



City of Aurora

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

Legistar History Report

File Number: 17-00612

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Type: Ordinance

Status: ATS Paused

Version: 3

General Ledger #:

In Control: Planning & Development Committee

File Created: 07/06/2017

File Name: ATMI / Variance for M-2 / 659 S. Elmwood Drive

Final Action:

Title: An Ordinance Granting a Setback Requirement Variance pursuant to Section 10.5 for property located at 659 S. Elmwood Drive being the west side of Elmwood Drive between Rathbone Avenue and Ridgeway Avenue

Notes:

Agenda Date: 08/10/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" - Legal Description.pdf, Final Plan - 2017-07-06.pdf, Landscape Plan - 2017-07-19.pdf, Land Use Petition and Supporting Documents - 2017-07-06 - 2016.018.pdf, Property Research Sheet - 2017-07-11 - 2016.018.pdf, Plat of Survey - 2017-07-06 - 2016.018.pdf, Legistar History Report (Variance) - 2017-07-25 - 2016.018.pdf

Enactment Number:

Planning Case #: AU29/2-16.018-Su/V

Hearing Date:

Drafter: jmorgan@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	07/11/2017	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	07/18/2017					
	Notes: <i>Representatives Present: Dave Burroughs, Marty Jaycino, Chris Barone</i>						
	<i>Mr. Sieben said so the Special Use would be on the new parking lot to the west, which would enter and exit off of Harford, so that's a Special Use to allow that commercial parking and then there would be a variance within that Special Use. Then the second variance is for the existing parking lot to the east to add that row of parking on the west side there in the dark area due to the setback to that residential lot on Ridgeway. So these will both go concurrent. Do you want to give a little background of what's going on here, the need for the additional parking?</i>						
	<i>Mr. Jaycino said our plant has been growing and fundamentally we just don't have enough space to</i>						

keep people off the streets in the area. We've owned that little parcel that abuts Hartford since we purchased the property and that just seemed like a good place to be able to increase the parking for our office area and reduce the pressure on the neighborhood around us. The same with the additional parking that we are looking for in the main lot. We are also looking actually at a parcel that is across the street from the main parking lot on Ridgeway. We purchased a house that is at that location next to that Stoney's bar and we want to add that to our parking area as well.

Mr. Sieben said and that we can set up a separate DST meeting and go over that.

Mr. Jaycino said I just wanted to get the big picture in a sense that if you drive down there, every spot on the street is taken up. I'm sure that we are putting pressure on the neighbors and quite frankly we want something that is a little bit safer for our employees and this will allow us to provide that.

Mr. Burroughs said and this engineering Dan, just so you remember, was submitted as part of a building plan for the Double T Building down here, so it was somewhat reviewed at that time as well.

Mr. Feltman said right, but then we asked you to grade out because we were going to approve that plan with...

Mr. Burroughs said right.

Mr. Sieben said the permit was just for that addition and that portion and this one is going to be separate, correct?

Mr. Burroughs said yes.

Mr. Feltman said and I don't know if we totally formalized the whole stormwater management with that new parking lot. There was a lot of talk about different ways to handle, whether it was porous pavement or...

Mr. Burroughs said correct and that's what we are showing because that downstream storm sewer has limited capacity. We recognize that.

Ms. Phifer said it is a public hearing, but staff is supportive. You are trying to be a good neighbor and get the parking on site instead of in the neighborhood and so through these 2 actions it would bring the property into conformance and allow you to do what you want. I think we are looking to move this forward.

Mrs. Morgan said yes. We have already advertised for the August 2nd Planning Commission, so we will vote this out next week. I had a few landscaping comments. I think they've already been addressed. Just some additional buffering for the extra parking spaces there that do border residential.

Mr. Barone said do you want to touch on that corner?

Mr. Jaycino said at the northwest corner of the property, to be honest I'm not really sure what to do about the situation we have there. There are a couple of large trees in that corner and the berm kind of creates this sort of secluded little spot and we've had quite a bit of trouble with transients literally sleeping and sitting there. There is a lot of trash in the area. We are wondering if, as part of this, we took down the 2 large trees that are in that spot to kind of clean that space up so that it is a little more accessible for police patrol or just to kind of have it a little bit more open. I know we have a lot of landscaping that's pushed in the back, but we are kind of nervous for our employees. We have people sitting there at lunchtime now. I think it makes a lot of people uneasy.

