



City of Aurora

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

Legistar History Report

File Number: 15-00201

File ID: 15-00201

Type: Ordinance

Status: ATS Review

Version: 3

General Ledger #:

In Control: Planning & Development Committee

File Created: 03/12/2015

File Name: Jay Maruti #3 Corporation / Dunkin Donuts - RZ and SU

Final Action:

Title: An Ordinance Establishing a Special Use Planned Development, Approving the Maruti Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 Business District, General Retail for the property located on east side of Lake Street north of Indian Trail Road

Notes:

Agenda Date: 02/25/2016

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description.pdf, Exhibit "B" Plan Description - 2016-01-06 - 2013.071.pdf, Land Use Petition and Supporting Documents - 2015-03-10 - 2013.071.pdf, Plat of Survey - 1271 N. Lake 2015-03-10 - 2015.098.pdf, Plat of Survey - Portion of 1275 N. Lake (City's Flagpole Property) - 2015-10-09 - 2015.098.pdf, Property Research Sheet - 1271 N. Lake Street.pdf, Property Research Sheet - 1275 N. Lake Street.pdf, Legistar History Report (Rezoning) - 2016-01-19 - 2013.071.pdf

Enactment Number:

Planning Case #: AU10/3-13.071-RZ/SU/FSD/FPN

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	Committee of the Whole	03/17/2015	Forward to Planning Council	DST Staff Council (Planning Council)	03/24/2015			
	Action Text: The request and Referrals were referred to the DST Staff Council (Planning Council)							
1	DST Staff Council (Planning Council)	03/24/2015						
	Notes: Representative Present: Diane Duncan							
	<i>My name is Diane Duncan. I work for Gleason Architects. I've represented the Maruti Group for</i>							

several years now. This is one of their newest adventures. They purchased the property at 1271 N. Lake Street. When they purchased it, it was an existing building that had been vacant and an existing parking lot. What they are proposing to do is build a new 2,000 square foot Dunkin Donuts in the existing parking area. They are trying to rent out the existing restaurant. How that comes to fruition I don't really know right now, but they are looking at a couple of different tenants for that building, but our main concern is that we are able to get the new Dunkin Donuts/Baskin Robbins building built to the north of that existing space.

Mr. Seiben said do you want to talk about, we had some discussions over many months, some of the revisions to the property from currently what's there?

Ms. Duncan said currently there is an easement that goes from Lake Street down to the old Harms Way property and it bisects the property directly down the middle. What we are proposing, and the city proposed to do, is take away the easement, the 15 foot easement in the center, and we will then build a 25 foot road down the north side of the property down to River Street so that River and Lake have a proper joint.

Mrs. Vacek said and just to clarify, the city owns that 15 foot. It is actually a 15 foot strip that the city owns, so we would be giving that property over to Dunkin Donuts in exchange for the easement to the north, so along the north property.

Mr. Sieben said on the Dunkin Donuts building, you said it was about 2,000 square feet. Do you know what the proposed seating of that is going to be?

Ms. Duncan said I believe it is 22 seats in this particular one.

Mrs. Vacek said do you know what the seating number is for the existing. I need to know that for parking regulations?

Ms. Duncan said I want to say it is 65.

Mr. Sieben said if you could please get that for us.

Ms. Duncan said absolutely.

Mrs. Vacek said a couple of things. I did send you the Excel worksheet. I do need that filled out and sent back to me. So if you can get that sent back to me then I can finish up my review. The other kind of major thing that I just want to let you know is that all the drawings are inconsistent, meaning that there are different dimensions on all of the drawings from civil engineering to the landscape to the final plan. They are not the same drawings, so it makes it really hard for us to review when they are all inconsistent. You will be getting that comment.

Mr. Sieben said just some examples, the location of the new 24 or 25 foot drive on the north property line, some of them show it on the line, some of them don't. The area around the new Dunkin Donuts building is inconsistent on the different plans. On this Final Plan you have the curbing real tight to the corners of the building and you have another one where it's not.

Ms. Duncan said I know the landscape was not updated when we had met last.

Mrs. Vacek said there are just a lot of inconsistencies, so that will be, obviously, a comment.

