meeting.

Mr. Wiet said I brought it up.

Mr. Sieben said I'll print out my notes from the meeting.

Mr. Philipchuck said I've seen them.

Mr. Seiben said my first concern was the parking and I brought it up. The first DST meeting this was a 3 court building and I even had concerns with the parking then. When this finally started to come back and we saw some preliminary stuff that you guys were going to submit, they decided they'd go to a 4 court thing, okay. So we did bring that up at the beginning. Now I have 2 points to what you brought up. You said well if another use comes in here then the parking needs to meet the zoning. This is being approved for a special purpose recreation area. It is not limited to a tennis club, okay.

Mr. Philipchuck said we are happy to do that though.

Mr. Sieben said so that's A. And B when Mr. Fernandes and Ms. Choi were here at our first meeting, we even brought up about this potential re-use of the building or maybe there are times when they would rent out to a volleyball or something. They did not refute that they may do that, so that led to some additional concern with us.

Mr. Philipchuck said well after I became involved I explained to them what the opportunities were or were not, and so they understand that now.

Mr. Wiet said but why wouldn't we give every opportunity to this development to succeed by doing stuff like that? So by meeting the 1 to 200 would probably succeed, that's all.

Mr. Vacek said and what we've noted is that these type of uses evolve. As they come in, they may be just the small thing right now, but they evolve and then they say we can make money this way and we can do this and we can have these tournaments and so they evolve. Our concern is not only do we

have to look at the future of what this building may be, but we also have to look at the special purpose.

Mr. Philipchuck but you are talking about the parade of the imaginary horrors.

Mr. Wiet said but we're not saying you need more than what the code provides for. If the coded provided for, what's the total count pursuant to the...

Mr. Philipchuck said it would be 138 required under the gross square footage.

Mr. Wiet said so we can't sit here and say well we know you are going to have 200 cars there so you've got to overbuild. We are not even saying that. We are trying to, I think, justify why that number actually probably works in this case, that's all. Even though you could cram 200 cars and they would be parking on Eola Road or parking in the old Ace Hardware, the but fact is we're looking at, we think we have a legitimate argument based upon all of the recreational uses that have been coming in and then asking for parking.

Mr. Philipchuck said this is a Special Use. You can condition it to only that tennis academy. We've given you all the numbers. You can't refute the numbers would support the parking we have, right?

Mr. Wiet said but no one's got a vote here.

Mrs. Vacek said but John, even if we did just say that it could only be used as a tennis facility, then we are cornering ourselves in for any kind of future use of that building, so we are cornering ourselves in to that little parking with that size of a building. It is something that I don't think the city would want to do.

Mr. Wiet said that's a perfect health club if the tennis courts went away.

Mr. Philipchuck said as I started to say, that could be easily converted into an office building, and in fact, I checked with the contractor and there are 25 foot sections in there with the beam structure that's in there. The end 25 feet could be taken off. You've now reduced the square footage that you would easily surpass what you would need for an office use without doing a lot to it, okay. I suppose if push came to shove we could then convert that area to additional parking if you felt that there was a need. But as long as it is a Special Use with conditions for his academy, and he's not just starting out in the business, he's been in operation, so he knows what his capacity is, he knows what he is comfortable with, they've looked at the numbers, and they feel that they can operate the Gus Fernandes Tennis Academy in that facility as designed and as parked. So to me...

Mr. Wiet said and I'm just saying you've taken a parcel of land with a defined lot line and you put in 4 courts and whatever's left over you put parking in and you are arguing that that is satisfactory. That's all I'm reading through this.

Mr. Philipchuck said for that use. I'm not saying it's sufficient...

Mr. Wiet said if that was 20 feet wider, you would put more parking there. I know you would if that lot was larger.

Mr. Philipchuck said no, they would actually try to put another court in. That's what they would probably do.

Mr. Wiet said you just understand our point.

Mr. Philipchuck said but did you just disregard the parking statistics we gave you? Did you just say well that's...

Mr. Sieben said that's the business plan?

Mrs. Vacek said we looked at it.

Mr. Sieben said no, not at all, not at all.

Mr. Wiet said we looked at it.

Mr. Philipchuck said so I mean, would you admit that based on that model that it works?

Mr. Wiet said I need to drive by every tennis court in the Midwest to be able to get to...

Mr. Philipchuck said but you are not comparing apples and apples, Bill. Every tennis facility is not the same as this.

Mr. Wiet said that's what us bureaucrats do. We just look at comparable uses elsewhere and this is...

Mr. Philipchuck said I used to sit in that chair. I understand what you look at, but the fact remains that you could condition this and you've got the use, you've got the guy that's going to operate it. It is an elite tennis facility.

Mr. Wiet said we are wrapping our arms around this development.

Mr. Philipchuck said it is a great use. It is great location.

Mr. Sieben said we agree.

Mrs. Vacek said we agree that the use is great.

Mr. Wiet said we totally agree.

Mr. Philipchuck said but now staff won't work with us to try to make it happen because you are worried about what if, what if, what if, and I'm saying they are big people. They understand what the conditions would be and if the what if comes to fruition I'm just giving you examples. It wouldn't take much to get the square footage such that we could make up 8 spaces and that could be office use. What would be wrong with an office use there?

Mr. Wiet said that's a good plan to make to the Planning Commission for the record and then let the City Council decide.

Mr. Philipchuck said but what about you? You're the professional planner.

Mr. Wiet said my professional opinion is this is under parked because of what we've done with all these other recreational facilities in the past.

Mr. Philipchuck said I say that's not comparing apples to apples. When we did the Supreme Courts, we knew we were going to have basketball tournaments and things in there. We knew there would be turnover and leftovers.

Mr. Sieben said so what you are throwing back John is the owners would be agreeable to a condition limiting it to this specific use, but you are then tying, you are kind of tying the building.

Mr. Wiet said why wouldn't you want bleachers in there for tennis tournaments and people coming to watch?

Mr. Philipchuck said because they are not going to have tennis tournaments. It is for tennis instruction, not tennis tournaments. That's the big difference here. Now if Gus tells me otherwise, then I'll come back and tell you I was wrong, Gus said no they might have a tournament, but my understanding is it is for the elite instruction only and then there is instruction for some adults too because in those hours when kids are in school there is room to be able to utilize instruction for adults too. That's the plan. It is not set up, there is no design in there. Do you see any bleachers or anything that are put in there? No.

Mr. Wiet said I see plenty of room for them. Look at along the bottom portion of the courts and along the right side.

Mr. Philipchuck said the bottom portion? You are going to put people at the end of the courts, Bill? Not in tennis.

Mr. Wiet said yes you do.

Mr. Philipchuck said not that close. Those players have to move around to go after the ball. You don't put people 10 feet behind the players.

Mr. Wiet said these are good arguments John, honestly.

Mr. Philipchuck said well that's why I want you to consider it and let's not rush to judgment and say oh this is impossible because of your parking and we can't make this work.

Mr. Wiet said okay we'll consider it.

Mr. Seiben said respond back to Tracey's thing.

Mr. Philipchuck said I can to that. I have another question about where is the limits of this fence now you are talking about. Where did you want a fence?

Mrs. Vacek said on the east side.

Mr. Philipchuck said the whole east side?

Mrs. Vacek said yes.

Mr. Sieben said well that's where we've got our residential right there, so I think that's the concern.

Mr. Wiet said and again, we think that people are going to park on the residential street and walk across the landscaped area to get in this building. Honestly, it goes back to parking, it really does.

Mr. Philipchuck said then why are we landscaping the heck out of it if we are putting a fence up?

Mr. Sieben said it will go higher than 6 feet inside of it.

Mr. Philipchuck said but Bill just the whole purpose is to keep people from walking through there, not to screen it.

Mrs. Vacek said okay then the landscaping is to screen it.

Mr. Wiet said the screening.

Mr. Philipchuck said to screen what?

Mrs. Vacek said the use.

Mr. Wiet said a non-residential use adjacent to residential.

Mrs. Vacek from a non-residential use to a residential use.

Mr. Philipchuck said but we've known all along what that was going to be from day one when it was planned. We knew that there was going to be commercial buildings on this property adjacent to residential, but it was multi-family residential and we all know that that is a workable transition. So now all of a sudden we are trying to hide the building.

Mr. Wiet said we never got to the stage where we would look at...

Mr. Sieben said we do fencing all the time from commercial to residential.

Mr. Philipchuck said you have a building that has a long wall there. You can't walk through the wall, so why do we need the fence down where the building is?

Mr. Wiet said we'll take it under advisement, I guess. You know John, these volleyball, basketball, swimming, health clubs, it is a mad house of parking.

Mr. Philipchuck said I agree with you Bill. I agree with you. It is. You are absolutely right.

Mr. Wiet said and I almost would prefer to change our parking ratios.

Mr. Philipchuck said I don't disagree with you on that.

Mr. Wiet said but to cut it from 130...

Mr. Philipchuck said 54 spaces.

Mrs. Vacek said it is 55 spaces and it goes from 1 space per 200 to 1 space per 332, which does not meet the office use by the way.

Mr. Wiet said unless you get us a diagram.

Mr. Philipchuck said I said that we'd be 8 short just under the gross square footage, but that's not what you use. You use the net inside the building, right?

Mr. Sieben said well if you want to break it down. Yes, you'll lose a little bit.

Mr. Philipchuck said so you lose some from the walls and you lose some from the restrooms.

Mr. Seiben said utility rooms.

Mrs. Vacek said utility rooms and restrooms.

Mr. Philipchuck said when you go to office use though, I'm saying that I think that you could easily without even taking an end section off that building you could probably make office work in there with the parking we have provided because of the reduction in the square footage. To me, I think that would make staff more comfortable that that's an option and if you want me to show you how they can take a section out, I can do that too, and I can probably work with you Ed to see what other, are there any other areas, would atriums or anything like that in an office covered be under the parking too? Does that count? Do you know what I'm saying?

Mr. Sieben said well we've got to look at what you've got right now.

Mr. Philipchuck said well I understand and we know we are under parked based on the 1 to 200, but I'm trying to satisfy the staff that if this went away what else could we put in there based on the fact that we are under parked and I'm saying I think it makes sense that that could be converted to office space and probably taking out some of the areas that are not included we could pick up those 8 spaces because I'm looking right there at just gross.