Mrs. Morgan said is it right on the street?

Mr. Barone said it is right on Ridgeway. I'm surprised this guy hasn't complained. Is this Aurora is this unincorporated?

Mr. Burroughs said it is in the township.

Ms. Phifer said we'll go out there and take a look at it understanding the concern and see if we can come up with a solution that is good because we don't want to see that either.

Mr. Jaycino said no, and like I say when we have people, younger kids that are working there until 9:00 or 10:00 o'clock at night sometimes it makes us uneasy with regard to their safety. Quite frankly, they are making a mess for the rest of the neighborhood as well. I think as kind of an addition to that, right now we have a lot of people parking on the streets and we are hoping this will reduce the pressure that is on the streets, but we are wondering if we could have no parking signs posted along the frontage of the parking lot area because what happens is people literally park right up to the driveway exit right now and you've got people flying down Ridgeway at 30 miles an hour. They are not looking to see who is coming out. I don't know if that is something we look at now or if that is something we deal with later.

Ms. Phifer said we can definitely deal with sight distance issues right now. As far as posting, you know, being able to paint the curb line yellow, at least, for sight distance from the driveway, that's something you can show on the plans right now. As far as posting something "no parking" though, that needs to go through a process.

Mr. Feltman said Government Operations.

Mr. Jaycino said I'm good with painting the yellow curb and keeping 20 feet from the driveway clear because right now you come out of there and it is like a game of roulette. You're not sure who is going to be flying by.

Mr. Feltman said well I'd have to talk to the city Traffic Engineer and figure out what the proper distance is instead of just eyeballing it. I mean, if there is more that needs to be striped, to be honest with you, it needs to be posted. Just putting paint down is not going to...

Ms. Phifer said but a here to corner thing, which is more of a sight distance versus no parking signs is a little different.

Mr. Jaycino said and we don't want this to hold things up because, obviously, the year is rapidly moving forward on us and we want to make sure we can still pave this year. That's a concern that we have and I think that's probably a concern that the city has too and we want to work the city on that part of it.

Mr. Feltman said I don't recall seeing final engineering submitted on this to be honest with you. Is it forthcoming?

Mr. Burroughs said well like I said, we already submitted that with the Double T Building. It is the same set of plans.

Mr. Sieben said so it was submitted with the building permit of the other thing, so do you need a copy then?

Mr. Feltman said yes. Again, we asked you to bring all that out and we kind of ignored it because we knew this was going to be another phase that you are coming in with now, so we really need final engineering submitted.

Mr. Burroughs said I can resend it, but we did get extensive comments on that parking lot at that time. It was 2 pages worth, so I'm hopeful that we are there.

Mr. Feltman said we need to have this plan then ready to be approved because we didn't approve it as that at first phase.

1	DST Staff Council (Planning Council)	07/25/2017	Forwarded	Zoning Board of Appeals	08/02/2017	Pass
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Action Text: A motion was made by Mrs. Morgan, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Zoning Board of Appeals, on the agenda for 8/2/2017. The motion carried by voice vote.

Notes: Mrs. Morgan said staff sent out just some minor comments on landscaping. They've addressed all those and have resubmitted.

Mr. Feltman said we partially reviewed this under the first phase. We'd still need to do a formal review on this new parking lot, but there shouldn't be anything major with it.

Mrs. Morgan said I do make a motion to move this forward to the August 2nd Planning Commission for a public hearing. Mrs. Vacek seconded the motion. The motion carried unanimously.

2 Zoning Board of Appeals 08/02/2017 Forwarded Planning & Development Committee 08/10/2017 Pass

Action Text: A motion was made by Mr. Bergeron, seconded by Mrs. Cole, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 8/10/2017. The motion carried.

