



# City of Aurora

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

## Legistar History Report

File Number: 16-01224

File ID: 16-01224	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
		File Created: 12/27/2016
File Name: Nereida Hernandez / Rezoning / Special Use PD / 932 S. Lake Street	Final Action:	
<b>Title:</b> An Ordinance Establishing a Special Use Planned Development, Approving the Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-3 Business and Wholesale for the property located at 932 S. Lake Street (PUBLIC HEARING)		

Notes:

Agenda Date: 02/16/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" - Legal Description - 2017-2-2 - 2015.270.pdf, Exhibit "B" - Plan Description - 2016-02-02 - 2015.270.pdf, Plat of Survey - 2016-12-27 - 2015.270.pdf, Property Research Sheet - 2016-10-27 - 2015-270.pdf, Land Use Petition and Supporting Documents - 2016-12-27 - 2015.270.pdf, Legistar History Report (Special Use Planned Development) - 2017-01-31 - 2015.270.pdf, Findings of Facts.pdf

Enactment Number:

Planning Case #: AU28/3-15.270-Rz/Su/PD/Fpn

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Committee of the Whole	01/03/2017	Forward to Planning Council	DST Staff Council (Planning Council)			
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Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)

1	DST Staff Council (Planning Council)	01/10/2017
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Notes: Representatives Present: Nereida Hernandez and Paul Chavez, Jr.

*My name is Paul Chavez, Jr. I'm with Phorma Designs, Inc., Architects. I actually designed the Final Plan and actually the Landscape Plan that's presented to you as far as the Petition. Based on*

reiterating to what Ed's comments were, basically the R-1 properties, which are like 5 lots that were bought by the owner, which is Mr. Garcia and Mr. Hernandez, and they are wanting to reconvert that and rezone that as a B-3 also with what they have currently right now they own as far as B-3. What they want to utilize that expansion for is to put work equipment and also to actually give a little bit more presentation to what they do as far as landscaping, putting materials together as far as displays and also putting a new parking lot for customers to actually park in that business area.

Mr. Sieben said so just a little bit of a background. So there is a house that is 932 Lake and that in the past had been residential, so the intent of this is that will be converted to an office space and then a small customer parking area right behind the house there, you see 4 or 5 spaces there. The rest of it would be kind of a yard with buffering to the homes. You see the homes behind the house there on E. Lake Street, which is more of a residential street. The property on S. Lake Street is currently B-3, except for a little sliver on the south end on the left. The piece in the back, this is kind of a, it is a narrow connection there, the piece on the back on E. Lake Street is zoned R-1. However, that is adjacent to an industrial use, Corsicana Mattress is just off to the left there. Basically that's the request.

Mrs. Vacek said so we are in the middle of reviewing it. Actually Steve is going to be the planner that's going to be reviewing it. I think that we do want to give you guys a heads up on a couple of things. We are going to ask for the sidewalk to be extended on E. Lake Street across the property line. With that, right now the fence is at a zero foot setback, which is not allowed, so we are going to ask you to move that back to basically be equal to that house along E. Lake Street, the front façade of the house. I think it is 17 feet where it ends up being set back.

Mr. Sieben said so pretty much where you have your line there.

Mrs. Vacek said the only other thing that we were kind of discussing is right now along that adjacent residential property, there is your fence and then there is the residential fence. We'd really like you to kind of work with that property owner to basically remove their fence so there is not this little area that's kind of...

Mr. Chabéz said like a little gap?

Mrs. Vacek said yes. Obviously they are going to get a brand new fence and stuff, so they'll have the nice fence looking out, but we'd really recommend that. Then we would be okay with that zero foot setback.

Mr. Chabéz said for the owner to provide the fence or for the residential owner?

Mrs. Vacek said for the landscaping business to provide the fence. There is already a fence there, so it is just having them remove their fence to make it kind of a little bit more so there is not this little kind of weird area that's not going to be maintained.