Mr. Seiben said you are probably right if it went to office, but probably a better use is another recreational use.

Mr. Philipchuck said it might be, but it can't be unless they can acquire more parking. Mike Steck has got a hell of a price tag on that lot, and they looked at it.

Mr. Wiet said behind? An outlot behind and outlot has a tremendous price tag on it?

Mr. Philipchuck said yes.

Mr. Sieben said those lots that have sat there for 12 or 15 years.

Mr. Philipchuck said it is more than what they are paying for that, considerably more than what they are paying for that. That's all I can tell you. If there was a reasonable price would they try to acquire it? Probably because they would like to put in some outdoor courts.

Mr. Sieben said aren't they buying from the same owner?

Mr. Philipchuck said no.

Mr. Sieben said are they one of these where it is interspersed somehow?

Mr. Philipchuck said when this was developed it was Crestview Builders, Mike Steck and Ron Werhli.

Mr. Wiet said they wanted to put a Jewel Food Store in. I remember. They decided not to build there and now we've cut this thing into like 8 or 10 parcels. Outlots behind outlots.

Mr. Philipchuck said Mike and Ron are not partners.

Mr. Sieben said so you are saying they are buying this from Ron and then the next one is...

Mr. Philipchuck said Mike's. They are not partners anymore. They split the business. Mike kept Crestview Builders and some land. Ron Werhli kept others.

Mr. Sieben said so it is still a vacant lot.

Mr. Philipchuck said it is a vacant lot, absolutely. I think if they could acquire it for the price they are acquiring these you might be able to get a little more parking and maybe even an outdoor court. They tried Bill. They tried.

Mr. Wiet said I know. You made great arguments. I think I made great arguments in response.

Mr. Philipchuck said I understand and I agree with what you say.

Mr. Wiet said John used to be the head of the Building Department here in Aurora just for you guys.

Mr. Sieben said and Zoning Administrator.

Mr. Wiet said back in the 80's.

Mr. Philipchuck said and a planner before that. From the bottom I rose, and then I went back to the bottom again.

Mr. Sieben said alright John, do you want to respond back to, we hear you, you want to respond back? There are a few different points there.

Mr. Philipchuck said they are going to look at what they can do to dress up the building. They are going to try to make it nice, but by the time you landscape it and you fence it, what are you going to see other than the roof?

Mrs. Vacek said well I guess our point is that in commercial areas we do not use metal, so we need to look for an alternative.

Mr. Wiet said I know it is a metal building.

Mrs. Vacek said we need to look for an alternative on it.

Mr. Philipchuck said a certain portion of it is not. It is masonry.

Mr. Wiet said there is a portion of it.

Mr. Philipchuck said the lower portions are masonry.

Mrs. Vacek said we have a limit in the ORI of how much metal, corrugate metal, you can have, so it being in the commercial it needs to be upgraded.

Mr. Sieben said we had Sacred Heart Church that had a little bit of this look and then they eventually put a brick façade on a lot of it.

Mr. Wiet said we'll look at it.

Mr. Philipchuck said thanks.

1 DST Staff Council 08/11/2015
(Planning Council)

Notes: Mrs. Vacek said I sent all my comments, so I'm just waiting for a resubmittal.

Mr. Feltman said we don't have a submittal.

Mr. Sieben said we are waiting for the Petitioner's response based on last week's meeting.

1 DST Staff Council 08/18/2015
(Planning Council)

Notes: *Mrs. Vacek said I sent out revisions. I'm just waiting to hear back. We do have a meeting set up on Wednesday to talk about elevations.*

1 DST Staff Council 08/25/2015
(Planning Council)

Notes: *Mrs. Vacek said we had a meeting last week to discuss the elevations. We did have some comments on that, so we met to discuss that and we are just waiting for a resubmittal for everything else or a response.*

1 DST Staff Council 09/01/2015
(Planning Council)

Notes: *Mrs. Vacek said they did resubmit last week.*

Mr. Wiet said did you get Philipchuck's letter?

Mrs. Vacek said I looked at it really briefly. They are not looking to do the additional parking, but they would like to move it forward with the variance, so we just need to take a look at it.

Mr. Wiet said they are using Naperville statistics on these tennis clubs to show we are way in excess, so we'll check it out.

Mrs. Vacek said so we will be reviewing that and setting it for public hearing.

1 DST Staff Council 09/08/2015
(Planning Council)

Notes: *Mrs. Vacek said I sent out comments. They sent me back some comments, but it was not a complete submittal so I'm waiting for them to respond with the rest of what I need before I bring this forward.*

1 DST Staff Council 09/15/2015
(Planning Council)

Notes: *Mr. Sieben said Tracey had a meeting with the representative yesterday. I don't know what the outcome of that meeting was.*

Mr. Feltman said we deferred the Engineering because it was a Special Use, which required a public hearing.

1 DST Staff Council 09/22/2015
(Planning Council)

Notes: *Mrs. Vacek said I met with them a week or so ago. I have not received revisions. They do need to get those in today if they would like to be on the October 21st Planning Commission.*

Ms. Phifer said and we've made them aware of that.

Mrs. Vacek said and we did make them aware of that.

1 DST Staff Council 09/29/2015
(Planning Council)

Notes: *Mrs. Vacek said we sent out public notice letters to the Petitioner to get out this week. This is set for the October 21st Planning Commission. There will be conditions on this.*

1 DST Staff Council 10/06/2015
(Planning Council)

Notes: *Mrs. Vacek said this is set for the October 21st Planning Commission. We will be voting this out next week.*

Representative Present: John Philipchuck

Mr. Philipchuck said I wanted to be here because obviously with the coming out of the recommendation next week, I wanted to check and see if there was anything further that anybody needed from us. I know you had requested that I give you some supporting information in writing with regard to the parking variance with regard to what can be done with the property in the future if the tennis facility were to go out. Of course, we are suggesting that we can put conditions on the Special Use. We can put restrictions of record for any future purchaser, putting them on notice that the number of uses on the property would be very restrictive because of the parking numbers that are available, and so it would have to be a use that fits with that or they would have to reduce the square footage of the building, which again, I tried to point out to staff that those buildings are put up in sections and it would be easily feasible to remove sections from the south end of the building, put the back side back up, and thereby reducing the square footage and being able to utilize the building for a

lot of other uses. Then you could probably get into retail or daycare of whatever. In fact, I got a call the other day about daycare for somebody out there again, so they are still looking at that area. Again, their only interest is not volleyball, not any of these other sports. It is a tennis academy. It is for instruction. We presented evidence as to how an adjoining community treats that kind of facility. They call it out just specifically because of the nature of that sport versus many others. Of course, I've also gotten approval from the bank, the PNC Bank, that is just kitty-corner down the drive isle that they said non-banking hours if you are going to have any kind of a special event and if you needed people to park here that would be fine. They just can't do it, obviously, during banking hours. Alderman Bugg had mentioned that at some point he might want to have some kind of a community activity out there and introduce some of the youth in his Ward to the sport of tennis, but he said that might be a 1 or 2 times a year event. That would be what he envisioned that might happen. At any rate, we did reach out to see if there was any kind of a special thing if we needed to and the bank manager said that that would be workable for them. I just wanted to bring that to your attention.

Ms. Phifer said and so you've given us all of those different ideas and things in writing?

Mr. Philipchuck said yes, except for the bank one. That's new. I just got an e-mail from the manager this past week, so that wasn't included in my latest, but I think the other stuff I gave to you guys about that.

Ms. Phifer said would they be willing to enter into an off-hours lease with the facility or is that just something that was sort of a handshake thing?

Mr. Philipchuck said at Alderman Bugg's suggestion, we went ahead and approached them and so I've had discussions with them and he sent me an e-mail back and said they didn't see a problem with it. It was not banking hours. Again, we don't intend to use that at all for what we do. You saw our numbers. We presented the numbers on how many people are in the facility at one time. I think his max projections are 24, so we didn't see that as an issue, but again, Alderman Bugg urged us to talk to the bank just because I think he would like to do something once a year out there, so we approached them. A long term lease, I doubt that they would do that. I don't know what business would be quite frankly the banks sometimes they are there and the next day you go by and they are not there, so they don't normally want to do that. But they are good neighbors and they said that it was not an issue. As to that fence, I don't know how you feel about that, but again, at Alderman Bugg's urging, he didn't really want one. It wasn't a keep the people from parking in the lot and going into the subdivision. He didn't see that as an issue. He said that a lot of them come from the subdivision and like to cut through to go to the businesses on Eola and so he would prefer that there not be one. My client doesn't mind if people come through. It is either kids on bikes or people walking. That doesn't pose a real problem for use.

Mr. Sieben said of course, potentially at the public hearing some of those people may come out.

Mr. Philipchuck said oh absolutely they might and we'll have to reconsider at that point, but at least now that's the proposal. We propose not to do it, but if it ends up that that's something that they want then we could do that. I think you've got all the plans changed that you had asked for. I don't know if there was anything else. They have purchased the property. They were put in a position where they couldn't do otherwise, so they do own it.

Mrs. Vacek said this will be voted out next week.

Mr. Philipchuck said if anything comes up or anybody has anything, please let me know.

Mr. Feltman said we deferred the Final Engineering because it was a Special Use, so we expect to get the Final Engineering once you guys get passed through.

Mr. Krientz said I signed off on it, but I sent a note to have clear access to the sprinkler room area. That was the only note that I attached to that.

1	DST Staff Council (Planning Council)	10/13/2015	Forwarded	Planning Commission	10/21/2015	Pass
	Action Text:	A motion was made by Mr. Sieben, seconded by Mr. Feltman, that this agenda item be Forwarded to the Planning Commission, on the agenda for 10/21/2015. The motion carried by voice vote.				
	Notes:	Mr. Sieben said this does need to be voted out today. There probably will be some conditions on this potentially. Unfortunately, Tracey is out sick today, so I don't have those conditions, but they will be made known in the staff report.				

Mr. Feltman said we did not receive Engineering because of the Special Use.

Mr. Sieben said I make a motion to move this forward to the October 21st Planning Commission meeting. Mr. Feltman seconded the motion. The motion carried unanimously.

