



# City of Aurora

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

## Legistar History Report

**File Number: 18-0154**

**File ID:** 18-0154

**Type:** Petition

**Status:** Draft

**Version:** 2

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 02/21/2018

**File Name:** Wendy's / 2962 Kirk Road / Plan Description Revision

**Final Action:**

**Title:** An Ordinance Approving a Revision to the Savannah Crossing (TMK Aurora Venture, LLC) Plan Description on 1.23 Acres for the Property located at 2962 Kirk Road being north of Butterfield Road and west of Kirk Road (Wendy's - 18-0154 / BA36/3-18.006-SU/PD/R/Fpn - JM - Ward 1) (PUBLIC HEARING)

**Notes:**

**Agenda Date:** 03/29/2018

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Legal Description - 2018-03-16 - 2018.006.pdf, Exhibit "B" Plan Description Revision - 2018-02-20 - 2018.006.pdf, Land Use Petition and Supporting Documents - 2018-02-20 - 2018.006.pdf, Property Research Sheet - ID 69103 - 2018-01-15 - 2018.006.pdf, Plat of Survey - 2018-03-13 - 2018.006.pdf, Legistar History Report (Plan Description Revision) - 2018-03-13 - 2018.006.pdf, Findings of Facts - Planning Commission and ZBA 2018-02-09.pdf

**Enactment Number:**

**Planning Case #:** BA36/3-18.006-SU/PD/R/Fpn

**Hearing Date:**

**Drafter:** jmorgan@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	02/27/2018	referred to	DST Staff Council (Planning Council)			
<b>Action Text:</b> This Petition was referred to to the DST Staff Council (Planning Council)							
1	DST Staff Council (Planning Council)	03/06/2018					
<b>Notes:</b> Representatives Present: Greg Haggis and Jeff Gylling							

*I am Greg Haggis. I'm the CFO for the Wendy's franchisee looking to develop the Wendy's site.*

*I'm Jeff Gylling. I'm the Construction Manager for Wendy's.*

*Mr. Sieben said do you guys just want to just give us a little bit of detail on kind of what prototype this is, what's your seating, kind of just the layout in general?*

*Mr. Gylling said I can address that. This is a brand new Wendy's design. In fact, we've only got one restaurant here in the Chicagoland area that would be near identical to this design and that's a store in Villa Park. The next closest store is actually in, I think it is, Grand Rapids, Michigan. So we've got about, I believe, about 15 of these new designs throughout the US. It is a brand new design for us. As you can see from the building elevations, it may not be perfectly clear, the front of the store is primarily glass and it is full height glass. It is roughly 16 feet in height and our dining room with all that glass, we have no ceiling. You walk in as a customer and you are sitting down and you look up you actually see the exposed metal deck and all the trusses. So it is a pretty dramatic new look for Wendy's. As far as seating goes, what we've discovered is that with our building designs, we were building buildings with way too many seats. This design that we are proposing has 40. Typically we are in the 80's. With our new building design it is down to 40. What we are finding is that our drive-thru percentages have been increasing, so with 40 seats, that's our current footprint. As part of the submittals we made, we also submitted a landscaping plan, a site plan and survey, so I believe all the pertinent drawings were submitted. As far as the site plan goes, we are showing currently 41 parking stalls. You may be thinking well why 41 if you've only got 40 seats. That would be for our employee parking as well. So we have plenty of parking proposed. The landscaping, in working with staff, we do meet the landscaping requirements. I think we are going to have a conversation about placement of some of the materials. The trash corral will match the building, which is a requirement of the city. The circulation is our prototypical circulation that you would find at all our locations. This site, because of no direct access off of Kirk, our access points would be at the rear of our parcel. We've got a designated entrance and then a designated exit on our site plan.*

*Mr. Sieben said so it is really a big site for your building.*

*Mr. Gylling said yes, it is way too large. Typically we go in at a half acre. This site is a little bit north of an acre. It is much larger than what we prototypically pursue.*