Ms. Hernandez said when you say they, are you talking about our neighbor?

Mrs. Vacek said correct, your neighbor. So kind of where that house is right there, there is like a double fence. We just want you to work with them...

Ms. Hernandez said so it can just be one, okay.

Mrs. Vacek said just so it can be one. I don't see why they would have a problem with it.

Mr. Sieben said and that will buy you more space. You don't need that setback then.

Mrs. Vacek said then you wouldn't need that setback. Then we are going to ask for some landscaping along E. Lake Street.

Mr. Sieben said once you pull the fence back.

Ms. Hernandez said so I have a quick question. When you said about the sidewalk, does that mean we have to install the new sidewalk?

Mrs. Vacek said correct.

Ms. Hernandez said so even if it is in the city property?

Mrs. Vacek said correct.

Mr. Sieben said in new development that is pretty typical if one is missing if it makes sense, so yes. So it would be your frontage there on your E. Lake Street frontage.

Mrs. Vacek said we just wanted to kind of give you a little bit of a heads up on those things. We are finishing our review comments and we'll be getting those out to you in the next day or two.

Ms. Hernandez said so in order for you to take an answer to see if we are going to be allowed to do the change, we have to install the sidewalk? Because right now the weather is not going to allow us to do it.

Mrs. Vacek said correct. As part of the Special Use we are going to ask you to install the sidewalk.

Ms. Phifer said but the timing of it can be once the weather is okay, so it will just be a condition that it be installed. We'll give you time.

Ms. Hernandez said okay, but that's not something that's going to hold the process up because we have a temporary permit on the Certificate of Occupancy. It is only issued for 6 months.

Mr. Sieben said if everything gets approved, it can be done in the spring.

Ms. Hernandez said okay. I just wanted to make sure we don't have any problems with permits and building.

Mr. Chabéz said is there any concern about drainage or anything like that?

Mr. Thavong said what is there now? Is it gravel?

Mr. Chabéz said it is gravel and grass pretty much.

Mr. Sieben said gravel is mostly in that block that is closest to S. Lake. The back portion is mostly grass right now.

Mr. Thavong said and you plan on basically grabbing everything...

Mr. Chabéz said where you see the B, that part of that portion is going to be gravel and then the other portion is going to be grass.

Mr. Thavong said the threshold for stormwater management is 25,000 square feet.

Mr. Sieben said this would be under that.

Mr. Chabéz said this is way under.

Mr. Thavong said but since you are doing paving with gravel maybe there is opportunity to do some BMP's, you know rain garden infiltration just to basically store some of the run-off that could be generated from your site.

Mr. Chabéz said so like natural drainage?

Mr. Thavong said right. I think there is opportunity. You guys are landscaping, you know, maybe something to showcase what you guys do.

Ms. Hernandez said that's actually what we are planning on doing.

Mr. Chabéz said I think that was one of the owner's concerns because there was like some ponding that was happening between the B-3 and the R-1 area. We didn't want to have any complaints with the residential owner.

Mr. Thavong said so I think that if you guys could control the run-off coming off your site that would go a long way.

Mr. Sieben said I believe you guys have been a city contractor for a lot of the paver items, especially in downtown Aurora and maybe other area, so obviously we'd like to support local businesses. We'll try to work with you on getting a nice development here.

Ms. Hernandez said thank you. We appreciate the help. When you guys mentioned about doing landscaping once we change the sidewalk, what kind of landscaping are you guys talking about?

Mrs. Vacek said we'll send it out. I think we would like to maybe see some bushes along the thing, and then maybe like some street trees and stuff.

Ms. Hernandez said so out of the fence, like on the street side?

Mrs. Vacek said right, on the street side.

Ms. Hernandez said okay, sure because we are doing some on the inside already.

Mrs. Vacek said and to tell you the truth, I don't know if staff is really worried about any landscaping inside. Obviously you can do it, but I don't know if we are necessarily worried about landscaping inside. We would rather see it kind of along the street outside the fence line.