2	Planning Commission	10/21/2015	Forwarded	Planning & Development Committee	10/29/2015	Pass
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Action Text: A motion was made by Mr. Pilmer, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 10/29/2015. The motion carried.

Notes: See attachment for Items 15-00596 and 15-00597.

Aye: 9 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Divine, At Large Engen, At Large Truax and SD 204 Representative Duncan

Attachment for Items 15-00596 and 15-00597:

15-00596 A Resolution approving the Final Plat for Eola Crossing 4th Resubdivision, being vacant land located at 2360 and 2390 S. Eola Road (Eola Tennis Academy – L15-00596 / WH06/4-14.358-Fsd/R/Su/Fpn/V – TV – Ward 9)

15-00597 An Ordinance granting a Special Use Permit for a Special Purpose Recreational Use and granting a parking variance on Lot 1 of Eola Crossing 4th Resubdivision (Eola Tennis Academy – L15-00597 / WH06/4-14.358-Fsd/R/Su/Fpn/V – TV – Ward 9) (PUBLIC HEARING)

12 Our next item of business is as follows: A
13 Resolution approving the Final Plat for Eola
14 Crossing 4th Resubdivision, being Vacant Land
15 located at 2360 and 2390 South Eola Road, Eola
16 Tennis Academy, Ward 1.

17 MS. PHIFER: If we could also
18 consider 15-00597 at the same time.

19 CHAIRPERSON TRUAX: Yes. That is an
20 Ordinance granting a Special Use Permit for a
21 Special Purpose Recreational Use and granting a
22 parking variance on Lot 1 of Eola Crossing 4th
23 Resubdivision, Ward 9.

24 And this is a public hearing.

1 MS. PHIFER: Good evening. The
2 proposal before you this evening is first a plat
3 of subdivision. Basically what we are doing with
4 the plat of subdivision is to take two lots and
5 combine them into one lot so the entire project
6 would then be on one subdivided lot. That's the
7 first petition that's before you this evening.

8 The second petition that is before you is
9 to approve a Special Use for Special Recreation
10 Facility on that newly created lot.

11 The Petitioner, which is Eola Tennis
12 Academy, is requesting a Special Use recreational
13 facility, 5200, with a final plan and a parking
14 variance but will now be Lot 1 of Eola 4th
15 Resubdivision for a tennis academy.

16 The subject property is currently zoned
17 PDD. It's a Planned Development District. And
18 this was part of the Noggle Farm Planned
19 Development so we haven't seen that one in
20 awhile. But there was quite a bit of
21 development. And as part of that planned
22 development, this is one of the last few
23 remaining lots.

24 You can see on the map that's up, the

1 location map, generally where this is located.
2 If you remember, there was actually -- this is
3 one of the commercial pods as part of that Noggle
4 Farm, and there are town homes to the east of
5 this property and then there is some out lots
6 that are currently developed along Eola Road.

7 So this lot is actually behind those out
8 lots. There is a series of lots there. This is
9 the southern most two lots that they are looking
10 at putting the Special Use on.

11 So this is the Landscape Plan and it gives
12 you an idea. And I will let the Petitioner
13 orient you on the project. But what they are
14 looking to do is 27,600 square foot building with
15 84 parking spaces. The facility is proposed to
16 include four tennis courts, ancillary office,
17 restroom and fitness areas. And I will let the
18 Petitioner go into a lot more detail on what
19 their business plan is and what their activities
20 are planned for this property.

21 As part of the proposal is that they are
22 requesting a parking space variance. They are
23 looking to reduce the parking requirement for
24 these types of facilities. They are asking for a

1 reduction of 45 spaces. That's roughly about
2 34 percent reduction in the requirement.

3 Just to give you a little background with
4 regards to the parking requirement, there is a
5 special use before you this evening. But the
6 parking requirement is tied to not the special
7 use but tied to the structure that's being
8 constructed. You may remember a few years back
9 right around 2005, we went through and did a very
10 large revision to our parking table. We did that
11 in conjunction with the consultant. And we
12 actually switched all of our parking requirements
13 from being based primarily on use to being
14 primarily on structure types. We did that for a
15 lot of reasons. Some of the things that came up
16 when we had those discussions were instances like
17 strip centers, retail strip centers.

18 So if we had a small office user that came
19 into a retail strip center, like say a tax
20 attorney, they may only need -- if they base it
21 on employees -- they may only need two parking
22 spaces. They have themselves and an employee,
23 and really their business comes around tax time.

24 So we didn't want to build and design a

1 strip center based on what that particular use
2 was going to be. So what our parking table is
3 currently structured at is that we don't
4 necessarily look at what the lessee is going to
5 be in that retail strip center. We look at that
6 retail strip center as a whole, and that's how we
7 do the parking requirements.

8 The reason for that is to make sure the
9 structures remain viable. And it's really about
10 maintaining the economic development of the City
11 to making sure that down the road that that's a
12 long-term investment, that both the property
13 owner is making -- we want to make sure we ensure
14 the property value on those properties, but also
15 making sure that as trends change, that space can
16 be used for other uses as well.

17 Another example of how we look at
18 structures is warehousing. So a warehouse user
19 may come in and may be able to say that they have
20 two employees, but we still park it based on the
21 structure that is being constructed. It's based
22 on the warehouse building, and they have certain
23 parking requirements for that.

24 Now we have in the past, as you well

1 remember, we do absolutely look at what the use
2 is and have very many times in the past allowed
3 developers to bank that parking. So they don't
4 necessarily need to construct it right away. But
5 what we want to make sure of is that we have a
6 path to be able to address any overflow that may
7 happen or a path to be able to address any future
8 needs that that building may have.

9 So that's a common practice that the
10 Planning Commission has seen before where we
11 still have a parking requirement, and they don't
12 need to construct it at this point. We just need
13 to see how in the future, if it's needed, it
14 would be accommodated.

15 So some of the things that the Petitioner
16 has included with regards to the parking
17 variance, the Petitioner is proposing that they
18 will limit the structure with only four courts,
19 and that basically through their programming,
20 staffing levels, lesson scheduling, and then also
21 encouraging parents not to stay and watch their
22 children, that they would encourage parents to
23 drop them off.

24 These are solutions that they are proposing

1 as well as just in general the demand for the
2 four courts versus maybe some different
3 recreational uses.

4 Obviously they are showing there is a lower
5 demand for these types of facilities. And
6 they're proposing lots of different business
7 practices that they are going to be doing to
8 limit that.

9 From a City point of view, however, our
10 ability to enforce any of those types of things
11 is going to be extremely limited. And also just
12 looking at the long-term economic viability, I
13 think the City would like to make sure that they
14 do grow, that they are able to add more students
15 and are able to add more practice sessions and
16 can be very successful in Aurora.

17 We want to make sure that that success is
18 not being hampered by some decisions that are
19 made earlier on in the development process.

20 You will note in the documents that you
21 received, staff did take a look at this.
22 Obviously parking is a big issue with these
23 recreation facilities. We did look at other
24 communities. So there is a table in your packet

1 and I will pull it up.

2 So you will notice that basically the
3 research that Staff did, the parking requirements
4 really fall into two different categories. There
5 is one category where communities define these
6 uses as the recreational facilities. It's more
7 of a general multiuse type of a building, type of
8 structure. And then there is other communities
9 that define them specifically as tennis
10 facilities.

11 The other thing you will note from the
12 research is that there is a very wide distance
13 between the requirements of these two types of
14 uses. So this was very curious to us. So we did
15 reach out to these different communities. We did
16 find that the communities that have things
17 recognized as recreational facilities, those are
18 changes that they have made recently based on
19 current trends as are the changes that the City
20 of Aurora has made. There is a couple of notable
21 facilities that again the Commission may be aware
22 of, that we have had lots of overflow parking go
23 onto City streets and onto other private
24 properties.

1 So in reaction to that, we did start to
2 consider all of these buildings under this
3 recreational facility, parking requirement, and
4 some of these other communities have done that
5 very same thing. So these are ones that used to
6 have it defined as a tennis facility only and
7 then they have gone and made changes.

8 One of the things you will note is that we
9 do have Naperville listed under both of those.
10 We did contact Naperville, and their Planning
11 Team leader, Allison. Basically what she said is
12 that any new tennis facility that comes into
13 their community will be considered under this
14 recreational facility guideline, that it was
15 inadvertently not removed from their ordinance
16 when they made that change.

17 And so another thing to note about their
18 requirement is that is a minimum that you see up
19 there so they have 103. So the way it works is
20 there is quite a bit to it. They require a
21 minimum of 103 for this type of facility. So
22 that is what Tracey has done, is representing
23 what it would be if they built under those
24 regulations. And they start with that number.

1 And then if there is going to be any competitions
2 between any two individuals, any competitions or
3 any special events, then they have another step
4 where they require the property owner to do a
5 parking study.

6 And so they base then any additional
7 parking requirements based on that parking study.
8 And they have done about three or four of them
9 where they have asked those developers to
10 actually do that study in order to prove out what
11 additional parking may be needed for those.
12 So the Naperville tennis one then, like I said,
13 that is not something that they use anymore.
14 They are using the Recreational Facility
15 Provision.

16 The other communities we did contact them.
17 Some of them we did not hear back from. However,
18 the ones we did talk to, they did say that
19 these -- they have not had indoor facilities
20 approach them. So they did not know whether
21 these would be the parking requirements that they
22 would use in that instance. The only places they
23 had applied these were for outdoor tennis
24 facilities. And just in general, in looking at

1 this, like I told you at the beginning, the vast
2 difference between that requirement, to me, sort
3 of speaks to the fact that they really are
4 considered two different provisions. And again
5 not talking to all the communities, but most of
6 the newer provisions are going with the
7 recreational facilities and most of the other
8 ones are referring to more of those outside
9 tennis courts.

10 With that, again, like I said, we mostly
11 just want to make sure there is a path to
12 addressing any overflow parking. And so if you
13 look at the condition that Staff has drafted
14 really just giving the Petitioner to look at some
15 options with regards to looking at off-site land,
16 looking at off-site leases, looking at banking
17 some of this parking, really just trying to find
18 a path to make sure if there is a parking issue
19 in the future, whether it be with this owner,
20 with the future owner, that there is some ability
21 for us to go back and address that issue.
22 Otherwise, if the rest of the development builds
23 up and there is no release to that, what the
24 concern would be that we then have an economic

1 viable building that at that point we would
2 either need to reduce or we would need to reduce
3 the available uses. We would need to deintensify
4 that building, or we need to look at some other
5 option to be able to try to provide parking. And
6 I honestly am not sure what that other option
7 would be if there is everything else is built
8 around it, unless we are looking at decking the
9 parking.