Ms. Duncan do you know when we can kind of expect the comments back?

Mrs. Vacek said I'm finishing up my comments now. Actually probably what will go out first is just formatting comments so we can get all the stuff consistent in how we want to review it and then you'll probably get more of the content comments afterwards.

Mr. Feltman said it is in review right now. Probably by the end of the week we should have comments out.

Mr. Beneke said we looked at it and even though the dimensions on the cut are different, they all meet the criteria, so we've actually approved the Fire Plan, although there was a comment that there might be a hydrant down that lane. You only had one hydrant shown, but Matt actually went out and confirmed there was another one close enough, so he was okay with it, but if there is another one

down there, we need to probably have that shown.

Mr. Feltman said we'll have to have one at the end just so we can flush it.

Mr. Beneke said but as far as the Fire Plan, we are good.

Mr. Sieben said the issue with the occupancy of the existing restaurant building, that's come up many times before. Seize the Future has mentioned that, obviously, again. I know that you guys had a lease, or the owners had lease, with the medical marijuana dispensary and then once we realized, or they realized that they weren't going to get the license for that facility, it is my understanding, in talking to the owner's broker, that they have actively put that back on the market. I suggested to the broker that he be in contact with Seize the Future to kind of please coordinate where that stands, and what's going on with the prices, or the lease price or whatever because that is an issue that I think there needs to be some resolve of prior to this going to Planning Commission. I know that we have other detail issues here, but that issue just needs to be discussed.

Mr. Sterrett said I can look into that to find out exactly where's it at. We can certainly arrange for something to talk about that more to find out what we can do.

Mr. Sieben said so it sounds like you will be getting stuff by the end of the week.

1 DST Staff Council 03/31/2015
(Planning Council)

Notes: Mrs. Vacek said I'll be getting format comments out, hopefully, today and we'll, hopefully, get some of those resolved. I'll be sending out review comments after that.

1 DST Staff Council 04/07/2015
(Planning Council)

Notes: Mr. Wiet said there was a brief discussion yesterday at our update meeting. I don't know where it really went in terms of just the Mayor rehashing now that the cannabis thing is not in the building. It dates back to 5 years ago when Poncho's was thinking about it and I said well we're going to support this because we are going to support development. It never went anywhere.

Ms. Phifer said well they are pursuing a restaurant.

Mr. Wiet said if there are any conditions we throw on, let me know because this is going to be at a public hearing pretty soon.

Ms. Phifer said well they are pursuing a restaurant user for that building. They are not giving up on that.

Ms. Vacek said I sent out format comments to them. There is a lot of just formatting so their actual plans make sense. So we sent out those comments. It's probably not going to go until May.

Ms. Phifer said we're not moving this forward until they clean up their documents.

Mrs. Vacek said we sent out those comments, so we are waiting for a response.

1 DST Staff Council 04/14/2015
(Planning Council)

Notes: Mrs. Vacek said I did send out comments on this. We are waiting for revisions. I believe Engineering also sent out comments regarding this.

1 DST Staff Council 04/21/2015
(Planning Council)

Notes: Mrs. Vacek said we are waiting for revisions. We sent out format revisions and then we will be sending out more content once we get the revisions.

Mr. Wiet said and they're all okay on the configuration of the building? Did it move from further back to more to the front? Was that something that ever happened?

Mrs. Vacek said no.

Mr. Sieben said we now have a new wrinkle where they're trying to keep an extra access, so what I've said is it would be nice to get the proposed restaurant operator in here so we can look at what's their seating plan and everything because they want do liquor. We just need to make sure there is enough

parking for their use.

Mr. Curley said I was just there. One of them is going to come in at 1:00 o'clock to BP and I'll get them all the information they need for setting up a DST, a building permit process, and I think he's already gotten the liquor license applications.

Mr. Sieben said we can kind of combine the liquor license app with the remodel or whatever they want to do in there.

Mr. Curley said they might want to remodel quicker, but I don't know what that means to you guys, but I'd like to get it out of their way. It is a very small remodeling inside.

Mr. Sieben said we've just forwarded this revision over to Engineering for comment.