Ms. Hernandez said you guys will let us know what we'll be allowed, like maybe trees or bushes?

Mrs. Vacek said yes.

Ms. Hernandez said okay. That is not a problem.

1 DST Staff Council 01/17/2017  
(Planning Council)

**Notes:** Mr. Broadwell said we sent out comments to them. They are up for the February 8th Planning Commission meeting. All the public notice information is sent out, so we are just waiting for everything to come back.

1 DST Staff Council 01/24/2017  
(Planning Council)

**Notes:** Mr. Broadwell said we sent out comments. We should be receiving them back by January 26th for the Final Plan, and Landscape Plan. They are up on Planning Commission on February 8th.

1 DST Staff Council 01/31/2017 Forwarded Planning 02/08/2017 Pass  
(Planning Council) Commission

**Action Text:** A motion was made by Mr. Broadwell, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/8/2017. The motion carried by voice vote.

**Notes:** Mr. Broadwell said we got the resubmittal last week. Everything was mostly there. There were some concerns from neighbors about mulch on the property, and we spoke with the Petitioner about this and they were okay. They said that no mulch would be stored on the property. Also we would add a 20 foot landscape setback on the northern fence line of Lot 25 for separation. But everything else is fine. This will be at the February 8th Planning Commission, so today I'm moving to vote it out. Mrs. Vacek seconded the motion.

Mr. Sieben said so are we going to add those as conditions then Steve?

Mr. Broadwell said yes, the mulch condition and then...

Mrs. Vacek said we are going to add them both as conditions. The setback condition, if they can get us a new plan before our staff report is completed, then we won't add that as a condition.

Mr. Sieben said, again, I was in on the conversation with Steve and they're primarily hardscapers, so any little bit of mulch they use they would just buy directly and bring to the job site. They won't store any mulch at this site.

The motion carried unanimously.

2 Planning Commission 02/08/2017 Forwarded Planning & 02/16/2017 Pass  
Development Committee

**Action Text:** A motion was made by Mr. Pilmer, seconded by Mr. Chambers, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 2/16/2017. The motion carried.

**Notes:** *Chairman Truax said our next item is an Ordinance establishing a Special Use Planned Development, approving the Plan Description and amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-3 Business and Wholesale for the property located at 932 S. Lake Street in Ward 4 and this is a public hearing.*

*I'm also going to add the Resolution approving a Final Plan on 932 S. Lake Street for a Landscaping with Outside Storage also in Ward 4.*

*Mr. Broadwell said the subject property is made up of 2 parcels; 1 - existing business with B-3 Business and Wholesale District zoning and 2 – vacant land with R-1 One Family Dwelling District. The Petitioner is requesting approval of the establishment of a Special Use Planned Development and to change the underlying zoning district on a portion of the property from R-1 One Family Dwelling District to B-3 Business and Wholesale District. The owner is seeking a Special Use on the property to bring it in to conformance with the Zoning Ordinance. The details of the Plan Description include modifications to the standard B-3 zoning regulation, including the addition of a landscaping business as a permitted use on both parcels with some site restrictions, the reduction of setbacks and the standard prohibited uses. Concurrently with this proposal, the Petitioner is requesting approval of a Final Plan for landscaping with outside storage use. The proposed details of the request include the use of the existing 1,050 square foot single family structure as an office for the business and approximately a 38,600 square foot fenced in storage area for the open space outside storage and display. The Petitioner is also proposing the construction of a monument sign on the S. Lake frontage.*

*The Petitioners were sworn.*

*Representative Present: Nereida Hernandez and Jose Garcia.*

*Ms. Hernandez said we are here because, as he mentioned, we are trying to rehab a landscaping business. What we are trying to do is just be able to use the E. Lake part most likely for our employees to be able to park in the back so they don't take the spaces in front where we are currently having our material. Not much going on in the back. We are planning on having just grass and gravel space to put our trucks.*