10 With that, Staff does recognize the fact
11 that this is a unique instance with the tennis
12 facility. We are opened obviously per the
13 condition to banking but also recognizing that we
14 can give on that parking number. So the number
15 that you see in that condition, that is still
16 providing a parking variance. But it's a
17 12 percent parking variance versus a 34 percent
18 parking variance the Petitioner is requesting.
19 So Staff recommendation is we do support the
20 parking variance but at a smaller level and are
21 asking that there be an additional 29 parking
22 spaces that either be with a long-term lease --
23 again a lot of our churches will do things like
24 that, a long-term lease with some of the other

1 property owners --or by adding additional land to
2 the property. They could also obviously shrink
3 the building and make sure that it's a balance
4 between the number of parking spaces and the
5 building. But I know they want to have those
6 four courts.

7 The other condition that is on here is with
8 regard to the building elevations. And basically
9 just asking that the building facade be upgraded
10 to a higher quality building materials to be more
11 consistent with the other buildings in the area.

12 Are there any questions for Staff?

13 CHAIRPERSON TRUAX: Would the
14 Petitioner like to tell us about your project?
15 You need to be sworn in.

16 (Whereupon, the witness was duly
17 sworn.)

18 MR. PHILIPCHUCK: I am John
19 Philipchuck, and I am here representing the
20 Petitioner, Eola Tennis Academy and the owner,
21 Eola Tennis Building LLC. With me is Anna Choi,
22 a principal; Gus Fernandez, a principal and the
23 instructor; and Richard Vecha, who is the
24 building contractor that would be constructing

1 the building for us.

2 I was involved with the Noggle Farm
3 property from day one when Crestview Builders
4 acquired it from the Noggle family and we laid
5 out the plans for a lot of residential
6 development in the area, as well as some
7 commercial; one of it being Eola Crossings.

8 And we decided that it would be a good idea
9 and decided it would be a good idea, the Staff
10 and the City Council agreed, and the Planning
11 Commission, to buffer the commercial area with
12 the transitional use and that was the town homes
13 and the condos that are to the east of the
14 commercial property and then it filtered into the
15 single-family detached product.

16 So I think it's worked well over the years.
17 But the frontage on Eola Road did develop with a
18 typical retail commercial-type uses. But these
19 lots along the back, secondary lots, have not
20 developed in all the years since the original
21 Eola Crossing was approved. So this is actually
22 the first proposal that's really come before the
23 City and Planning Commission. We are taking two
24 of the lots, combining them, thus the resub, if

1 you will. And it's a 2 acre parcel, 2.1 acres,
2 combined with two lots just north of the existing
3 detention facility. So obviously all the
4 necessary utilities are in place to serve the
5 lot. We have obviously access to Eola Road
6 through the private drives and easements that are
7 existing on the subdivision.

8 The detention is all provided already in
9 the detention facility. So that's all been
10 calculated in advance. And so as far as the
11 operations from a utility standpoint, everything
12 is in place to accommodate commercial uses in
13 this area.

14 As Staff has pointed out the Zoning
15 Ordinance when it was revamped requires a Special
16 Use for these recreational facilities which go
17 undefined. But in our looking at the initial
18 Staff comments about the parking requirements, we
19 noted how many parking spaces would be required
20 because it's based on the square footage of the
21 building. Well, tennis requires quite a bit of
22 space in order to put the courts in. But tennis,
23 by it's nature, restricts the number of occupants
24 that can participate at any given time. So four

1 courts, even if you're playing doubles, you got
2 four people on a court. That's the maximum
3 number of tennis players you've got. So if you
4 put that many on 4 courts, obviously you've got
5 16 players.

6 So if all 16 drove and 16 parents showed
7 up, too, you're still only talking only 36
8 parking spaces. And you've got 84 spaces that
9 were provided. The code is saying oh, you've got
10 to have 129 spaces for 4 tennis courts. I think
11 common sense tells us all that that's overkill.

12 Mr. Fernandez will come up here later and
13 you can query him about his years and his
14 experience. But you will find in your packet,
15 it's attached to the letter that I presented to
16 Staff, and it shows hour by hour in the course of
17 a day what he anticipates in the way of the use
18 of the facility, based on his experience and his
19 business model. He is very humble, but he is
20 quite an instructor, and his goal is to take
21 youth and make them into league players and
22 college scholarship players. But his maximum
23 calculations with Staff and with his students at
24 any given time, and you can see the hours of the

1 day, some less because students are in school.
2 And in the evening is when they have the most,
3 and he's got 24 persons occupying the structure.

4 And so again most of the people that
5 participate, youth, are not of the age of
6 driving. And their parents bring them to their
7 lesson, drop them off, and come back an hour or
8 two later, depending on what the length of the
9 lesson might be.

10 So by our own calculations, the numbers
11 that would be operating from the facility are
12 well, well within the requirements. If we were
13 to have some kind of a special event, we have
14 spoken with the PNC Bank, which is about 500 feet
15 away. And I inquired from the bank as to whether
16 or not if there was something going on in the
17 evening after their business hours or if there
18 happen to be something on Sundays, would their
19 lot be available, and they said yes, yes, it
20 would. And so again we don't see any
21 possibility, but we did reach out in that regard.

22 Secondly, we approached Mr. Steck, who owns
23 the lot to the north, to see if it was priced
24 such that we would be able to acquire it because

1 we could see maybe an outdoor court, additional
2 parking on it. well, it was for sale, but not at
3 a price that was affordable. Let's put it that
4 way. So it was beyond reach. So as a result, we
5 weren't able to work a deal on acquiring any
6 additional lots nor did we feel that we needed
7 to, given the program, given the use.

8 And so as a result of that, we have
9 requested the variance that we are asking for and
10 we think with good reason.

11 Now the Staff seems to say well, gee,
12 you've got this building and what happens if the
13 tennis facility goes away. well, that's a
14 business decision obviously for any owner. And
15 there are some uses that could be put in the
16 building. The based zoning out there, it was a
17 Planned Development District, like a B3
18 underlying. So there are some uses that could go
19 in the building and satisfy the current parking
20 that is there. However, if that doesn't work and
21 Mr. vecha can speak to this, these buildings are
22 put up --the metal skinned buildings are put up
23 so they are in sections. And I think there are
24 like 25-foot centers on the components. So it is

1 very feasible that if we had to reduce the size
2 of the building it could be done. From the south
3 end, you remove the end panel, take out whatever
4 number of sections you need to, put the end panel
5 back on, and you've now gotten square footage for
6 other users that would satisfy the parking that's
7 on the site, plus what you're actually doing is
8 you're creating because of the pavement that's
9 underlying, you could create more parking spaces
10 on the south end of building, if need be, by
11 reducing the size.

12 So it's not impossible to work with the
13 structure and do something that satisfies the
14 parking that's there. And we had no problem from
15 day one to restrict the use, to the tennis of all
16 the recreational uses. And we offered that, but
17 it wasn't acceptable. And we said that look, we
18 are not going to have volleyball meets, we're not
19 going to have basketball, we're not going to have
20 soccer, we're not going to have baseball.

21 And so all of these team sports we know
22 from experience in Aurora that some of those that
23 are out there and had to expand and acquire the
24 property, put in the parking lot. But again it's

1 a different type of sport. And it's typically
2 team sports with pretty good numbers of
3 participants at any given time. And they have
4 their tournaments and people come in from out of
5 town and all those things. That's not the gist
6 of this program. This program is instruction and
7 training in tennis. That's the purpose. And
8 again only four courts, usually two people on the
9 court. But with double, obviously you can get
10 four.

11 So we would like the Planning Commission to
12 keep that in mind and again review the criteria
13 that we have presented to Staff justifying the
14 number. Because again common sense tells you
15 that you don't need 129 parking spaces for 4
16 tennis courts. And it can be controlled. I know
17 the Staff in their comments, they said well, the
18 Applicant has proposed in their Narrative
19 qualifying statement that it could be limited and
20 all these things.

21 And it says: while these types of
22 limitations on a business can help reduce parking
23 demand in the short term, they are impossible for
24 the City to regulate.

1 well, I will submit to you, having been the
2 Zoning Administrator for the City of Aurora for
3 about 12 years and then I supervised the Zoning
4 Administrator who worked under me for the rest of
5 my 16 years, I will tell you that it is
6 enforceable and there are ways to regulate it and
7 there are ways to control it through the zoning.

8 So I don't think that's quite an accurate
9 statement. By putting conditions on the Special
10 Use, you can limit it. If someone sees that
11 there is an overflow of parking, it's easy to
12 make the call, inspectors are out on the street
13 every day. They can look and see what's going
14 on. If there is an issue, it can be brought to
15 the attention of the ownership to say what's
16 going on, there appears to be all kinds of cars
17 in here, and you were going to have 24 maximum in
18 there at one time; what's going on.

19 And you get to the bottom of it and find
20 out. And so penalty provisions in the Zoning
21 Board, that can be enforced upon a property owner
22 if they are in violation of the zoning of the
23 Special Use.

24 And so I would submit to you that it is

1 possible to regulate. It's not a big deal. And
2 as far as the future projections and what it's
3 going to be used for, really that's a private
4 business decision. And anybody that decides that
5 they're going to go into something, they look for
6 the plan now and the future plan and what
7 happens.

8 And so there a need for these kind of
9 facilities. This is a need for tennis. We think
10 it's in a great location because it serves a
11 greater portion of the east side of the far side
12 of Aurora. It will serve a portion of
13 Naperville. And with an elite coach like Gus,
14 there could be students coming in from outside of
15 the area to take advantage of his instruction and
16 his abilities.

17 The findings that were done, I was the one
18 that initially raised the issue to Staff after
19 they insisted that we had to have that many
20 parking spaces, as to what other communities were
21 doing. And I note that they talked with the
22 staff in Naperville and the Staff says this is
23 what's it's going to be. But as we know, the
24 City Council ultimately make the decision.

