



City of Aurora

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

Legistar History Report

File Number: 17-00726

File ID: 17-00726

Type: Ordinance

Status: ATS Review

Version: 3

General Ledger #:

In Control: Planning & Development Committee

File Created: 08/02/2017

File Name: Butterfield Village Center, LLC / Stormwater Ordinance / 1555 Butterfield Road (Lot 6)

Final Action:

Title: An Ordinance Granting a Variance to the Wetland Buffer Width Requirement standards of Chapter 18, Article V of the City's Code of Ordinances, being the Stormwater Management Ordinance, for property located at 1555 Butterfield Road being south of Butterfield Road and west of Beverly Drive.

Notes:

Agenda Date: 08/24/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Property Research Sheet Location ID67908.pdf, Exhibit "A" Legal Description, Exhibit "B" Final Plan

Enactment Number:

Planning Case #: BA36/3-15.142-Fpn/R/VAC/DED/V

Hearing Date:

Drafter: aminnella@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning Commission	08/16/2017	Forwarded	Planning & Development Committee	08/24/2017		Pass
Action Text: A motion was made by Mrs. Anderson, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 8/24/2017. The motion carried.							
Notes: Mr. Minnella said I would like to present before you the request for approval of the Variance for the wetland buffer requirement along with the Final Plan Revision, which is the following item, 17-00572. The discussion of the 2 items go together. The Variance to the wetland buffer width requirement is necessary in order to get the approval of the Final Plan. The Petitioner is requesting this wetland buffer variance to reduce the requirement of the Kane County Stormwater Ordinance adopted by the City of Aurora in 2001 from 50 feet to 5 feet at its closest point. The reason why this wetland buffer is required is because the Petitioner, Butterfield Village Center, LLC, here represented tonight by Mr. Andy Kobler and his architect, Mike Cook, are proposing an extension of the existing parking lot to the east side of the existing building and also building a patio on the existing development. This will insure 17 additional parking stalls for a total of 135 parking stalls and 5 of those are handicapped stalls. Should you have any further questions, the Engineering Department is here represented by Dan Feltman with the City of Aurora and the Petitioner and his architect.							

Mr. Sieben said if Dan Feltman maybe could come up and just say a few words what the purpose of this is because I know we don't get these very often. In fact, the last one may have been also for part of this site.

Mr. Feltman said yes. There are 2 other areas that are exactly the same. This was a high quality wetland that was being preserved. By not meeting the buffer it shouldn't affect anything. This is actually an Army Corp regulated wetland. The Petitioner has supplied documentation that they had approved the site plan, but the only difference was that the buffer requirement was not being met. Now I know this might sound odd, but the only way to mitigate that would be to actually go into the wetland because then you don't have to buffer because you are already inside the wetland. But there doesn't seem to be any real need to do that. I think it would be better just to stay as far away as possible, but still allow this site plan to continue.

Mrs. Owusu-Safo said so what is the required buffer?

Mr. Feltman said it was 50. What ended up happening with the overall site was there was a lot of buffer averaging, which means there are some areas where it is wider and then there are other areas where it is narrower. There was already, like I said, a variance for this same exact situation on this property.

Chairman Truax said there is a variance already and we are doing this again?

Mr. Feltman said it was 2 other areas.

Chairman Truax said 2 other areas?

Mr. Feltman said correct.

Mr. Sieben said there is a wetland to the south side of this development. This development goes all the way from Farnsworth all the way to this eastern point by Indian Creek, so when the development was approved, I think I took it through back in 2005, the south side of this has a large wetland where there is a Shell and a McDonalds and a Firestone and then another retail center. Behind that to the south a wetland buffer was granted, but this is new now to the east, so it was determined by the consultant that we needed to take this part through also.

Mr. Feltman said and if you look at the overall site, there is a lot open space that is beyond where we are looking at. We are looking at a very small area, but if you look at the overall, there is detention, there is compensatory storage, there is a lot of green space just south of there, so it is not like we are going to be impacting like water quality.

Mrs. Anderson said so there will be no impact at all to the creek is what you are saying?

Mr. Feltman said there will be no impact.

Mrs. Owusu-Safo said and there is already compensatory storage on site?

Mr. Feltman said yes.

Mrs. Owusu-Safo said for a previous...

Mr. Feltman said it was the original development.

Mrs. Cole said and the Army Corp has already approved this site?

Mr. Feltman said the site plan that is before you yes.

Mrs. Cole said and they are only here because of the City of Aurora's requirement?

