



# City of Aurora

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

## Legistar History Report

**File Number: 16-01016**

<b>File ID:</b> 16-01016	<b>Type:</b> Ordinance	<b>Status:</b> ATS Review
<b>Version:</b> 3	<b>General Ledger #:</b>	<b>In Control:</b> Planning & Development Committee
<b>File Name:</b> Griselda Escalante and Salvador Carrasco / Annexation Agreement		<b>File Created:</b> 10/20/2016
		<b>Final Action:</b>

**Title:** An Ordinance Approving an Annexation Agreement with the Owners of Record of the property located at 759 Austin Avenue, north of Mountain Street between Austin Avenue and Farnsworth Avenue in Kane County, Illinois

**Notes:**

**Agenda Date:** 11/14/2016

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Annexation Agreement - 2016-11-04.pdf, Property Research Sheet - 2016-09-07 - 2016.170.pdf, Land Use Petition Form 2016-10-20 - 2016.170.pdf, Legistar History Report (Annexation Agreement) - 2016-11-01.pdf

**Enactment Number:**

**Planning Case #:** AU14/4-16.170-AA/A/SU

**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	City Council	10/25/2016	referred to	DST Staff Council (Planning Council)			
	<b>Action Text:</b>	This Petition was referred to the DST Staff Council (Planning Council)					
1	DST Staff Council (Planning Council)	11/01/2016	Forwarded	Planning Commission	11/09/2016		Pass
	<b>Action Text:</b>	A motion was made by Mr. Sieben, seconded by Mr. Feltman, that this agenda item be Forwarded to the Planning Commission, on the agenda for 11/9/2016. The motion carried by voice vote.					
	<b>Notes:</b>	<i>Mr. Sieben said this property is currently unincorporated. They have a landscape business in Kane County that has an interim Special Use. This proposal would allow the landscape business to stay where it is on the Austin Avenue side and that would be zoned R-1(S). When that went away, then the property would revert to the future R-1 uses. There would then be a zoning along Farnsworth Avenue of B-2(S), so there could be future business development on the Farnsworth side versus the Austin side. The OS-1 is for Open Space. That would reflect the area of the flood plain, which is part of</i>					

*Indian Creek. It goes through the southern edge of this property, so that would reflect the area where the flood plain is, so that would not be buildable. As part of this agreement, the Planned Development, there would be some right-of-way dedication and, I think, construction easement related to the Indian Creek/Farnsworth Avenue bridge reconstruction project.*

*Mr. Sieben said we do need to vote this out. This will actually go to a special Planning Commission meeting next Wednesday on November 9th. I'll make a motion to move this forward to the November 9th Planning Commission. Mr. Feltman seconded the motion. The motion carried unanimously.*

2	Planning Commission	11/09/2016	Forwarded	Planning & Development Committee	11/14/2016	Pass
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**Action Text:** A motion was made by Mrs. Cole, seconded by Mrs. Owusu-Safo, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 11/14/2016. The motion carried.

**Notes:** See Attachment for Items 16-01016 and 16-01018.

Aye: 7 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, SD 204 Representative Duncan and At Large Owusu-Safo

3	Committee of the Whole	11/15/2016				
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Attachment for Items 16-01016 and 16-01018:

- 16-01016     An Ordinance providing for the execution of an Annexation Agreement with the owners of record providing for B-2(S) General Retail, R-1(S) One Family Dwelling and OS-1(S) Conservation, Open Space and Drainage zoning for the territory which may be annexed to the City of Aurora located at 759 Austin Avenue being north of Mountain Street, between Austin Avenue and Farnsworth Avenue in Kane County, Aurora, Illinois 60505 (Griselda Escalante and Salvador Carrasco – 16-01016 / AU14/4-16.170-AA/A/Su – TV – Ward 1) (PUBLIC HEARING)
- 16-01018     An Ordinance establishing a Special Use Planned Development, approving the Griselda Escalante and Salvador Carrasco 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(S) General Retail, R-1(S) One Family Dwelling and OS-1(S) Conservation, Open Space and Drainage for the property located at 759 Austin Avenue being north of Mountain Street, between Austin Avenue and Farnsworth Avenue (Griselda Escalante and Salvador Carrasco – 16-01018 / AU14/4-16.170-AA/A/Su – TV – Ward 1) (PUBLIC HEARING)