1 So Staff may recommend something for a use, but
2 ultimately it's the City Council. So the Staff
3 says we're going to make everybody do this, that
4 doesn't necessarily make it so.

5 So I would submit that most of these
6 communities that have tennis -- and Shorewood
7 Tennis Club, they are all not necessarily
8 relegated to outdoor. But the bottom line is
9 whether the court is indoors or outdoors, you can
10 only put so many people on it at one time. You
11 only need so many parking spaces. So does it
12 make a difference if it's indoors or outdoors, I
13 don't see the difference. But I think what you
14 can see is the tremendous difference between
15 parking requirements when you throw up a general
16 category of recreational use, which includes all
17 these team sports from baseball to soccer,
18 volleyball, what have you, huge difference than a
19 low-impact tennis facility. Especially one that
20 is designed for training and instructional
21 purposes.

22 I would like to have Gus Fernandez come up.
23 Gus is one of the owners and would be the main
24 operator and instructor to kind of tell you about

1 his program and what he's been able to observe in
2 his years of doing this as far as what kind of
3 demand and how many people come and gather in the
4 facility that he's currently teaching at.

5 MR. FERNANDEZ: I am Gus Fernandez.
6 I am a high performance tennis coach. I have
7 been doing this my entire life. I started
8 playing when I was seven. I became an instructor
9 and a high performance coach when I retired after
10 I played professional in college tennis since
11 2001. So for about 14 plus years.

12 The goal of the facility is to create one
13 of a kind, high performance facility, that do not
14 exist in the Midwest with an extremely high
15 quality levels of instruction towards the
16 development of players into college athletes and
17 possibility of professional athletes.

18 I currently lease during the summer, courts
19 from North Central College in Naperville, where
20 they have five tennis courts. And during the
21 winter, I work out of Hanover Park District where
22 they have ten indoor tennis courts.

23 The nature of the business is high quality
24 training at a time when we have the group

1 coaching the young tennis players in the
2 afternoons. There is a maximum of six players
3 per court. Our academy is limited to five
4 players per court.

5 During the summer, my tennis academy, I
6 don't think I had a car parked at North Central
7 College during my three-hour training. Parents
8 dropped in, drop off the kids. That's the nature
9 of the business. The parents are not going to
10 stay and wait for two-and-a-half hours training
11 sessions.

12 Also with us is Margaret Pierce. She runs
13 the DuPage Fair Grounds Tennis Association, which
14 they have three tennis courts at the DuPage Fair
15 Ground. And every time I go to the DuPage Fair
16 Ground, I don't see more than a handful of cars
17 parked.

18 My program hopefully is going to bring
19 recognition to Aurora as a center of excellence
20 for the sport. I want to be ambassador not only
21 for the community but for the entire area. I
22 want us to be proud to be there. My son, even
23 though he is in fifth grade now, he is going to
24 go to the high school on Eola and I- 88, Metea

1 valley. Hopefully, he is going to be able to use
2 our facility.

3 My reputation as a tennis coach ensures
4 that we're going to start full speed from the day
5 one that we open. I do not foresee us moving
6 from this location. As a matter of fact, if we
7 grow, we're going to open other centers. But as
8 we speak, we are there to stay. We have a very
9 good business plan, and I am ready to make
10 everybody in the community proud of our center of
11 excellence.

12 I don't have anything else to say but just
13 to answer questions.

14 CHAIRPERSON TRUAX: Thank you.

15 MR. PHILIPCHUCK: Some of the players
16 that have come to the facility and some of the
17 parents are here this evening. Mrs. Choi, one of
18 the participants in business, has a couple
19 children in the program. And I'd like to have
20 her address what her experience has been and what
21 her projections are as far as running the
22 business and keeping it going on and on.

23 MS. CHOI: Hi, my name is Hannah
24 Choi. I have a family of three kids in the back,

1 and they are 15, 13, and 11. And we have a
2 couple of parents here that have been -- they are
3 typical tennis families and who will be
4 representative of our training center.

5 And we've been in the sport for a good
6 seven years. All the families have grown up
7 together. The kids have grown up together. And
8 we've been with Gus for pretty much all that
9 time.

10 And I know the issues about the parking
11 have been a big issue. We would love to expand
12 and be able to have outdoor courts and have all
13 the parking that the City wants, but financially
14 we are just not able to do that with the owners
15 of the other land.

16 But I want to address that the typical
17 scenario for training is most of the parents drop
18 off their kids and they rarely stay that
19 two-and-a-half hours. And they would come back
20 and pick them up. And if you look at the other
21 clubs out there, Naperville Tennis club, Five
22 Star Tennis Club, Five Season Rush Athletic
23 Center, you'll see the same pattern. A lot of
24 the parents, most of the parents, like to drop

1 off their kids. And then they are done, they
2 come back and pick them up. And typically the
3 courts only can have anywhere between 4 to 6
4 players on the court. So when you go to these
5 tennis facilities, what you'll notice is there
6 really is no handful of cars that are parked
7 outside, which will be another concern with our
8 bankers because they like the parking lot to be
9 full to show that the business is good.

10 But I've got to warn them that the typical
11 tennis junior academy, tennis facilities, the
12 parking lots can be most of the time empty.
13 Kids are not old enough to drive themselves.
14 Usually it's the parents that are dropping off.
15 And I think parents here can vouch for that.

16 Any questions?

17 MR. PHILIPCHUCK: The other aspect of
18 the Staff's conditions dealt with the building.
19 And we have gone through several design changes
20 with the Staff. I'm going to show these
21 pictures. You can pass them on. But it shows
22 some of the building product that's out there,
23 some of what's happened in Aurora in the past.
24 The first photograph is actually the Cosmic

1 Montessori School over in Fox Valley Center.
2 And that's a metal panel, exterior skin on the
3 building, and a metal roof which is the same type
4 of structure that we are proposing that's an
5 outside metal skin and it has the metal roof.

6 And so it shows you -- this is a little
7 different shape panel. But it's the same type of
8 construction just recently opened.

9 This particular photo is of the Rush Copley
10 facility over on Route 34. And you can see the
11 exterior of that building. They just poured a
12 concrete wall, and they set the vertical building
13 panels on the wall and it has the metal roof.

14 And actually if the staff didn't like this
15 they wouldn't recommend that type of a product,
16 but yet there here's another one, Play USA, the
17 soccer facility, out on Liberty. That building
18 obviously is all metal construction, also very
19 few windows because of the nature of what's going
20 on inside.

21 But it's just an example that we really
22 went to great lengths to try to upgrade the
23 building. And I think you would have to agree
24 and yet the staff says well, it's nice but it's

1 still not good enough. And you can notice the
2 lack of foundation and landscaping in these
3 photographs.

4 And again if you look at our landscaped
5 plan that you have in the packet, this thing is
6 heavily landscaped, both adjacent to the building
7 and the perimeter of the property. So I think my
8 client has gone to great lengths. We're going to
9 still sit down with staff before we get to P&D
10 Committee and see if there is some tweaks that we
11 can do.

12 But again we have gone through several
13 designs and changes in the composition of the
14 exterior. And I know they would like to have an
15 all-brick building, but it's not feasible or
16 affordable. And these buildings that I point out
17 to you are located in areas where they may be the
18 only metal facade buildings in the area. The
19 other commercial buildings are brick and other
20 types of materials and no different than this
21 situation.

22 And so I would point that out to the
23 Planning Commission to please consider that as
24 you make your recommendation tonight because

1 again beauty is in the eye of the beholder.
2 It's a nice functional building, and we would
3 hope that the Planning Commission would agree
4 that we certainly have tried to come up with a
5 more modern-looking building and a little
6 different type of facade.

7 I'd like to introduce Mr. Richard Vecha at
8 this point. Richard is the contractor. He is
9 the one that has worked with Staff and with the
10 owners to try and put together some components
11 here on the building that we might be able to
12 come to an agreement on.

13 MR. VECHA: My name is Rich Vecha,
14 410 West Gartner Road, Naperville, Illinois.
15 First I would like to mention, unrelated to the
16 building, itself, the first time I met Gus was
17 over at the DuPage County Fairgrounds. I met him
18 there in the morning. It was 9:00 in the
19 morning, and he was teaching.

20 I pulled into the parking lot and I was
21 wondering if I was in the right place because
22 there were probably five cars in the parking lot.
23 And when I walked in, there were people playing
24 tennis. So I think having a greater number of

1 parking places may render the facility looking
2 abandoned, literally abandoned. So I just want
3 to make that point.

4 As far as the structure goes, if you were
5 to -- it's modular in construction. So it's a
6 clear-span building with big steel beams in
7 25-foot sections.

8 If one were to decide that they needed to
9 reduce the size of that building, it could be
10 done in 25-foot pieces. There still would be the
11 deck there, but you literally move the front wall
12 backwards into the next section. Relative to the
13 outside facade of the building, along with
14 tennis -- along with Gus' desire to make an
15 efficient tennis training facility, we would like
16 to build him an energy efficient building, along
17 with LED lighting and hydronic heat in the
18 structure, these are what are called metal span
19 sandwich panels that go on the outside it makes a
20 very tight structure.

21 And each one as it goes in, it's sealed one
22 to the next to the next to the next. They are
23 very energy efficient. It's a polyisocyanurate
24 foam panel that is sandwiched between two metal

1 panels. And they seal together nicely and highly
2 wind resistant.

3 And the best part of these panels is the
4 design option only limited to your imagination.
5 This particular rendering is showing stacked
6 panels that could be vertical panels, it could be
7 horizontal panels, they could be squares, any
8 number of things, any number of textures,
9 horizontal bans, full windows. Like I said your
10 imagination is basically the only limiter as to
11 what we could make this thing look like.

12 So making a judgment based on what you see
13 there, we can keep going and going and going
14 until we get something you like. So one of the
15 nicest things about this is it's so energy
16 efficient and they go together really nicely.
17 And that's pretty much all I have.

18 Do you have any questions?

19 COMMISSIONER COLE: I like the energy
20 efficiency. However, you say you can make it
21 pretty much look like you want it to. Can you
22 make it so it looks like the other buildings in
23 this particular shopping area or are you kind of
24 limited?