Mr. Feltman said correct.

Mrs. Cole said okay.

Mr. Sieben said maybe the Petitioner could give a little summary of why the expansion and what this

business this is benefitting.

My name is Mike Cook. I'm with Cook Engineering Group. I'm a Civil Engineer, not an architect, but aside from that somewhat in the same facet. I've been involved with Mr. Kobler for a number of years on various projects in the City of Aurora and other areas in the community, the western suburbs. Andy purchased the property, I'm going to say 3 to 4 years ago. He is building a facility just to the west of here, a new building about 15,000 square feet. One of the other issues is he had gotten a new tenant at the east end of this building. Pub 56 is the occupant at the east end of this building and part of the requirement, not requirement, but Andy is more of a landlord where he wants to make sure that tenants stay for a long time and lot of the issues that are there is there is not enough parking for that type of facility there. Even though we meet the minimum requirements for parking in the City of Aurora standards, Andy is going above and beyond what he would normally do to insure that he gets a tenant long term and doesn't leave the property because he can't service his customers without adequate parking. What drove this is that he wanted to expand and provide additional parking for the new tenant. I think there was another tenant at one time called Wild Ram that left. The prior tenant went bankrupt. He got a new tenant in there. Pub 56 is the new tenant out there. Andy wanted to create a better atmosphere for that tenant. JJ's Pub was the one prior to there. This is all kind of coming out of pocket, not trying to meet any of the requirements. He is going above and beyond the parking to provide a long term benefit for the new tenant. That being said, one of the other things I wanted add to what Dan said about the buffer and the stormwater, obviously that was part of the overall project that was done. All the stormwater requirements and the wetland buffer that's there, generally those buffers are intended to create an area in which runoff gets filtrated before it gets into the wetland. In our case, the site itself is a parking lot that would be raised up with a retaining wall and that water would be directed away from that existing wetland, so that was probably one of the reasons why the Army Corp was not objectionable to the project. One of the things that why we are in here for the variance request was that buffer reduction width, which was granted in other locations on the development when it was originally approved in 2005. If you have any other questions, I would be more than happy to answer them.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mr. Minnella said staff recommends approval of the Ordinance granting the Variance of the stormwater buffer.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Cameron

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

NAYS: None

FINDINGS OF FACT

1. The variance will not increase the probability of flood damage.

Mrs. Owusu-Safo said I don't think it would. It has curb and gutter around the lot and all the stormwater is being conveyed all the way around the site.

2. The variance is the minimum required considering each of the following statements of policy underlying this ordinance and there are no means other than the requested variance by which the demonstrated hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development. Detention of stormwater shall also contribute to the improvement of the quality of stormwater runoff. The volume of site runoff storage provided in open-air vegetated facilities is maximized consistent with other site constraints on land use, including zoning requirements essential for the proposed development. Conveyance of stormwater shall not disproportionately absorb the design capacity of existing offsite conveyance facilities for any storm event from the two-year to the 100-year flood frequency. High quality natural areas shall be preserved on the site, including without limitation, stands of native trees, existing wetlands, natural floodplain storage or other valuable environmental and biological resources.

Mrs. Cole said yes.

Mr. Cook said I'll add something to it. Obviously, as what we commented before, we are not impacting the existing wetland nor are we impacting the existing floodplain. The additional impervious area that's

created by the additional parking lot is contained in the existing stormwater facility within the development.

Mrs. Owusu-Safo said where is the discharge going?

Mr. Cook said the discharge is being connected to the existing storm sewer along the south curb line and then into the detention pond south of that lot. It is not going east. It is going south. It is not going into the wetland. It is being directed through the detention basin.

3. The variance is not requested solely for the purpose of increasing the density of the development nor impervious areas on the site.

Chairman Truax said I don't think it is requested solely for the purpose of increasing the density on the site.

4. The variance is not requested solely as a result of economic hardship.

Mrs. Owusu-Safo said no it is not.

5. If applicable, the variance is required due to unique, natural topographical features of the site.

Mrs. Owusu-Safo said yes.

6. The applicant's circumstances are not self-imposed.

Mr. Chambers said correct.

Mr. Minnella said this will next be heard at the Planning and Development Committee on Thursday, August 24, 2017, at 4:00 p.m. on the fifth floor of this building.

Aye: 9 At Large Bergeron, At Large Cameron, At Large Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, Fox Valley Park District Representative Chambers, At Large Owusu-Safo and SD 129 Representative Head