Mr. Wiet said if the restaurant gets in before the Dunkin Donuts gets built, they are going to have to maintain parking spaces and they're going to have to probably reconfigure the back area under the proposed plan, right, to keep their number of spaces?

Mrs. Vacek said well they would be losing 3 spaces.

Mr. Wiet said but they are reconfiguring the whole back of the parking behind the restaurant and behind Dunkin.

Mrs. Vacek said well they are.

Mr. Sieben said they are, but I'm now sure what you are referring to. They are only losing 3 spaces with what they are showing up front.

Mr. Wiet said even with what Dunkin wants after the Dunkin goes in?

Mr. Sieben said yes.

Mr. Wiet said I thought they were redoing the isles in the back.

Mr. Sieben said right, the whole thing is going to be redone.

Mr. Wiet said that's what I meant, but if they open the restaurant first, they are going to have to redo the back parking before they can start doing the Dunkin project, correct, to maintain...

Mrs. Vacek said well they are going to have to get approval either way. They need to get through this thing before the restaurant can be open because they are not going to have enough parking if the Dunkin Donuts takes all their parking. Yes, they are redoing the entire back area.

Is anyone going to improve what we improve on River Street at all where it is kind of in not great shape?

Mr. Feltman said they were just grading out the access drive to meet up with whatever is there. I know it is finely broken up asphalt and maybe gravel. We can ask them to do it.

Mrs. Vacek said well at some point, we are asking them to do a lot and it is going to be a lot of money for what they are doing right now because they have to put retaining walls in and all that, so at some point they are just going to walk away.

Mr. Wiet said we're going the water main, right? We're going to do the water main to Lake Street?

Mr. Feltman said yes.

Mrs. Vacek said are we doing the water main all the way back to River or just up to their property line?

Mr. Feltman said we can figure out where it makes sense to end it.

Mrs. Vacek said because right now I think they are only showing it up to the property line.

Mr. Feltman said okay.

Mr. Wiet said it just came up. I just want to make sure that we are all on the same page.

1 DST Staff Council 04/28/2015
(Planning Council)

Notes: *Mrs. Vacek said I'm just waiting for revisions to my format comments, so once I get those I will be sending out some other content comments.*

Mr. Feltman said Engineering sent out comments.

1 DST Staff Council 05/05/2015
(Planning Council)

Notes: *Mr. Sieben said I think Tracey is still waiting for revisions back on this.*

Ms. Phifer said on her format comments, so we can't make substantive comments until we get the formatting.

1 DST Staff Council 05/12/2015
(Planning Council)

Notes: *Mrs. Vacek said I sent them formatting comments a while back. I have not gotten anything, so I will be putting this down to pending next week unless I get something this week.*

Mr. Feltman said Engineering sent out comments and have not received a resubmittal either.

1 DST Staff Council 05/19/2015
(Planning Council)

Notes: *Mrs. Vacek said we have received a resubmittal on this. I'll be reviewing that and getting out any content comments that I have.*

1 DST Staff Council 05/26/2015
(Planning Council)

Notes: *Mrs. Vacek said I'll be reviewing their revised plans and getting comments out to them.*

Mr. Wiet said what's up with Dee's Place.

Mrs. Vacek said they have to make application.

Mr. Sieben said we had a DST with them going on 3 weeks.

Mr. Wiet said I think there is a sign saying Dee's Place coming or something.

Mr. Sieben said no permit has been issued. They came in for some remodel, but they basically submitted us hardly anything. Herman, I don't know if you know anything about anything else.

Mr. Beneke said John talked to someone and they just weren't ready. Supposedly they are getting something together.

Mr. Sieben said Alex has not said anything that they've applied for liquor.

Mr. Beneke said well it sounded like they were going to actually do the restaurant first and get the liquor behind, but we haven't heard anything.

Mr. Sieben said but we haven't heard anything.

Mr. Feltman said is there anything on grease traps on that? Is there a grease trap needed?

Mr. Beneke said I don't know.

Mr. Sieben said it was a restaurant.

Mr. Beneke said I don't know if you guys are going to require an upgrade or not.