1 MR. VECHA: The contemporary look, I
2 can tell you they are getting really, really
3 popular. They are made in the United States.
4 They are made down south and they are completely
5 overloaded with work, and we can make it look
6 metallic.

7 COMMISSIONER COLE: Can you make it
8 look like brick?

9 MR. VECHA: Probably not. But
10 stucco, yes. We can make it look like stucco.
11 We can make it ribbed. We can make it look heavy
12 ribs, tight ribs, light ribs, any number of
13 colors or textures. And like I said, maybe we
14 could come up with a bunch of different designs
15 that you all can look at, and I'm certain that we
16 could come up with something that you would
17 approve.

18 Actually, Station 8 has got this product on
19 the outside, on the facade, Aurora Station 8.

20 CHAIRPERSON TRUAX: Mr. Philipchuck,
21 do you have more?

22 MR. PHILIPCHUCK: Yes, I do. The
23 staff in their report has made their
24 recommendation, three of them. And we don't have

1 a problem with the third one. It just dealt with
2 cleaning up the landscape and some additional
3 information on the landscape plan isn't
4 necessary.

5 The second one is the building elevations,
6 which we just went into. We want to try to make
7 the Planning Commission somewhat familiar with
8 the process and what we are trying to do. And
9 again as I say, beauty is in the eye of the
10 beholder.

11 But if we could show some windows --
12 something like that on the facade and Staff said
13 gee, that helps break it up, it makes it look
14 better, some simple things likes that, we can
15 work with them to get that resolved. But I
16 wouldn't want to say we are not going to approve
17 this at all.

18 The main thing is going back to the
19 parking. I know the Staff is trying to work with
20 us here by reducing some land banking but again
21 talking to the adjacent property owners, we are
22 so far apart it's not even funny. It's twice
23 what we had to pay for ours that they are asking
24 for. So there is no rationale for that. But you

1 could win knowing that the City is telling you
2 you have to do something. So it's like trying to
3 negotiate with a gun in your head. Well, that
4 doesn't work out very well for you either.

5 But as I said, we did approach the bank and
6 they are willing to work with us. But again we
7 don't see a need here for the parking. So we are
8 asking that the Planning Commission would
9 recommend the plan as it's proposed, the site
10 plan as it's proposed with the 84 parking spaces.

11 And if the Planning commission feels that
12 they need to put a condition on the Special Use
13 that we can't have volleyball, basketball, soccer
14 and all those other things, we have no problem
15 with that because that's not the intention here.

16 And looking at the criteria that the
17 Planning Commission always looks at as far as
18 when they make their Finding of Fact, I wanted to
19 go over a couple of things as a reminder, if you
20 will. And I basically laid those out in the
21 qualifying statement that I prepared and gave the
22 staff: The erection of this facility will
23 contribute to the improved public health by
24 providing another venue for our use to get more

1 exercise in a safe environment, which in turn
2 will benefit and improve the morals, comfort, and
3 general welfare of the community.

4 The proposed Special Use will function as
5 an in-fill development. It will bring additional
6 customers to the retail center without creating
7 high traffic demand. The facility will
8 compliment the other commercial uses in the area
9 and help establish a nice buffer between the
10 existing commercial uses and the multi-family
11 residences in the Georgetown Commons and
12 Washington Square subdivision to the east.

13 No 24-hour operation, no drive-thru where
14 somebody is talking into a box. Right now that's
15 what these folks are exposed to to the east
16 because it's just a cornfield now.

17 It would be constructing a new taxable
18 structure on the vacant lots, will help to
19 stabilize and improve property values within the
20 neighborhood.

21 The recreational use will not prevent the
22 normal and orderly development of other still
23 vacant commercial lots adjacent. The new use we
24 would think would encourage other commercial

1 users to locate on the surrounding property.

2 The utilities access roads, drainage,
3 everything is in place to serve the recreational
4 facility. The Eola Crossing Development was well
5 designed and constructed to provide cross access
6 between the lots within the subdivision and then
7 connecting to Hafenrichter Road and Eola Road.
8 The tennis facility is a very low traffic and
9 parking generator, which will not cause any
10 congestion in the streets.

11 The recreational facility can be
12 constructed pursuant to the underlying applicable
13 regulations of the Planned Development District
14 and commercial zoning with the exception of the
15 parking modifications that we are requesting.

16 So that is my presentation. Obviously, if
17 you have any questions, I will be happy to answer
18 them now and we will respond if there is any
19 comments.

20 COMMISSIONER COLE: First, how many
21 parking spaces are there at the bank, ballpark
22 figure?

23 MR. PHILIPCHUCK: 100 and something.

24 COMMISSIONER COLE: And my next

1 question is in the description, it describes as
2 the interior of this building has four tennis
3 courts, office, restrooms, and fitness areas.

4 Define fitness areas.

5 MR. PHILIPCHUCK: The tennis area
6 versus a fitness area. Did we have a designated
7 spot for that? Is that what we are referring to
8 there?

9 MR. FERNANDEZ: We have a 15 by 20
10 foot area that is used for -- that is going to be
11 used for agility training, while in session, so
12 it's not going to add more outside traffic. It's
13 for my students. It's for our students or our
14 athletes.

15 So while I have working with two players on
16 a court, we might have two or three other
17 athletes doing plyometric or treadmill in this
18 small area.

19 CHAIRPERSON TRUAX: How many
20 employees do you anticipate having?

21 MR. FERNANDEZ: Myself and probably
22 two more instructors. This is not the typical
23 tennis club. We don't provide the amenities of a
24 tennis club so we don't have a Pro Shop or a

1 front desk or a clerk checking in and out. It's
2 small. We're going to be the only court and
3 controlling the traffic.

4 CHAIRPERSON TRUAX: No snacks?

5 MR. FERNANDEZ: Hopefully we're going
6 to have money left over for a couple of vending
7 machines.

8 COMMISSIONER COLE: And restrooms?
9 There is no shower facilities?

10 MR. FERNANDEZ: We don't see a need
11 for shower. Because in my experience, I have
12 never seen any of my students practice take a
13 shower, and go home. I don't even know if they
14 take a shower at all.

15 COMMISSIONER ENGEN: What is the
16 majority of your students' ages?

17 MR. FERNANDEZ: It varies from
18 Michael Choi, over there, he is number two in the
19 nation for his age division, to sometimes you
20 have guest college players coming in. But most
21 of them under 18. They are all competitive
22 athletes. For the general public they want to
23 just learn how to hit a forehand, yes, but
24 majority is going to be athletes from 10 to 18

1 competitive nationally.

2 CHAIRPERSON TRUAX: Okay. Thank you.
3 This is a public hearing. So if we have folks in
4 the audience who want to ask a question or make a
5 comment, this is your opportunity to do so. We
6 will need to swear you in.

7 (Whereupon, the witnesses were
8 duly sworn.)

9 CHAIRPERSON TRUAX: We will ask you
10 for your name and address so we have it for the
11 record. And if your name needs spelling, then
12 please do so.

13 MS. PIERCE: My name is Margie
14 Pierce, P-I-E-R-C-E. My address is 1380 Foothill
15 Drive, Wheaton, Illinois. And I just wanted to
16 mention I'm in charge as an officer of the DuPage
17 County Fairgrounds.

18 And we have a very similar business to what
19 Eola Group is going to be using. We have adult
20 members. We also only have 18 parking spaces
21 that we use at the fairgrounds. And as Rich had
22 mentioned earlier, you can go there most days and
23 you won't see any cars hardly at all. We have 12
24 adults at a time playing tennis. But when our

1 juniors come in -- and we have a group of about
2 15 to 20 elite juniors.

3 As a matter of fact, we are housing some of
4 the kids in this group that are going to be going
5 over to Eola. And we're going to take the
6 program out from the fairgrounds. But it's kind
7 of funny when the parents come in and they have 4
8 to 6 on every Thursday, you see the parents drop
9 off the kids, smile real big, and take off to
10 Target. So we don't have any problems with our
11 parking at all either. So it's not a problem
12 with parking for us ever.

13 And the kids that are in this program are
14 not your average players. They are all elite
15 players. And most of them are heading toward
16 college and Pro Circuit.

17 MS. BANSAL: My name is Priya Bansal.
18 My address is 1187 Cleander Court in Naperville.
19 I was coming here as a parent. And a little bit
20 of background. I am a physician. Rich actually
21 built my house and did my basement. So I know
22 him for years as a builder because he came back
23 and did all my things so I know he's a reputable
24 builder. He's a super honest guy. I love him

1 and I recommend him to all my friends. That I
2 can vouch for.

3 Gus, we met a couple of years ago at
4 Naperville Tennis Club. And I guess from a
5 parents' perspective, it is very hard because
6 most tennis facilities do not pay attention to
7 children. And Gus took my daughter when she
8 couldn't even hit a ball, which was
9 two-and-a-half years ago, and her only goal was
10 to make the varsity tennis team, which she did
11 this year in two years after training with him.

12 And it's just so impressive to me to have
13 somebody of that caliber, which is why I came
14 here to speak on his behalf today. At the
15 moment, I am a member of three different tennis
16 clubs: I go to Hanover Park to follow Gus, I go
17 to NTC because it's down the road so I need a
18 place to practice with a ball machine, and I am
19 actually a member of Five Star.

20 So it is very difficult for a parent.
21 Like for me, this is Gus' dream, it's his brain
22 child. And all of us, as parents, are on board
23 to support him. Mainly because it is very, very
24 difficult for us to find everything altogether in

1 one place.

2 If you are the number one child in the
3 country or the number one child in that program,
4 you get attention. You're on the bottom, they're
5 giving you lessons because USTA gives money to
6 help give little kids lessons. But there is no
7 elite training program. This is a very very
8 different type of facility because it's an
9 academy. And it does not exist. So it can't be
10 compared to Naperville Tennis Club or Five Star
11 or any other comparisons that you may be making.

12 My second thing is again because this is
13 his baby and his brainchild because I am
14 commuting right now 40 minutes to take my kids to
15 train with him, 40 minutes each way for the
16 2-and-a-half hour class. And even though I am
17 driving 40 minutes away I do go to Target and I
18 do go grocery shopping in between while my kids
19 are at that class because it's a long time to sit
20 there four times a week.