*Mr. Sieben said just real quick before I turn it over to Jill, so we did talk regarding the landscaping. We actually did have a conversation with KDOT, who controls Kirk Road, and none of the other outlots, I believe, has street trees or parkway trees, which is a typical requirement, so similar to kind of Orchard Road what they've gone to is we usually put that material back on the property out of the county right-of-way, so we would definitely work with you on placement of that. We don't want to block your visibility, but we do want to provide a nice look to this site. We'll work with you on that through Jill. Jill, do you want to touch on just a couple of other little things?*

*Mrs. Morgan said yes. So for the building elevations, so the vertical board is like a cement board type?*

*Mr. Gylling said it is a concrete board, yes.*

*Mrs. Morgan said what is the taller portion?*

*Mr. Gylling said the exterior of the store is either glass or Nichiha. We've got three different colors for the Nichiha. The majority of the building is wood grain. Above the pickup windows it is grey and then at the front of the store it is red. So we've got three different Nichiha materials. I believe we are showing the...*

*Mr. Sieben said so you guys went away from any brick because I was looking at some of your recent stores or recent remodels, which is a similar scheme, but not totally and you still kind of had some brick at the back kind of and then went with the red and the dark grey, or the wood look. This is going*

to have more glass and then you did away with the brick.

Mr. Gylling said correct. The only masonry that would be on this site would be at the monument sign. We've got that little band of brick. The rest of it is all concrete panel.

Mrs. Morgan said I think those were my only questions. There wasn't a whole lot of comments. We are working on the landscape plan and figuring out that. There was a question about the sidewalk.

Mr. Sieben said the pedestrian sidewalk coming in. We had looked at the whole shopping center and we looked at other shopping centers and didn't we already have a pedestrian access off of Butterfield coming up?

Mrs. Morgan said yes. Advanced has one and the empty lot has pedestrian at this location. Sonic does not.

Mr. Sieben said so you guys are kind of like half way on this frontage, if you will, here and you do have the right in there on your north side, so we were kind of looking, there is a major bike path, I think, on Kirk Road, it is kind of a regional bike path, so we were looking at maybe trying to make it another, just a pedestrian sidewalk in from the bike path coming from east to west across the north end there.

Mr. Feltman said is the grading going to work on that?

Mr. Gylling said that was our concern.

Mr. Feltman said I thought this was...

Mr. Sieben said I went by there the other day and you guys are pretty high.

Mr. Feltman said yes.

Mr. Gylling said that was one of our initial concerns when we saw the staff comments. That was a concern. We are still working through that, but that was a concern.

Mr. Sieben said we'll discuss that further.

Mr. Feltman said it has to make sense.

Mr. Sieben said we are looking at a flat picture right now. Maybe it doesn't look that way.

Mr. Gylling said so with the public walk, obviously, it would need to be accessible and with the existing grades can it be done. We are still looking at it, but that was a concern.

Mrs. Morgan said I think that was really it. Most of the other staff comments I think we've kind of talked through. This is going March 21st. They've already advertised for it. The public notice sign is ready.

Mr. Feltman said from Engineering, this already has stormwater management. All the utilities are available.

Mr. Beneke said the Fire Marshall and I looked the Fire Plan and we've approved it. It is good to go.

Mr. Gylling said wonderful. Thank you.

Mr. Sieben said again, just for the record, it does need a Special Use. There was a limitation originally on the Plan Description. There was a certain limit on the number of drive-thrus on both Butterfield and Kirk. So because the allotment of drive-thrus have already been taken up, that's the reason for the Special Use on this. We've had a lot of discussion on this over the years. There have been some different drive-thrus proposed. Originally we wanted to try to get a mix of restaurant types,

*but that hasn't happened and I think this has been here for 12 years now.*

*Mr. Feltman said and Engineering hasn't been submitted. We're fine with that. I understand that you guys are going to be following up.*

*Mr. Gylling said yes and on the permit submittal, our goal is to submit for permit, hopefully, within the next week and that would be architectural and engineering plans. We want to make our full permit submittal. It is important for us to get this project out for bid and I don't want to do that until at least we get preliminary review comments back. Once we get those, we are going out for bid because we are working with some very tight contractual timelines and I've got to get this project out for bid.*