Mr. Frankino said we'll have to get a submittal and then check the file.

Ms. Phifer said so just like that other one, they don't need a permit to put a sign up saying they are coming.

Mr. Wiet said I think the sign is up about them coming.

1 DST Staff Council 06/02/2015
(Planning Council)

Notes: *Mrs. Vacek said I did get revisions. I have not taken a look at them, so I will be responding to those in the next week or so. I don't think I'm going to have a lot, except for just some moving of the width of stuff, nothing big though.*

Mr. Feltman said we sent out comments and to my knowledge, I don't believe we got a resubmittal back yet.

Mrs. Vacek said are you guys okay with that second entrance now? They are showing it.

Mr. Sieben said we need to really finalize that if that's going to go or not.

Mr. Feltman said I need to discuss that with Eric.

1 DST Staff Council 06/09/2015
(Planning Council)

Notes: *Mrs. Vacek said I'm just finishing up my review, so I will be sending comments out later on today.*

Mr. Feltman said we sent out comments and we've not heard back.

1 DST Staff Council 06/16/2015
(Planning Council)

Notes: *Mrs. Vacek said I have reviewed their resubmittal and I will be getting out comments to them probably tomorrow.*

Mr. Feltman said Engineering sent out comments initially and we have not received a resubmittal back.

1 DST Staff Council 06/23/2015
(Planning Council)

Notes: *Mrs. Vacek said I sent out review comments, so I'm just waiting for a resubmittal. They do need to get me some exhibits for the easement and the conveyance of land, so I will be sending out what I need from the Petitioner before I leave.*

1 DST Staff Council 06/30/2015
(Planning Council)

Notes: *Mr. Sieben said has anyone gotten any revisions back?*

Mr. Feltman said I don't believe so. We sent out comments weeks ago and never heard anything.

Mr. Sieben said and so did Planning, so we are still waiting on those.

Ms. Phifer said so we won't be scheduling the meeting until we get the documents and the comments addressed.

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

Notes: *Ms. Phifer said we have sent comments and we are waiting to hear back.*

Mr. Feltman said the same with Engineering.

Mr. Sieben said so no activity.

1 DST Staff Council 07/14/2015
(Planning Council)

Notes: *Mrs. Vacek said I have sent comments a while back and I have not heard anything. We are just waiting for a response.*

Mr. Feltman said we sent out comments months ago as well.

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

Notes: *Mrs. Vacek said I talked to Diane and she told me that she was not going to get to this until the end of July.*

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

Notes: *Mrs. Vacek said I have not gotten any revisions back from my comments that I sent a while ago, so I will be sending out a letter stating that if they don't get me revisions soon that we will be closing the case. I'll be moving these to pending for next week.*

Mr. Feltman said we have not received a submittal.

Mr. Sieben said okay, we'll put this on pending until it comes back to us.

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

Notes: *Mr. Sieben said these are supposed to be down on Pending. We have not heard back in quite a while, so we are putting this on the Pending portion.*

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

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

Notes: *Mrs. Vacek said we can move this up for next week. They did come in with a resubmittal.*

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

Notes: *Mrs. Vacek said they submitted last week, so I'll be taking a look at this.*

Mr. Feltman said Engineering hasn't got to the review yet, but will be shortly.

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

Notes: *Mrs. Vacek said I received a resubmittal and I am in the process of reviewing it. There are still some issues. In addition, they still have not provided me any of the easement language that I asked them for. I guess not language, but it's more legal descriptions and stuff, so I will be responding.*

Mr. Feltman said we are in review.

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

Notes: *Mrs. Vacek said I have sent out comments from my last go around with them. I also have a meeting with them on Friday to go over my outstanding comments. That's where we are with them. They still have a lot of outstanding items that I need.*

Mr. Beneke said anything affecting the Fire on that because we approved that quite a while back?

Mrs. Vacek said they put the second access back in, but I don't know if that will affect your fire plan.

Mr. Beneke said no, that should not affect us.

Mr. Krientz said I don't think it does.

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

Notes: *Mr. Sieben said I believe Tracey got back the architectural revisions, but the engineering revisions were not sufficient.*

Mr. Feltman said not all the comments were addressed.