21 The fitness also for my daughter, I do it
22 at a place called Acceleration. Like I know Gus'
23 hope is that it was one consolidated tennis
24 place. You can play tennis, run on an elliptical

1 machine, or jump rope from in an area. And that
2 was referring to the fitness areas.

3 So I feel the next point is about in case
4 it turns into something else was the point the
5 City was making.

6 And because it's a dream child and a baby,
7 I don't see it going anywhere else. As he said,
8 we have about -- he has the 20 kids right now to
9 support the 4 or 5 kids per each court already
10 because we followed him to Naperville and we
11 followed him to Hanover. So that fan base is
12 there as well as room for growth because each
13 time these kids are graduating. So I would ask
14 that obviously as a parent that you help
15 establish this dream because if it's not cost
16 effective, obviously we won't be able to get it
17 done.

18 And the extra parking is just going to sit
19 there where as it could be used at some other
20 time for something else, to help the kids that we
21 are actually trying to train.

22 And so I think that's it. Thank you so
23 much.

24 MR. SIRINIT: My address is 2S748

1 white Birch Lane, Wheaton, Illinois. I have two
2 kids. One is in college, they both played. The
3 one in college, they on tennis scholarship. And
4 Gus is the coach. And my second one is 13 years'
5 old. He number 29 in the Midwest. And 190 in
6 the nation. Gus is coach, too.

7 And usually when I take all of them to the
8 tennis, we just drop them off and do something
9 else and pick them up. And we make sure that if
10 my son become number one player in the world, I
11 will tell that he got trained in Eola, Illinois.
12 Thank you.

13 CHAIRPERSON TRUAX: Thank you.

14 MR. CHOI: Good evening. My name is
15 John Choi and father of the children you see
16 there. My address is the same as was listed for
17 Hannah.

18 I just want you to know the story behind
19 the story. I think you had a glimpse of what's
20 been told with regards to Hannah. We are
21 professionals in our own right. But tennis is
22 not our thing. We are kind of drawn into it
23 because the way our lives played out. This whole
24 concept is surprising to me, as it is to Hannah,

1 herself. It has been the brain child to Hannah
2 and Gus. We are pretty much first generation
3 immigrants. There are several members highly
4 reflective in the members of tennis community
5 too. So to change the number of the tennis
6 families, I would say a third easily maybe even
7 half, depending on the locations you drove from.

8 So everyone is pursuing some kind of dream,
9 especially for their children. And it's a dream
10 for Gus, who has been here in this country as a
11 professional tennis player and pro.

12 Hannah and myself, we've been living here
13 in this community over 15 years. We are children
14 of immigrants, building our family. This is
15 where our children call home. And I have to say
16 for the last two years, I cannot really say
17 enough how much Hannah and Gus have been
18 communicating and laboring over this project.

19 This is a story behind the story that you
20 may not know. This kind of meeting can be clear
21 dry. I want you to know that there are hours and
22 hours of discussions, talks, loss sleeps.

23 And so as you reflect over this decision,
24 especially about parking variances, and we are

1 limited. We are not a big corporation. We are
2 individual families, we are trying to build
3 something that doesn't exist. Somehow God has
4 blessed Hannah and myself opportunities to build.
5 we actually build a clinic some ten years ago
6 that we are operating right now.

7 And even though we may be over our head, we
8 decide to go ahead and do this. We don't know
9 how it will lead. But there is a dream and story
10 behind this, of what you hear. And I hope it
11 doesn't die because of a certain City
12 restrictions and codes. I think they tried very
13 very hard to make it reasonable for the leaders
14 in the community to look over for it's
15 reasonableness. And I want you to consider that
16 story as you make decisions about this matter.
17 Thank you.

18 CHAIRPERSON TRUAX: Thank you.
19 Anybody else?

20 MR. BUGG: Good evening. I am Edward
21 Bugg. I am the alderman of ward 9. First on our
22 596, I want to make sure that we have the right
23 ward on the sheet. It's not ward 1, it's ward 9.
24 I come in support of the petition. And really

1 what we are looking at today is what you do every
2 day when you look at these types of things, when
3 you look at a Special Use. And that's what we
4 have here today. It's not a normal use, it's not
5 something run of the mill, it's not something you
6 see every day. It is a Special Use. And I think
7 that's what some of the parents eluded to.

8 This is not bring out your 5, 6 or 7 year
9 old and teach them how to hit forehand in the
10 morning. We do that at the park district. These
11 are elite athletes. That's why it's four courts.
12 But we are not running around with eight kids on
13 a court, like I said, trying to teach a forehand.

14 We have kids and parents who are making the
15 decision of do I want to keep my students here in
16 the Midwest at these types of academies or do I
17 need to move to Florida or California for these
18 types of things.

19 These are the types of discussions I have
20 had with the Petitioner on a number of occasions.
21 And that's the reason why I took a very close
22 look at this. My fellow aldermen to the north
23 have had various problems with their recreational
24 facilities. And that is something the Staff

1 looks at very closely and we have had to correct
2 volleyball centers, swimming centers, different
3 things of that nature. But team sports,
4 volleyball, a number of people on each side;
5 swimming with all kinds of teams coming, all
6 kinds of parents, that type of different use.

7 But this special Use as the Petitioner has
8 eluded to, basically we are talking about the
9 parking. We looked at every different scenario,
10 and I looked at every scenario because I do not
11 want my neighborhood overrun with extra vehicles.

12 I don't want my businesses not to have
13 sufficient parking to the immediate west. I have
14 no desire to create a problem. I, in no way, see
15 that this special Use would create that problem.

16 Even the 84 spaces would be far and away
17 more than necessary for the use. And in
18 addition, as eluded to with the bank and you
19 asked the question, how many parking spaces in
20 the bank, I don't know if it's quite a hundred.
21 But I do know I've worked with the bank on
22 numerous occasions and just happenstance or when
23 we were going through this and trying to work out
24 the situation to create a set plan for the extra

1 parking, the general manager for that branch
2 left.

3 And so I sent over an e-mail and that
4 e-mail did not get returned. I was like this is
5 very unusual because they return it right away.
6 So they have a new interim person in there. And
7 that's who we've been dealing with and those who
8 I have talked to and that's who Attorney
9 Philipchuck has talked to. And they have said
10 they are agreeable any time that the bank -- the
11 bank closes it's doors at 5:00, and it's not open
12 on Sundays.

13 So for evening time and for Sundays,
14 Saturdays after 1:00, they said all of that
15 parking is opened available and they are willing
16 to allow the tennis academy to use that.

17 So I wanted to share that with you. I
18 thank you for listening. And I thank you for
19 your attention to this matter.

20 CHAIRPERSON TRUAX: Thank you.
21 Anyone else who wants to speak in the public
22 hearing?

23 If not, I'm going to close the public
24 hearing and ask for Staff recommendation.

1 COMMISSIONER PILMER: I've got a
2 couple of questions. It's a pretty unusual
3 situation. But we have heard a lot of testimony
4 primarily related to the parking issues. And I
5 understand the City's desire to have some
6 conformity with the recreational use and trying
7 to standardize that. But I also think about
8 various existing facilities throughout our City
9 that were built long before probably the
10 ordinance was changed. And some of them being
11 outdoor larger facilities. And I live near one
12 that has nine courts that I can think at best.
13 Maybe there are 20 cars there in a full night.

14 So I certainly can understand the request,
15 and I know you talked a little bit about the
16 difficulties to patrol the land bank or the
17 parking bank situation. But we recently approved
18 some of these parking bank situations.

19 But does that mean we are not able to
20 patrol that in the future? So 10 or 12 years
21 down the road, if they have exceeded the parking
22 that's in place and the occupants -- I mean how
23 do we patrol that then? Do they park on the
24 grass?

1 MS. PHIFER: The reference in the
2 Staff memo with regards to the ability for the
3 City to enforce certain provisions that was
4 specifically in reference to the business
5 practices of the tennis facility. So things with
6 regards to requiring the parents drop their
7 children off, the scheduling of how they are
8 going to schedule the courts, limiting the number
9 of players on the courts, limiting the number of
10 staffing that's going to be there, all those were
11 the types of things that I truly believe are part
12 of the business plan that they are proposing.
13 But those are the types of things from a staffing
14 point of view and from a City point of view that
15 we don't have the ability to go in there and
16 enforce and do you have more than three employees
17 there.

18 So when I was referring to that question,
19 that sort of where I was referring to. With
20 regard to the zoning ordinance, we do, as
21 Mr. Philipchuck points out correctly, we do have
22 the ability to enforce the provisions of the
23 zoning ordinance.

24 So if we do put in bank parking and the

1 situations that you're talking about, we do then
2 have the ability to go back and then put that
3 requirement on that owner to then construct that
4 parking. Because it is part that we can show
5 that there is a known factor of is there enough
6 parking; no, we can document the fact that
7 there's overflow parking.

8 But we can't document in the situation we
9 are talking about is how many employees did you
10 have here today, how many people did you limit on
11 the court.

12 So I do think that those are the types of
13 remedies that we are looking for. Back to my
14 original point was sort of what we're looking for
15 from a Staff point of view is really trying to
16 find that path to be able to address any parking
17 issues if they do arise. So making sure that we
18 do have a path to have a remedy if there is that
19 kind of an issue.

20 The Staff does not question at all the
21 quality of this facility. We are very excited
22 about having this facility come to Aurora, we are
23 excited about the passion that all the parents
24 and everybody has for this. And I don't question

1 that it's going to be a high quality facility and
2 they have a commitment to that. We're just
3 looking for if there is a problem -- because the
4 alderman pointed out -- we have had this issue in
5 other facilities.

6 We want to make sure that we did not drop
7 the ball, as you will, to say well, now at this
8 point it's too late, there is nothing we can do
9 about that.

10 And you will notice from the Staff report,
11 we are throwing out a number of different
12 options. What we are looking for is what is that
13 path to be able to address a concern if it comes
14 up. I'm not even guaranteeing it's going to.
15 I completely agree with all the statements that
16 were made tonight that it is a different type of
17 use, but is it always going to be that use; and
18 if there is that problem, what is the remedy that
19 the City can seek to try to address that.