Notes: *Mrs. Morgan said the Petitioner is requesting approval of a setback variance for the subject property for the portion zoned M-2 Manufacturing. So if you look at the piece of property, there are two zonings on it. The portion that runs between Elmwood Drive and Rathbone Avenue is M-2 and then that small little portion that connects it to Hartford Avenue that is bordered by residential is still zoned R-1. So this variance is for the M-2 portion. The setback variance that is being requested is from 60 feet to 12 feet for manufacturing that borders residential. Sixty feet is usually the typical setback. The project includes adding 12 additional parking spaces to the current parking lot to the west side of the property. The property and the building have been in existence since the early 2000's and the current parking doesn't meet the 60 feet setback either. It is about 33 feet from the property line. Currently there is a 6 foot fence and some evergreen shrubs that borders the residential property from this parking lot providing a buffer. Concurrently with this variance, they are also requesting at Planning Commission tonight a Special Use for parking facilities, non-residential, on the R-1 portion. This is to construct a parking lot with approximately 44 spaces. The ingress and egress will be from the current parking lot going through to Harford Avenue. This property also has 6 foot fences that run along the border that buffers the residential. There will be additional landscaping that will be added to both the M-2 and the R-1 portions along the residential providing additional buffering. The applicants are coming before you to add this additional parking to try to alleviate the on-street parking congestion that happens in the area just to provide some more on-site parking for their employees.*

Chairman Cameron said can you tell us the existing and tree borders and fences and stuff, have they been maintained in a good order?

Mrs. Morgan said I believe so. The Petitioner might be able to address that more.

Mrs. Cole said will the new parking lot have lights in it? The old parking lot does. Is that right?

Mr. Burroughs said yes, the new parking lot would have lights.

Mrs. Cole said and I think we've got a photometric plan for the old parking lot, but we have nothing for the new parking lot?

Mrs. Morgan said I don't believe they are adding additional lighting for the new.

Mr. Burroughs said we are.

Mrs. Cole said so the answer to the question, where they are going to put parking where it is green grass right now, is that going to be lit?

Mrs. Morgan said for the portion on the R-1, the Special Use portion, will be lit.

Mrs. Cole said that's just to the west of the current parking lot?

Mrs. Morgan said correct. The one that is coming before the Zoning Board of Appeals for the 12 additional spaces, additional lighting is not on that portion.

Mrs. Cole said it will be lit by the...

Mrs. Morgan said it is currently lit.

The Petitioners were sworn in.

Good evening. My name is Dave Burroughs and I'm with Engineering Enterprises and we did the site plan and representing here on behalf on the developer.

Chairman Cameron said do you have anything else?

Mr. Burroughs said no. I think they pretty much covered it. This particular issue we are just looking to add 12 more spots to try and alleviate that on-street parking congestion that we currently experience.

Chairman Cameron said I have a question. We were just chatting about the photometrics. On the, I think they call it the Memorial Building, the big tall building, there are massive lights on the south side of that building that blind you when you come to the stop sign down off of Jericho on that little cutoff road that comes through there by the restaurant. Were there ever photometrics done on lighting on that building?

Mr. Burroughs said no, not that I'm aware of.

Mrs. Morgan said and not that we're aware.

Chairman Cameron said I would suggest that the city look at that because it is really a danger when you are coming through on that cutoff. It is like having an airplane landing right in your eyes because they all feed right down that street when they are working at night.

The public input portion of the public hearing was opened. The witnesses were sworn in.

My name is Jim Kennedy. I live in Newark, but we have a business on Harford. I'm just concerned that if you guys annex into the city, that doesn't mean everybody on the block has to, right?

Mr. Sieben said they are not annexing. They are already annexed into the city. It won't have any impact to adjacent, unincorporated properties.

Mr. Kennedy said that was my only question. Thank you.

I'm Richard Zwart. I represent 624 Harford. I think that's where the 44 car parking lot is going to go on that green area behind Whitt's Garage.

Mr. Sieben said that's correct, but that's actually at Planning Commission at 7:00 o'clock.

Mr. Zwart said okay, I'll come back. I heard you mention the 44.

Mr. Sieben said if Dave could show you real quick what exactly this one is for.

Mr. Burroughs said we are dealing with these 12 parking stalls over here, not this one yet. That's at 7:00 o'clock.

Mr. Zwart said okay, I'll come back.