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

*Good evening. I'm Kurt Bentley. I live at 944 E. Lake Street, which is the south end across the street from the proposed land they want to use. Our main questions are once this is developed, what is it actually going to look like? Right now we have a factory at the end of the block that has lowered the real estate values in our area because it is pretty much a mess and we don't want the neighborhood to be destroyed any more. I spoke with our Alderman in the 4th Ward, Bill Donnell, and he said something to me about the fence wasn't enough of a land buffer around one of my neighbor's houses and that there would be some landscaping done on the outside on E. Lake Street and also they had a gate installed there and they were going to close that off so there would be no access onto E. Lake Street. We already have enough problems with trucks running up and down the street. It's just pretty much what's it going to do to our neighborhood. Thank you.*

*Hello. My name is Al Pozzi. I live at 936 E. Lake Street. I also own the property across the street from me at 933 E. Lake Street. I've been down there for over 60 years. I'd like to know if there is going to be traffic there or what is it going to become? Years ago, there used to be a junk yard there and we worked so hard to get that out of there and finally we got moved and it was decent and the grass was growing over there. Now they put up a fence. What do they put behind the fence? They have a lot of stuff over there right now that's in there. I'd just like to keep it residential myself.*

*Hello. My name is Javier Perez. I own the lots on the south side of the property. We tried to fence that out before and the city denied that for us. Right now our lots used to be clean. Now there is a lot of garbage after they move in there. Also we are trying to sell our property, so I want to know if he gets approved will that help me or hurt me? I'll have to see our attorney before we agree to giving the approval.*

*My name is Robert Blake and I'm the owner of the property to the north on Lake Street. There are 6 lots there, all vacant. You can look on the map and see them, but we adjoin right up to his fence. They are on the south side. Actually my view is that it's been really hard to develop this part of the area and to do anything with it. It seems to me when I go to try to do anything, there is always*

objections. I'm actually kind of glad they are doing something because it seems to me it starts and maybe we can work something good in there with some buildings and some development and some proper things. I was going to apply for a fence too and decided it wasn't worth fighting for. There does seem to be some discrepancy as to what and when you can put up a fence. That I don't understand. But I do like the idea that there is development going on there and it makes sense to me. Thank you.

The public input portion of the public hearing was closed.

Chairman Truax said from my notes, I would say that people want to know what this going to look like.

Ms. Hernandez said to answer the first question, on the back the fence is going to stay and we are going to landscape it with the city ordinances so it is going to look really nice. It is going to have trees and bushes and we are going to make it look more residential. We are also installing a sidewalk there so it is going to look more like a residential property. We are not planning on using that entrance. As you can see, there is a gate right now, but there is no curb to go to the street, so there would never be any traffic in there. Nobody will be going in and out. Going to the neighbor on the south side, I don't know why he is saying that there is always garbage because we are always trying to do a good job. There was a lot of garbage at the beginning when we got this property. If you guys can go back and see the pictures, there used to be a lot of garbage and trees and I think we've been doing a pretty good job changing everything. I don't know why he is saying that there is a lot of garbage. If there is any garbage, it is probably the wind or something else, but not our garbage. We even don't use any mulch or any of that stuff on our property. Most of our property is pavers because 90% of our job is hardscape. I think it will be nice for other properties. It is going to help the other owners to sell their properties faster because they can see that there is more business around that area. As he mentioned, I think it is going to improve and help the neighbors as well.

Chairman Truax said what's going to be behind your fence? Is it basically a hardscape business or a landscaping business?

Ms. Hernandez said are you talking about the east side?

Chairman Truax said yes.

Ms. Hernandez said on the east side we are just going to have grass. There is not going to be a hardscape. The hardscape is going to be more on the south side of Lake Street, so they wouldn't see much of the material or stuff like that. We are even planting bushes in there so it can look nicer.

Mr. Pilmer said it sounded like there was some type of an entrance at one point on E. Lake but you'll no longer be utilizing that, but are you utilizing it now?