20 And I did want to point out, too, there was
21 Public Notice that it is a public hearing. We
22 did have one of the adjacent property owners from
23 the strip center to the north did contact us with
24 questions about the petition and her main concern

1 was exactly that: About how the overflow parking
2 was going to be addressed. And the City does
3 have the ability to do some enforcement if we lay
4 it out in the Special Use and if we provide those
5 provisions, which we can certainly include, and
6 also we have the ability to put in some
7 restrictions if it's on public parking, which in
8 some of these other instances that are in
9 different parts of the City, the overflow is
10 actually on the City streets. And the City has
11 the ability to go in and start to restrict
12 parking.

13 But on the private properties adjacent that
14 is where we don't have the ability to go in. It
15 would then be a private matter with regards to
16 the overflow parking.

17 COMMISSIONER PILMER: I know one of
18 the remedies is a long-term lease with the
19 neighboring property. But is it 5 years, 3 years
20 10 years? I guess there's some confusion because
21 they got to do a 5-year lease; but if that
22 expires and they lose that whole ability to bank
23 that parking, and then we are back to where we
24 are today.

1 So I guess it's not really clearly defined.
2 But it seems the Petitioner is offering a
3 recommendation that they have the ability -- if
4 we put a condition on there, they have the
5 ability to reduce the structure. So at that
6 point it would be compliant. Is that some type
7 of a condition that can be put on that property
8 so that if it's no longer a recreational tennis
9 facility, per se or used as a tennis facility, it
10 could remain recreational but it would have to be
11 compliant at that time?

12 MS. PHIFER: Well, obviously from an
13 economic development point of view, we don't want
14 to go backwards. But at the same time, that
15 certainly would be something as I mentioned
16 earlier on if we looked at deintensification of
17 the use as one of the options. Something that we
18 could enforce.

19 But my question on that would be just
20 working with Mr. Philipchuck on how exactly that
21 would be something that would be ensured, that it
22 would be conveyed to any future property owner,
23 that they would be purchasing a property that
24 they would then have a requirement to do some

1 demolition on.

2 So I think there would be some details that
3 would need to be worked out with that. But those
4 are the types of things we could include as part
5 of the Special Use.

6 CHAIRPERSON TRUAX: Would the Special
7 Use be maintained though if someone else bought
8 the property? Can we not make a Special Use for
9 only this facility?

10 MS. PHIFER: The Special Use stays
11 with the property.

12 COMMISSIONER CAMERON: But that
13 condition could limit to tennis-type facilities?

14 MS. PHIFER: I guess if we were
15 looking to limit the uses, representing what was
16 here tonight, it is really more of a tennis
17 training facility, I think, is what's been
18 portrayed.

19 COMMISSIONER CAMERON: Because it
20 goes with the building, that would limit it to --
21 a limitation to recreational uses as a tennis
22 training academy. That would not limit it, for
23 example, for office use or some of their
24 conversion to some other use that it would fit

1 within the parking requirements.

2 MS. PHIFER: Correct. So if it was
3 limited to no other sporting activities and it
4 would simply be tennis instruction, maybe if
5 there was something recorded against the property
6 recognizing that.

7 COMMISSIONER COLE: The parking lot
8 that's adjacent to the bank, if, there is --
9 well, Mr. Pilmer could probably address this:
10 Do you frequently have one hundred customers in
11 the bank?

12 COMMISSIONER PILMER: We hope so.
13 I'm not certain on the size of the facility.

14 COMMISSIONER COLE: I'm not familiar
15 with the facility.

16 MS. PHIFER: Tracey did count there
17 is 43 parking spaces.

18 COMMISSIONER COLE: That's a big
19 difference. But my thought was that if the
20 petitioner could get a written agreement with the
21 bank for use of the parking lot for overflow
22 parking, that would perhaps be a good compromise.

23 MS. PHIFER: Usually what me mean is
24 by a long-term lease, I think that we would be

1 open to looking at what terms could be
2 negotiated. But typically like with churches,
3 this is a provision that we use quite a bit, is
4 that we get long-term leases for parking because
5 they do have different demand times. Those are
6 typically a 99-year lease.

7 COMMISSIONER CAMERON: This is to
8 out-of-town, out-of-state facility, and my guess
9 is you could spend 30 years and still not arrive
10 to a negotiated settlement, not on a written
11 thing. You know how bankers are with the written
12 items.

13 CHAIRPERSON TRUAX: Do we have a
14 recommendation?

15 MS. PHIFER: The recommendation is in
16 the Staff report unless the Commission is looking
17 to making any modifications to that
18 recommendation.

19 COMMISSIONER PILMER: I would like to
20 make a motion as written, however, an amendment
21 on Condition 1: that it be amended to provide
22 the 84 parking spaces as shown on the plans, and
23 a condition that the building be used only in the
24 recreational capacity for tennis training.

1 And then on Condition 2, that it be amended
2 that Petitioner work with Staff to determine a
3 mutually agreeable, yet affordable building
4 facade given today's efficient, yet desirable
5 building products.

6 CHAIRPERSON TRUAX: Do we have that
7 condition?

8 COMMISSIONER CAMERON: Second.

9 CHAIRPERSON TRUAX: Does everyone
10 understand the motion? Sue, would you call the
11 roll, please?

12 MS. JACKSON: Mr. Bergeron?

13 COMMISSIONER BERGERON: Yes.

14 MS. JACKSON: Mr. Cameron?

15 COMMISSIONER CAMERON: Yes.

16 MS. JACKSON: Mrs. Cole?

17 COMMISSIONER COLE: Yes.

18 MS. JACKSON: Mr. Divine?

19 COMMISSIONER DIVINE: Yes.

20 MS. JACKSON: Mrs. Duncan?

21 COMMISSIONER DUNCAN: Yes.

22 MS. JACKSON: Mr. Engen?

23 COMMISSIONER ENGEN: Yes.

24 MS. JACKSON: Mr. Pilmer?

1 COMMISSIONER PILMER: Yes.

2 MS. JACKSON: Mr. Reynolds?

3 MR. REYNOLDS: Yes.

4 CHAIRPERSON TRUAX: The motion
5 carries. We need to do Findings of Fact for the
6 Special Use. We are to evaluate the proposal
7 with respect to the following:

8 No. 1: Will the establishment of the
9 proposed Special Use be unreasonably detrimental
10 to or endanger the public health, safety, morals,
11 comfort of general welfare?

12 COMMISSIONER CAMERON: It should add
13 development to an area that has been extremely
14 slow to sell and hopefully encourage further
15 developments to go in that area.

16 CHAIRPERSON TRUAX: No. 2: Will the
17 establishment of the proposed Special Use be
18 injurious to the use and enjoyment of other
19 property in the immediate vicinity for the
20 purposes already permitted?

21 COMMISSIONER COLE: This is a piece
22 of property that has sat undeveloped for a good
23 many years. And we could only hope with this new
24 development that it would spur some other

1 development in the area.

2 CHAIRPERSON TRUAX: No. 3: Will the
3 establishment of the proposed Special Use
4 substantially diminish/impair property values
5 within the neighborhood?

6 MR. BERGERON: It will not diminish
7 or impair property values.

8 CHAIRPERSON TRUAX: No. 4: Will the
9 establishment of the proposed Special Use impede
10 the normal and orderly development and
11 improvement of surrounding properties for uses
12 permitted by their respective zoning districts?

13 COMMISSIONER ENGEN: The Special Use
14 will not impede the development of this area
15 because it is growing. And it's just part of a
16 business and property that's being sold and being
17 developed to be used in the right way.

18 CHAIRPERSON TRUAX: No. 5: Are
19 adequate utilities, access roads, drainage and
20 other necessary facilities provided or shown as
21 being proposed on the site plan for the proposed
22 Special Use?

23 COMMISSIONER ENGEN: All the
24 utilities, access roads, drainage, all that is in

1 place for this area.

2 CHAIRPERSON TRUAX: No. 6: What
3 effect will the proposed Special Use have on
4 traffic in the general area? Has ingress and
5 egress been designed to minimize congestion in
6 the public streets?

7 MR. ENGEN: All the ingress and
8 egress are in place here. This being a training
9 facility, we are not going to be looking at a
10 high volume of traffic coming into this area
11 because it is limited to a number of people
12 that's coming in for training practice. So we
13 should not see any major effects in this area.

14 CHAIRPERSON TRUAX: And finally No.
15 7: Does the proposed Special Use conform in all
16 other respects to the applicable regulations of
17 the zoning district in which it is located,
18 except as such regulations are modified pursuant
19 to the Plan Commission recommendations?

20 COMMISSIONER ENGEN: The special Use
21 does conform to all its applicable regulations.

22 CHAIRPERSON TRUAX: Those are the Findings
23 of Facts.

24 MS. PHIFER: This item will next be

1 heard on October 29th, at 4:00 p.m. at the Fifth
2 Floor Conference Room of this building at the
3 Planning and Development Committee meeting.

4 CHAIRPERSON TRUAX: We thank you.

5 MS. PHIFER: And then Staff's
6 recommendation on Item 15-596 is recommend
7 approval of the resolution approving the final
8 plat for Eola Crossing, 43 Subdivision, being
9 vacant land located at 2360 and 2390 South Eola
10 Road.

11 CHAIRPERSON TRUAX: What's the wish
12 of the commission?

13 MR. CAMERON: Move for approval.

14 COMMISSIONER COLE: Second.

15 CHAIRPERSON TRUAX: Would you call
16 the roll, please.

17 SECRETARY JACKSON: Mr. Bergeron?

18 COMMISSIONER BERGERON: Yes.

19 MS. JACKSON: Mr. Cameron?

20 COMMISSIONER CAMERON: Yes.

21 MS. JACKSON: Mrs. Cole?

22 COMMISSIONER COLE: Yes.

23 MS. JACKSON: Mr. Divine?

24 COMMISSIONER DIVINE: Yes.

1 MS. JACKSON: Mrs. Duncan?
2 COMMISSIONER DUNCAN: Yes.
3 MS. JACKSON: Mr. Engen?
4 COMMISSIONER ENGEN: Yes.
5 MS. JACKSON: Mr. Pilmer?
6 COMMISSIONER PILMER: Yes.
7 MS. JACKSON: Mr. Reynolds?
8 COMMISSIONER REYNOLDS: Yes.
9 CHAIRPERSON TRUAX: Thank you. We
10 wish you luck with that.