The public input portion of the public hearing was closed.

Mrs. Morgan said staff does not provide recommendations for a variance, but staff would note that the use is already in existence and that the additional parking will alleviate some of the congestion of on road parking.

Chairman Cameron said do the plantings and that meet all of the requirements for the parking lot?

Mrs. Morgan said yes. We did landscaping requirements for the R-1 portion as well as we added some additional buffering for the residential along that side.

Mrs. Cole said the 2 trees at the northwest area, actually it looks like there is more than 2 trees there, but the trees that they were wanting to cut down, are they going to cut those down?

Mrs. Morgan said we are still working with the Petitioner on that.

Mrs. Cole said those 2 trees, I think, provide quite a bit of shade to the house that sits just to the west of there and if I lived there I would not be happy to see my shaded area be removed. Also I was out there around lunchtime today and there were 2 people sleeping there, but actually they were employees of the company. It is the only place in the area that there is a shaded area. It is a great place to go and sit when you are having your break. Once those trees are gone, I don't think that employees will find that area near as attractive as what they do while there is shade there.

Mrs. Morgan said I believe the Petitioner has had some problems with other people besides their employees using that area, so staff is going to take a look at it. We might consider trying to see if

there are other types of vegetation that could be put like right around the trees that would kind of maybe alleviate some other people using the spot, but maybe even still allow the employees to use it for like lunch breaks.

Mrs. Cole said I'd hate to see mature, I don't think they are high quality trees, but they do offer quite a bit of shade.

Mr. Sieben said we would be glad to meet Marty Jacyno from ATMI, who is sitting here, at the site and take a look at that. They've mentioned that many times, but I totally would agree with your sentiment though.

I'm Martin Jacyno and I'm with ATMI Precast. Our intention isn't to take the trees down and eliminate any of the natural landscaping around there. There have been some people there that have been doing some things that probably shouldn't be done there. Our intention is more just for security in the neighborhood. We certainly wouldn't want to do anything that would impact the neighbor and we would be willing to work the neighbor on that as well.

Mrs. Cole said well it looks like the secluded area would be actually on the other side of the berm, so unless you remove the berm...

Mr. Jacyno said that's one of things we want to talk about. One of the other things we were thinking about was possibly extending the curb a little bit. It is, unfortunately, a secluded area. Like I say, we've run across some people there that have been doing things that, quite frankly, are probably illegal.

Chairman Cameron said well with your combined intelligence and the minds of your staff and the city staff, I'm sure that you will come up with a brilliant decision.

MOTION OF APPROVAL WAS MADE BY: Mr. Bergeron

MOTION SECONDED BY: Mrs. Cole

AYES: Mrs. Anderson, Mr. Bergeron, Mrs. Cole, Mr. Pilmer, Mrs. Truax

NAYS: None

FINDINGS OF FACT

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

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

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

Mr. Pilmer said this is an extension of an existing parking lot.

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

Mr. Pilmer said this is consistent with the desirable trend since the property was placed into its existing zoning classification.

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

Mrs. Cole said with the addition of these 12 parking places, it will remove 12 cars from parking on the street, which should certainly make for a safer street.

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

Mr. Pilmer said there should be no change or impact.

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

Chairman Cameron said it does that by adding internal parking.

8a. Is the variance based on the particular physical surroundings, shape or topographical conditions of the specific property involved so that a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out?

Chairman Cameron said it is adding parking to help move on-street parking off into a private parking, so it is for the mutual good, I think, of all parties involved.

8b. Is the variance based on unique conditions to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification?

Mr. Pilmer said I would say it is unique to this property as there is already a parking lot and this would be an extension of that parking lot.

8c. Is the variance based on an alleged difficulty or hardship that is caused by the ordinance and has not been created by any person presently having an interest in the property?

Mrs. Truax said well it seems like it is based on an alleged difficulty or hardship, but it also hasn't been created by any person having an interest in the property.

Mrs. Morgan said this will next be heard at the Planning and Development Committee meeting on Thursday, August 10, 2017, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 5 At Large Truax, At Large Anderson, At Large Bergeron, At Large Cole
and At Large Pilmer