Chairman Truax said the first item on the agenda is an Ordinance providing for the execution of an Annexation Agreement with the owners of record providing for B-2(S) General Retail, R-1(S) One Family Dwelling and OS-1(S) Conservation, Open Space and Drainage zoning for the territory which may be annexed to the City of Aurora located at 759 Austin Avenue being north of Mountain Street, between Austin Avenue and Farnsworth Avenue in Kane County, Aurora, Illinois in Ward 1 and this is public hearing.

Chairman Truax said a related item is an Ordinance establishing a Special Use Planned Development, approving the Griselda Escalante and Salvador Carrasco 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(S) General Retail, R-1(S) One Family Dwelling and OS-1(S) Conservation, Open Space and Drainage for the property located at 759 Austin Avenue being north of Mountain Street, between Austin Avenue and Farnsworth Avenue in Ward 1. This is also a public hearing.

Mrs. Vacek said the subject property, again, is located at 759 Austin Avenue. It is north of Mountain Street between Austin Avenue and Farnsworth Avenue and is currently a single family residence. The property is currently in unincorporated Kane County with F Farm District zoning and has an interim Special Use in Kane County for a landscaping business. The Annexation that is before you tonight includes provisions to annex the property and establish a Special Use Planned Development with B-2, R-1 and OS-1 zoning districts with a Special Use for the Planned Development. In addition to that, the dedication of Farnsworth Avenue and provisions that the city will apply to FEMA for a letter of map revision for Indian Creek floodplain. Concurrent with the proposal, the Petitioner is requesting approval for the establishment of the Special Use Planned Development. The Special Use Planned Development does include some modifications to our standard zoning regulations, one being that a landscape business with outdoor storage within the R-1 zoning would be allowed until such time that the property is final platted for single family lots and commercial and then there would be an open space lot. It also

prohibits and adds certain uses in the B-2 zoning district and it establishes setbacks for the landscape business and reduces the lot width for the single family residences to 70 feet. At this time, basically, the subject property will continue to be used as the landscape business with a single family residence on the property per the Plan Description and it will have the R-1 zoning until such time when they final plat. Then they will rezone those areas to residential, open space, and commercial. If you have any questions for me, I can answer them, or I can turn it over to the Petitioner.

Chairman Truax said how big is the property?

Mrs. Vacek said it is 3.2 acres. I should just note too, this will go to the Planning and Development Committee where there is an Annexation Plat as well as a Plat of Dedication for Farnsworth Avenue right-of-way. That will meet up with this at our Planning and Development Committee. Just to give you an idea of how this would be subdivided once they do decide to final plat the property, Parcel A would be the residential. Parcel C would be commercial. Parcel B would be the open space lot and that's where the river runs through.

Mr. Bergeron said we're only working with the Annexation, right?

Mrs. Vacek said we are working with the Annexation and the Special Use Planned Development. Right now the entire parcel would be under the Parcel A, which is the residential, and it would stay like that until they decide to subdivide.

The Petitioners were sworn in.