Ms. Hernandez said I just use it when we do the lawn mowing at that back because we need to have an entrance for ourselves. It was never used for traffic.

Mr. Pilmer said so going forward though, that gets closed off and then full landscaping so it should be an improvement for the residents there on E. Lake Street it sounds like.

Ms. Hernandez said correct.

Mr. Sieben said could I just add something? It is a little hard to see, it is a little faded unfortunately, but the landscape plan is actually up on the TV. The section, the easterly, the southeasterly section that fronts on E. Lake Street where the letter B is there, you see it says block 27 where the letter B is, that is a lighter colored area, that's going to be really the only area they are going to use on that back piece by E. Lake Street. The rest of it will be in turf and landscaped. They will not be utilizing that for their business. It is just going to be that area really where that B is. They will be then setback 17 feet back inside the right-of-way. That's where the fence is and you see a double row of trees with the new sidewalk, so there will be street trees on E. Lake and then behind the new sidewalk will be another row of trees and then most importantly as a buffer to homes on E. Lake as you go north on E. Lake, there is a 20 foot landscape buffer there, so they will have kind of a tree line that they put in and they will have no activity in that 20 feet.

Chairman Truax said can you fill us in on the fence issue of why fences are denied and not denied?

Mr. Sieben said I have no idea what either gentlemen are talking about.

Mr. Broadwell staff would recommend conditional approval of the Resolution approving the Final Plan on 932 S. Lake Street for a landscaping with outside storage use. I just want note that the 2 conditions have been resolved. As we just saw, they installed the fence on Lot 25 and then the setbacks were adjusted as detailed in the Plan Description.

Mr. Sieben said could I just add one more thing. So if the conditions are met, then we would not have any conditions. I do want to make just a point for the neighbors and just for the Planning Commission, in the Plan Description there is a restriction on a few uses. The restriction is, and the Petitioner has agreed to it, and they can go on the record if you want them to come up and agree to it, but there will be no commercial mulch on the property, there will be no composting on the property and there will be no manure on the property. Again, they are primarily a hardscaper, so there will not be any piles of mulch for delivery or anything like that. We wanted to be sensitive to the neighbors that there are not any issues with odor or anything like that.

Chairman Truax said and that's been agreed to?

Ms. Hernandez said yes.

Mrs. Cole said that was one question and you addressed that, and they also have agreed to the sidewalks?

Mr. Sieben said correct.

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mr. Chambers

AYES: Mr. Bergeron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, 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. Pilmer said this is a commercial corridor and as a result it does meet the general character of the area.

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?

Mrs. Duncan said it is consistent with a desirable trend of development as they are doing all of the different landscaping and all the work throughout that general area.

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 the proposal is requiring all the ingress and egress for the property to come off of S. Lake Street, which is the commercial route and access to the property from E. Lake Street will be eliminated and that area will be substantially improved with a lot of landscaping to improve the general area of the residential neighborhood to the east.

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?

Mrs. Cole said public services are all in place, I believe.

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. Cole said I think Mr. Pilmer covered that pretty much under question #4.*

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?*

*Chairman Truax said I don't believe that should be an issue.*

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. Duncan said it does conform to all applicable regulations.*

*Chairman Truax said the associated resolution approved a Final Plan on 932 S. Lake Street for a landscaping with outside storage and we will need to take a vote on that.*

**MOTION OF APPROVAL WAS MADE BY:** Mrs. Cole

**MOTION SECONDED BY:** Mrs. Duncan

**AYES:** Mr. Bergeron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Pilmer, Mr. Reynolds  
**NAYS:** None

*Mr. Broadwell said this will next be heard at the Planning and Development Committee meeting on Thursday, February 16, 2017, at 4:00 p.m. in the 5th floor conference room of this building.*

*Aye: 7 At Large Bergeron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Divine, SD 204 Representative Duncan and Fox Valley Park District Representative Chambers*

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