Mr. Seiben said so I think we are still waiting for additional engineering comments on this.

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

Notes: *Mrs. Vacek said I sent out revisions a couple of weeks ago. I have not heard anything back.*

Mr. Feltman said we sent out comments too and we have not heard back.

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

Notes: *Mrs. Vacek said I have not received revisions. I am still waiting for them.*

Mr. Feltman said we have not received any revisions.

- 1 DST Staff Council 10/06/2015
(Planning Council)
Notes: *Mrs. Vacek said I have not received any resubmittal from them, so we are just waiting for that.*

Mr. Feltman said Engineering is waiting for a resubmittal as well.
- 1 DST Staff Council 10/13/2015
(Planning Council)
Notes: *Mr. Sieben said I think Tracey met briefly with the Petitioner last week and received some revisions late last week.*

Mr. Feltman said we have not heard anything.
- 1 DST Staff Council 10/20/2015
(Planning Council)
Notes: *Mrs. Vacek said I did receive a submittal last week. I need to look at this. Engineering also received a submittal on this one. I'll be reviewing this and getting any comments before moving this forward.*
- 1 DST Staff Council 10/27/2015
(Planning Council)
Notes: *Mr. Feltman said Engineering did receive a resubmittal based on our original comments and they are in review.*

Planning and Zoning had no report.

Mr. Feltman said I'd like to have Engineering at least get the review of the second submittal before we vote it out just because there were some outstanding issues.
- 1 DST Staff Council 11/03/2015
(Planning Council)
Notes: *Mrs. Vacek said I started to review this, so I will be getting comments out.*

Mr. Feltman said Engineering is in review right now.
- 1 DST Staff Council 11/10/2015
(Planning Council)
Notes: *Mrs. Vacek said I did send out comments. They are pretty minute, so I think that this one should be close to being ready to go.*

Mr. Sieben said do we know where Engineering is at?

Mrs. Vacek said I believe that Souts is pretty close to being ready to go too.
- 1 DST Staff Council 11/17/2015
(Planning Council)
Notes: *Mrs. Vacek said I just received a resubmittal for this. I sent out comments a while back, so I'll be reviewing this. I think they are getting pretty close to getting to be going.*

Mr. Feltman said I think Souts is reviewing it.
- 1 DST Staff Council 11/24/2015
(Planning Council)
Notes: *Mrs. Vacek said I'm reviewing this right now so I will be getting comments out.*

Mr. Sieben said so everything is in to you, correct?

Mrs. Vacek said I believe so. I still don't think I have an Address Plat, which I asked for the last 2 times that I have sent out comments, and they still have not provided me with the Address Plat.

Mr. Feltman said we are still waiting for a resubmittal.
- 1 DST Staff Council 12/01/2015
(Planning Council)
Notes: *Mrs. Vacek said I'm finishing up my review and I should be sending them out comments.*

Mr. Feltman said Engineering received a resubmittal and is in review right now.
- 1 DST Staff Council 12/08/2015
(Planning Council)

Notes: Mrs. Vacek said I sent out review comments last week. I am just waiting to hear back. They are getting close.

Mr. Feltman said we are in review right now.

1 DST Staff Council 12/15/2015
(Planning Council)

Notes: Mrs. Vacek said I set out comments. I know that they are working on them, so I'm assuming I will get those back soon.

1 DST Staff Council 01/05/2016
(Planning Council)

Notes: Mrs. Vacek said I received a resubmittal and sent out another round of comments. There is basically just one other thing that they need to do for me. We are working with the attorney. I just got the easement agreement, so I will be reviewing that and sending comments to our attorney to finish up the easement agreement and the quit claim deed. This is tentatively set for the February 3rd Planning Commission and then the easement agreement will meet up with it at P&D on that following week, I believe it is the 11th.

Mr. Feltman said we have comments out.

Mr. Beneke said Fire approved it already.

1 DST Staff Council 01/12/2016
(Planning Council)

Notes: Mrs. Vacek said this is set for the February 3rd Planning Commission. The easements will meet up with it on February 11th at Planning and Development Committee. They are ready, so this will be voted out probably next week or the following week.