*Mr. Sieben said so we did move you as quick as humanly possible, so you are going in 2 weeks to Planning Commission on March 21st. That worked out well. We actually had an opening that came up, so I was glad you could work with Jill on notices. The decision at City Council would be the second Tuesday in April.*

*Mr. Gylling said that's great.*

*Mr. Feltman said if you could submit the engineering directly to Engineering because sometimes that gets a little confusing because you are submitting to Building and Permits for their review on the handicap accessibility, but it doesn't come to Engineering, so if you could just submit it directly to us that would be great.*

*Mr. Beneke said what you are going to need to do is submit engineering, their sets for both site review. You also need to submit, I think we ask for 3 sets, for the site plan for us for looking at the accessibility and we're going to see the grease trap on it and a few things like that. So you kind of have 2 different things as far as the civil is concerned, so when you send it to us for full building permit, just make sure you include some of the civil.*

*Mr. Sieben said any other questions?*

*Mr. Gylling said yes, and I know this is going to end up in discussion hopefully yet today, with the landscaping and sidewalk we are going to need some type of resolution so we can revise our engineering plans and complete those.*

*Mr. Sieben said we can do that this week.*

*Mr. Haggis said we're excited. We have not done a new restaurant from ground up within the franchise for 8 years, so this is kind of an exciting one for us, especially with the new design. It is something kind of contemporary and kind of very vibrant for Aurora and for us.*

*Mr. Sieben said so this will even be more modern than your more recent modern.*

*Mr. Gylling said absolutely. It is night and day.*

*Mr. Sieben said the glass will be pretty cool.*

*Mr. Gylling said it is a slick looking building.*

*Mrs. Morgan said for the landscape plans, are you submitting something back where you want them to go?*

*Mr. Gylling said that would be our preference. I know you've been working with Ken.*

*Mrs. Morgan said we'll wait for that.*

*Mr. Sieben said why don't you do that as quick as you can. We'll comment back within 24 hours.*

Mr. Gylling said we'll get that completed right away. When I pick up the sign, I'll go meet with Ken and tell him of our meeting, because they are just right down the street, and we'll get those plans into you.

Mrs. Morgan said thanks.

1	DST Staff Council (Planning Council)	03/13/2018	Forwarded	Planning Commission	03/21/2018	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 Planning Commission, on the agenda for 3/21/2018. The motion carried by voice vote.

**Notes:** Mrs. Morgan said staff sent out some comments. We are still waiting on revisions. There is nothing major. The parking stalls were not up to standards, but they believe they can make that change. Staff originally was asking for a sidewalk along that interior drive isle, but due to topography they are not going to be able to make it work. So staff is going to waive that comment. There are some other minor landscaping comments they are still working on. Fire signed off on it. This will be going to the March 21st Planning Commission as a public hearing. I make a motion that we move this out of Planning Council with the condition that they address comments from staff's memos. Mrs. Vacek seconded the motion. The motion carried unanimously.

2	Planning Commission	03/21/2018	Forwarded	Planning & Development Committee	03/29/2018	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 3/29/2018. The motion carried.

**Notes:** See Attachment for Items 18-0154 and 18-0155.

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

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Attachment for Items 18-0154 and 18-0155:

- 18-0154      An Ordinance approving a revision to the Savannah Crossing (TMK Aurora Venture, LLC) Plan Description on 1.23 acres for the property located at 2962 Kirk Road being north of Butterfield Road and west of Kirk Road (Wendy's – 18-0154 / BA36/3-18.006-Su/PD/R/Fpn (PUBLIC HEARING))
- 18-0155      A Resolution approving a Final Plan on Lot 4 of Savannah Crossing Subdivision located at 2962 Kirk Road being north of Butterfield Road and west of Kirk Road for a restaurant with a drive-through facility (2530) use (Wendy's – 18-0155 / BA36/3-18.006-Su/PD/F/Fpn – JM – Ward 1)