Good evening. My name is John Philipchuck. I'm an attorney with offices at 111 E. Jefferson Avenue in Naperville, Illinois. I'm here this evening representing Griselda Escalante and Salvador Carrasco. This is Salvador here and his son Clay. Salvador and Clay have a father and son landscaping business called CS Enterprise Landscaping. They have been operating the landscape business from this location under the county interim Special Use. The City of Aurora actually approached the owners and inquired about obtaining some land from them because the city has a big project that they are planning to improve the floodplain that now exists up on Farnsworth Avenue. There is an extensive floodplain from the creek basically north that includes all of Farnsworth Avenue. They need to acquire some additional right-of-way, 40 feet of right-of-way, from the property down, the creek is actually on their property, they own both sides of the creek, and a temporary construction easement, and the plan is to relocate a Fox Metro sanitary sewer and then I guess they are going to put a new bridge in, if you will, allowing larger pipes to allow the water to more easily get under Farnsworth Avenue and move down. I guess it was some time back they did put a new bridge in under Austin Avenue, so they got rid of the bottleneck for the stormwater and now they have a much bigger project here because, obviously, Farnsworth is a much bigger road with the 4 lane cross section there. As a result of them talking to the property owners, the city that is, it was decided it might be in their best interest to come in now and annex the property to the city and then look to what are the future possibilities for the property. As you can you see, it's what we call a through lot. In other words, it maintains frontage on 2 different streets and there is a totally different character between the Austin Avenue side, which has residential homes on it and the Farnsworth Avenue side, which has commercial on it up and down Farnsworth Avenue. So the staff worked with Mr. Carrasco and came up with a plan for now, because it is just a father and son business,

but they hope to grow it and expand it and so they said eventually we would like to put up a nice new building and maybe have other like type of contractors come in and utilize the property or maybe someday we sell it for a retail use as you've seen go up and down Farnsworth Avenue. I thought staff came up with a good idea. With this plan, we had a Parcel A, B and C. C will always remain the floodplain area, which is the creek, both sides of the creek. But then we would treat the residential side, if you will, on Austin Avenue as residential and then the eastern side of the parcel we would treat that as a future commercial use, so whether they use it for a contractor's office and shop and that sort of thing or some other use in the future, it has that potential. The city is granting them a full access at the time that they go to redevelop the property. They will get a full access onto Farnsworth Avenue along that frontage. Then the city has asked that they grant an easement to the 2 parcels to the north of this piece. Those are a couple of the last remaining homes that actually are on Farnsworth and front on Farnsworth Avenue. The thought being that if those properties were to change from residential to commercial, they didn't want to, obviously, have another full access and another full access, so the plan was okay let's combine them. Mr. Carrasco agreed that he would allow the granting of an easement for access for those 2 parcels to come onto his property and utilize the full access that he will construct someday when he wishes to expand and put the additional new building up on his lot. That's the plan, which seems to fit well. It was determined that ultimately they could continue to operate their business on the property similarly to what they do now with the county zoning and until such time as they decide okay we're ready to do some improvements, they would then come in back before Planning Commission, subdivide the property into 3 parcels and then it would be rezoned at that time under the Special Use for the PUD and we would have the R-1. We'd still maintain the OS on the south and then there would be a B-2 Special Use for that eastern parcel to allow some of the B-2 uses and then a couple of B-3 uses and then they even threw in a couple of things like well okay let's say they wanted to have some kind of a small center and they wanted to have a drive-thru for a Starbucks or something, that they could do that, but they have to get a Special Use for that too. There are some options available to them under the terms of the Annexation Agreement and under the zoning and so I think it works out. It is a win/win for both parties and for the city to allow them to get going on this project to get the dedication and the easements that are necessary. They are taking into account the future use of the parcels to the north. It allows for the continued residential uses and streetscape along Austin Avenue while recognizing that Farnsworth is one of our major gateways and the trend of development over there has been for commercial for many years as you all know, so thus the B-2, but again, underlying with that it is the Special Use for the Planned Unit Development and would allow then the future ability to put a larger type of commercial building on the property, put in the full access to Farnsworth Avenue and have a better utilization of the property. I looked as I was preparing some notes, of course, the Planning Commission always has to make Findings of Fact whenever they look at these kinds of requests where it is a Rezoning and a Special Use. I kind of made a few notes here. I noticed that looking at the physical development policies of the city that this proposal, I think, would be in accord as the annexation and rezoning provides for a continued, orderly and balanced growth and redevelopment of the city by continuing to annex and zone lands that are currently contiguous but not annexed to the city that are outside the corporate limits, especially along the Farnsworth Avenue corridor. It also allows us to guide the development of where public utilities and municipal services are available. Is it a logical extension of the zoning given the essential character of the area? Again, we are maintaining the residential character along Austin Avenue and yet we are going to be able to continue and maintain the commercial uses along Farnsworth Avenue, which has been the trend of development in that particular area over the years. Does it fit in with the desirable trend of the new commercial use? I think it does because it