Mr. Feltman said Engineering is not approved, but we are closer.

1 DST Staff Council 01/19/2016 Forwarded Planning 02/03/2016 Pass
(Planning Council) Commission

Action Text: A motion was made by Mrs. Vacek, seconded by Mr. Beneke, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/3/2016. The motion carried by voice vote.

Notes: Mrs. Vacek said I make a motion to move all 3 of these forward. 15-00201 is actually going to be a Planned Development with the Rezoning and the Special Use will have a Final Plan with it, which is 15-00202. With that being said, I would make a motion to move all 3 of these forward to the February 3rd Planning Commission.

Mr. Feltman said the Final Engineering Plans are not ready to be approved, but they are complete enough that we can vote this out with the condition that it is contingent on Final Engineering.

Mr. Beneke seconded the motion. The motion carried unanimously.

2 Planning Commission 02/03/2016 Forwarded Planning & 02/25/2016 Pass
Development Committee

Action Text: A motion was made by Mrs. Anderson, seconded by Mr. Engen, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 2/25/2016. The motion carried.

Notes: Mrs. Vacek said the subject property is located at 1271 Lake Street and currently houses the Dee's Place Restaurant, which is located on the south portion of the property. The north portion of the property consists of a parking lot. This property is zoned B-3 with a Special Use. The city owns the property at 1275 N. Lake Street, which bisects the subject property with a flagpole lot that extends from the east to Lake Street. It is actually the property in back, but then it has a flagpole between this property basically. That property is zoned B-2. To facilitate the redevelopment of the subject property, the city is going to be conveying that flagpole portion of the city's property from the 1275 N. Lake Street to the Petitioner in exchange for an easement along the north property line to access the properties to the east along the river. This easement agreement and conveyance is actually going to be at P&D. It will catch up with this when it goes to P&D, so that will be at P&D and then it will move forward to City Council. So what's before you tonight is the Final Plat, which includes creating 2 lots in order to redevelop the site. Lot 1 would consist of the proposed Dunkin Donuts, which is located on the northern portion of the property where the parking lot is and then Lot 2 consists of the existing restaurant and the flagpole portion of the city's property, which is located on the south portion of the property. A cross access easement is being established with both lots and for shared parking and ingress and egress of vehicles and pedestrians. Concurrently, the Petitioner is proposing a Rezoning and a Special Use Planned Development. The Plan Description establishes the underlying zoning on

the property as B-2. It also includes 2 variances from the B-2 zoning district. The variances to the district include the reduction of the front yard setback from 30 feet to 14 feet with the exception that the patio fencing can go within that 14 feet up to 2 feet, and then the reduction of the rear yard setback from 8 feet to 6 feet. In addition, the Plan Description does allow one restaurant with a drive-thru facility as a permitted use. Lastly, the Final Plan proposal consists of constructing a 2,000 square foot Dunkin Donuts drive-thru restaurant on Lot 1. The existing restaurant will remain on Lot 2. Access to the site, as shown on the plans, are from a right-in/right-out. It will be two right-ins/right-outs along Lake Street. The northern drive will extend to the east to provide access to the properties along the river and as part of the redevelopment of the subject property, the parking lot on Lot 1 and Lot 2 will be reconfigured to allow for a total of 65 parking spaces between the two lots. They are implementing landscaping. I will let the Petitioner go into the elevations for the Dunkin Donuts. Unless you have any other questions, I will turn it over to the Petitioner.

Mr. Engen said I have a question. I'm just asking this out of curiosity. There is another Dunkin Donuts less than a mile away. Even though that's North Aurora, I'm just wondering what corporation says about that, of having two facilities so close to each other.

Mrs. Vacek said I'm going to try to answer this, but the Petitioner may correct me, but I believe they are the same owner. They are actually moving from that location to this location.

Mr. Engen said what was formerly Dee's Restaurant, is that going to become shared parking? What if somebody does come along, where in the old days that was a very busy restaurant and it needed all the parking, how would that be handled?

Mrs. Vacek said it does meet the parking regulations for the restaurant and the drive-thru, so we did calculate that out. It is all based on the number of tables, so they will be limited in the number of tables.