Mrs. Morgan said this is Plan Description Revision to allow the drive-through use on Lot 4 of the Savannah Crossing Subdivision. The property is also known as TMK Aurora Venture, LLC Special Use Planned Development. As part of the Plan Description currently it allows 3 drive-throughs on Lots 3, 5, 9, 10 or 11. So this would allow up to 4 drive-throughs on those same lots with Lot 4 being added. Concurrently with this proposal is the Final Plan for the restaurant. It is a 2,336 square foot drive through restaurant with 40 seats. The property has one ingress and one egress that are located off of the interior drive, so it abuts Kirk, but you come in on the property from the interior drive isle. It circulates one-way around the building. Unlike some we've seen previously, it has one menu board. It meets our stacking requirements of 10 spaces. It is providing 41 parking spaces, which there are only 16 required per code. The elevations do kind of depict one of the more modern prototypes for Wendy's chain. It features a glass and metal front, which has like a full view of the dining area. The remainder is clad and like fiber cement wood panels. It is accented by taller, higher panels, which is also fiber cement in grey and red. This is a rendering of what it will look like. I think they only have a few of these in the area. It is one of their more recent prototypes.

Mr. Pilmer said could staff just tell on those other lots what the other drive-throughs are?

Mrs. Morgan said the Sonic to the north has a drive-through. The Walgreens has a drive-through, again to the north. You have the Starbucks to the south still along Kirk Road.

Mr. Sieben said I don't think the corner building does. They took that out where the Chipotle is. I don't think Chipotle does.

Mrs. Morgan said Chipotle took theirs out.

Mr. Sieben said so I think that's it.

Mrs. Morgan said so it is just the Starbucks, the Sonic and the Walgreens at this time. There is one open drive-through that can be on one of the lots undeveloped along Butterfield.

The Petitioners were sworn in.

Good evening. My name is Jeff Gylling. I'm a construction manager with Wendy's and my home address is 852 High Gate Course in Glen Ellyn. As Jill has mentioned, this is our brand new building design. In fact, we only got two of these restaurants in this area. We've got one in Villa Park and then we've got one in Chicago at Montrose and Pulaski that opened a couple of months ago. As Jill had mentioned, it is a 40 seat building, so our building size has come down dramatically. The attractive or, I guess, modern element to this building is that when you are a customer and you go into the dining room there is no ceiling. You've got a 16 feet high space, so you actually see the trusses and the bottom of the metal deck and then on the exterior it is full height glass, so it is a very, very contemporary look. What we are trying to draw into customer-wise are the Millennials. So that is kind of the design logic behind the building. I don't believe we are seeking any variances with the landscaping, parking or signage. Our goal is start construction here soon. We would like to get this project started hopefully in June and be open before the end of summer. With me tonight is Mike Zac and Greg Haggis. They are both with Wenzak, who is our Franchisee. This is going to be a franchise location, not a company store. Are there any questions for me or for us?

Mrs. Anderson said what are the hours of the restaurant?

Mr. Gylling said at this point it would be 10:00 a.m. to 1:00 a.m. The drive-through is open until 1:00 a.m., but we typically close the dining room at 10:00 p.m., so the dining room would be 10:00 a.m. to 10:00 p.m. and that would be 7 days a week. It would be 10:00 a.m. to 1:00 a.m. all week.

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

Hi. I'm Hal Wolken. I'm the owner of the Sonic Drive-In next to the proposed location for the Wendy's. I'm happy to be a land owner and a business owner in Aurora for the last 10 years. I recall significant hurdles that we jumped through in order to get into business, but times have changed since 2008 when fast food was not welcomed into the area with open arms. We are happy that it is welcomed today. My purpose in being here was to learn about my new neighbor, potential new neighbor, at Wendy's. I've met them and I'm happy and I wish them well should everything go well for them. My concern and my question is relative to any potential obstruction of the visibility of our Sonic Drive-In. We were limited on our signage to a monument sign, which is extraordinary low and I'm just concerned that any signage and/or landscape construction would further inhibit our customers or anybody from seeing our signage and our facility. I thank you for allowing me to bring that question to you.

Chairman Truax said we'll see if we can get an answer for you.

The public input portion of the public hearing was closed.