provides an integral integration of land use patterns, both residential and commercial out there on Farnsworth Avenue. Do the proposed uses have a minimum of traffic generation and no adverse effect upon traffic or pedestrian movements? Yes. I think that the staff in looking at the design of the future development of the property there will be a full access on Farnsworth Avenue to handle the commercial portion of the property and still allowing the residential type driveways serving the residential zoning and home that's on the west side of the property along Austin Avenue. Will the proposal allow for adequate public services to be continued? Yes. Of course, here in this instance as I pointed out earlier, they are dedicating some right-of-way to the city for the widening of Farnsworth Avenue there at the bridge and to be able to get the improvements that need to go in for the construction that will alleviate some of that flooding that's been occurring for many years along Farnsworth Avenue. As far as the ingress and egress, the change here will allow better utilization of the property and be able to generate additional property tax to the city and depending on the ultimate users, there could be additional sales taxes that would accrue to the city. In looking at the standards for rezoning, is it consistent with the existing? Yes, I believe it certainly is maintaining an R-1 residential component along Austin Avenue and we've got the existing commercial of B-2 and B-3 as you go up and down both sides of Farnsworth Avenue, both to the south of this property, south of Mountain Street, and then, of course, to the north as you go up toward Sheffer Road. Is it a desirable trend to allow these uses to be developed? I think it is. It helps to generate new jobs and utilize the true ability to maximize the commercial potential along Farnsworth Avenue, a major arterial roadway. Are these uses suitable? I think yes. I think it makes sense to have the long-term jurisdiction of this property under city jurisdiction rather than county jurisdiction and I think that having that zoning in place, having a Special Use for a Planned Unit Development in place, gives the city the ability to review what happens on the property as these gentlemen go forward as they build their business as they want to create more investment in the property that they have that ability and then, of course, the city has the ability to review what they are doing because of it being a Planned Unit Development. They will come in and have to go through the Final Plan process, Final Engineering, etc. When you look at those last couple of standards for a Special Use, does it preclude the normal and orderly development of surrounding properties? No, it certainly doesn't because I think this is one of the first landscape services to locate out there on Farnsworth, so it's not like we are adding additional uses that are already established in the area. Is it in conformance with applicable regulations? Yes, of course, modified as usual by the terms of the Planned Unit Development, but yes it would be in conformance and it allows the opportunity to expand the commercial opportunities in the future in this area. So we would hope that the Planning Commission would concur with the staff recommendations that the property be ultimately zoned to the B-2 business with a Special Use, the Open Space and Conservation District for the floodway and floodplain area adjacent to Indian Creek and then the R-1 for the existing residential use along Austin Avenue. The future full access with the resulting ability of adjoining properties to share in that helps to reduce the amount of influence in the traffic flow on Farnsworth Avenue by concentrating the access points and being able to share 3 properties, if you will, with one full access. I think for all these reasons, it certainly makes sense for this property to be annexed to the city, that they enter into an Annexation Agreement for it, that we grant the zonings that are proposed with the knowledge of we know what we have now, we know that it operates there safely, and that if it expands in the future and they want to add a larger building and more businesses on the property that that's available to them, but they have to come back in then with their plan to show that subdivision of the property and a site plan to show where the building would be, where the parking would be, and if they have outside storage how that would be located. With that, I'm happy to answer any questions you might have.

Chairman Truax said can you show us on the screen kind of where the creek is?

Mr. Philipchuck said this is the creek right here, that's where it runs through. Then you see it crosses under Austin Avenue and then continues, ultimately coming down into the Fox River. But it comes up. It kind of parallels up here, it parallels Farnsworth, this is Farnsworth Avenue, so it comes under the road here. Mr. Carrasco owns this side of the creek and that side of the creek, but this is where the major work is going to be done and this is where that larger dedication of land is going to be down here. A smaller sliver of land, 7 feet, when you get further north and then on here you can see their existing operation is an outbuilding that's on the property in the back and then you can see single family homes as you are going up Austin and across the street. Then here you can see there is one and there is another one above it, but they would ultimately have access out of this parcel with a to be determined location of a full access onto Farnsworth.