The Petitioner was sworn in.

My name is Diane Duncan. I work for Gleason Architects. The Maruti group is not here tonight. They are in the middle of a very large remodel, so they have asked me to step forward for them. This project has been in development with Tracey since March of 2013, so we've gone through a lot of iterations of what we are doing and we've finally come to a consensus on what we are going to move forward with. It is going to be a 2,000 square foot Baskin Robbins/Dunkin Donuts restaurant. The existing restaurant that's in North Aurora, we are going to be moving that restaurant to this location, so it is the same owner. They have, I believe, 15 restaurants in that particular owner group. They are very good restaurateurs and they will definitely make this a better place to be. The elevations, Tracey had asked me to talk about them a little bit, they are a Dunkin brand standard elevation, which means it is going to have natural colors and natural materials. It is a CMU block along the bottom and then we do use a hardie plank siding on the large towers. The Baskin Robbins tower is a white stucco material that we use on that and a hardie plank siding around the basic exterior of the building. It meets the Dunkin brand standards so we are trying to comply with what the city wants and the Dunkin brand is having us do.

Mr. Engen said so you are going to close down the other facility then in North Aurora?

Mrs. Duncan said yes. Once this is one is open or very close to opening then that one will be closed, correct.

Mr. Engen said sometimes that was a real hazard with traffic going into that area.

Mrs. Duncan said yes, it is a tough site over there. They recognize that and that's why they chose to purchase this property and move forward with this one instead.

Mr. Engen said does that kind of limit though those that are going southbound to turn left in? I can't remember now. So it would only be mostly northbound.

Mrs. Duncan said the new project, yes, unless they go that light and turn there.

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

Mrs. Vacek said staff would recommend approval of the Ordinance establishing a special Use Planned

Development, approving the Maruti Plan Description and amending Ordinance Number 3100 being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 Business District, General Retail for the property located on the east side of Lake Street, north of Indian Trail Road.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Engen

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mr. Divine, Mr. Engen, Mr. Garcia, 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?*

Chairman Truax said I believe the development policies are noted 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. Cameron said the area is located in a commercial district and it continues that existing pattern.

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. Cameron said it is in conformance.

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. Engen said this proposal with its design with the ingress and egress of traffic, and probably due to the majority of the traffic that goes through the drive-thru lane, it is set up to easily access from Route 31 to go in and go out so it should be okay in that area.

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.

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?*

Mr. Engen said from their designs of what they have shown us, it does detail the ingress and egress of the people going into that area. We'll see a little bit of a higher traffic amount, but it is controllable.

7a. *Is the zoning a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area?*

Mr. Engen said the rezoning is consistent with the area because it is a retail area, retail and restaurants, so it is consistent.

7b. *Is the rezoning consistent with 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?*

Chairman Truax said I think this is the same question as #3, which was already answered.

7c. Will the rezoning permit uses which are more suitable than uses permitted under the existing zoning classification?

Mr. Engen said this rezoning will be more suitable for this area because it is consistent with all the other retail stores 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 it should not have an effect.

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?

Mr. Engen said this Special Use does conform to all its applicable regulations.

10. What effect will the proposal have on traffic or general area? Has ingress and egress been designed to minimize congestion in the public streets? (For automobile intensive uses, including but not limited to, gas stations, car washes, and drive through facilities, the concentration of similar uses within 1000 feet of said subject property should be given consideration as to the impact this concentration will have on the traffic patterns and congestion in the area.)

Mr. Engen said we will see an increase in traffic in this area. All the ingress and egress has been designed for the new store. At one time, there was a lot of traffic going in and out of that area. We haven't seen it for years, but it has been designed to handle the amount of traffic that this new building will be seeing.

Mr. Pilmer said additionally, the traffic only access to that is only from the northbound traffic only, so there will be no cross over. There are no immediate drive-ins within that block.

Mrs. Vacek said this will next be heard at the Planning and Development Committee meeting on Thursday, February 25, 2016, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 8 At Large Bergeron, At Large Cameron, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Divine, At Large Engen and SD 131 Representative Garcia