Mr. Gylling said the sign that we are proposing is 5 feet tall by 10 feet wide. It is on a 3 foot concrete block base.

Mrs. Morgan said so it is set back 15 feet from the property line. It is setback more than it is required per code. Also to bring up just kind of the size of the sign and talking about any other issues about visibility, so here's the landscape plan. They have their sign kind of at the corner with just some bushes around it. There is one tree setback past the sign. Then they just have 3 canopy trees kind of in the

center along the frontage. There are not a lot of trees right at that corner that would impact Sonic's visibility.

Mr. Wolken said this sign is near the road?

Mrs. Morgan said the sign is 15 feet from the property line.

Mr. Wolken said so this is the road that comes in. And that is 5 feet high?

Mr. Gylling said the sign is 5 foot, but it is on a 3 foot base, so the overall height is 8.

Mr. Wolken said he answered my question. He showed me where it is located. It is next to the road between the Sonic lot and the proposed Wendy's lot. I asked him if he felt that it would inhibit any sight lines from our restaurant and he does not believe that's the case. At 5 feet tall, I can't say from here because it is 5 feet tall from grade and I don't know how high the grade is.

Mrs. Morgan said 8 feet tall from grade.

Mr. Wolken said so it is 13 feet up?

Mr. Sieben said no, 8.

Mrs. Morgan said it is 8 feet total.

Mr. Wolken said so 8 total, so it is 3 plus the 5.

Mrs. Morgan said yes.

Mr. Sieben said it is the same size as your sign, which is 50 square feet, 8 feet high.

Mr. Wolken said so it is the same as ours?

Mr. Sieben said exactly the same. We try to keep them all the same.

Mr. Wolken said and electronic reader board?

Mr. Sieben said no electronic. It is just a static red Wendy's.

Mr. Wolken said I got it. Thank you very much.

Chairman Truax said I'm going to ask for staff's recommendation.

Mrs. Morgan said for the first petition for the Special Use Revision, staff would recommend approval of an Ordinance approving a revision to the Savannah Crossing (TMK Aurora Venture, LLC) Plan Description



on 1.23 acres for the property located at 2962 Kirk Road being north of Butterfield Road and west of Kirk Road.

Mr. Cameron said I have a question. Have there been any other inquiries about this other than the gentleman from Sonic?

Mrs. Morgan said no. I've only had one call and that was just to ask what was going there. I told them it was a Wendy's restaurant. They had heard it was a car wash, so they didn't have any comments beyond that.

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mr. Cameron

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

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. Reynolds said yes it does. The proposal represents the highest and best use of the property.

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. Reynolds said again it is consistent and it is the highest and best use of the property.

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?

Mr. Pilmer said based on the testimony we heard tonight, it will maintain a compatible relationship with the traffic pattern and meets all the city requirements.

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. Cameron said they are already in place or will be placed as part of the proposal.

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?

Mrs. Owusu-Safo said there is no access onto Kirk Road so there shouldn't be any impact on traffic movement in the area.

- 9a. Will the Special Use not preclude the normal and orderly development and improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?

Mr. Cameron said there should be no particular change. The change in zoning is for a drive-in and I think we've been made well aware of it that a drive-in is virtually required for the survival of what you identify as fast food places. I think there should be no changes.

- 9b. Is the Special Use in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?

Mrs. Owusu-Safo said I believe this Special Use is in conformance to applicable regulations in the district.

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, March 29, 2018, at 4:00 p.m. on the fifth floor of this building.

Chairman Truax said we also need to have a motion on the Resolution approving a Final Plan on Lot 4 of Savannah Crossing Subdivision.

Mrs. Morgan said originally staff had a condition on this to put a hedgerow along the parking along Kirk Road. The Petitioner has subsequently added that so I will remove that condition. With that being said, staff would recommend approval of a Resolution approving a Final Plan on Lot 4 of Savannah Crossing Subdivision located at 2962 Kirk Road being north of Butterfield Road and west of Kirk Road for a restaurant with a drive-through facility (2530) use.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Cole

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

NAYS: None

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, March 29, 2018, at 4:00 p.m. on the fifth floor of this building.