Mrs. Cole said can you point how far north of the creek the division line of the, I think it's...

Mr. Philipchuck said it is going to be roughly in this area. They tried to pick what would be the floodway, floodplain is where that would be break, so everything on the south side would be open space, conservation area and then the line would come across there, a little bump here of floodplain, so that would allow them then a larger area to develop up here. Then that zoning line will cut across, kind of matching this angle back through here to separate the residential along Austin from the commercial.

Mr. Cameron said the depth of Parcel A, approximately what is that?

Mr. Philipchuck said we haven't defined the line, but it is sufficient to provide the proper lot area. We are going to go with a 70 foot wide lot minimum and it would meet the setbacks. We haven't established it, but it will be between the house and that existing...

Mr. Cameron said that will front on Austin, the lots will all front on Austin?

Mr. Philipchuck said yes. By the time we develop the commercial piece, obviously, we are going to have to put the stormwater management in, we'll probably put it over there Ken along Austin Avenue. Obviously, we want to keep it out of the floodplain because when you get in there now you've got 1½ times compensatory storage and we'd prefer not to have to deal with that.

Mr. Cameron said is there a rural cross section on Austin or are there curb and gutter?

Mr. Philipchuck said I believe that that is a rural cross section up there. There is no curb and gutter.

Mrs. Owusu-Safo said I just have a quick question. Obviously, this area is very sporadically annexed. Was there consideration to maybe have a unified annexation with this as opposed to just individual parcels at a time?

Mrs. Vacek said unfortunately how it works with annexations, we can't just annex property. They have to actually come to us unless they are on all 3 sides, except for 1 side, then we can force annex them, but we don't normally do that unless there is some kind of reason why we would want to.

Mr. Reynolds said maybe you already addressed this, but how many residential lots can you get in off of Austin and is there a special access road out of Austin?

Mr. Philipchuck said there may be a potential for 1 more Mr. Reynolds, maybe 2. It just depends on how much stormwater management we're going to need for the commercial. The priority would be to make sure we can do a good job with the commercial. If there would be sufficient area after that that we could provide another home or two, that would be the plan. They would be allowed just the standard typical single family home driveway. Each home would be allowed that.

Mr. Reynolds said will there be an access road off of Austin?

Mr. Philipchuck said no. You have direct access onto Austin, just like the other homes that are already located along there.

Mrs. Owusu-Safo said I know you said that the open space area goes all the way south to the boundary, the southern boundary of it.

Mr. Philipchuck said yes.

Mrs. Owusu-Safo said it is just shown a little differently on this exhibit. It looks like there is a piece of industrial that's still left on the southern end. I was just wondering what that would be used for.

Mr. Philipchuck said this property immediately to the south, has I believe, I think the gentleman that owns it is here actually, I think it is like a 4 unit rental apartment building in the county. Then you get to Mountain Street. Then south of Mountain Street you would have some more commercial uses there. I think there is like an auto repair garage and some other things. Then as you go east onto Mountain Street after you get past some of those home, there is more industrial over to the east.

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

Mr. Foreman said my concern has nothing to do with the people here. It has to do with this changing of the creek as far as the flow goes.

Chairman Truax said excuse me. Can you start out with giving us your name and address so we have it on the record?

My name is Roy Foreman. I own the property at 739 Austin, which is adjacent to them. It is a 4 unit apartment. I've had the property for over 40 years. In all that length of time, I have never had any water problems as far as floodplain goes. I think part of the problem is that the water occurs on the other side of Farnsworth there where Farnsworth Avenue goes. The bridge they just replaced there, the reason they replaced it was because of the age of it, not because of it causing flood problems. So now



I'm concerned about when they take out the old existing bridge around Farnsworth it's going to be a gateway for more water to come through there than has in the past.

Mrs. Cole said historically, isn't that where Farnsworth Avenue floods when we have a very large rain? So they do have flooding on Farnsworth.

Mr. Foreman said basically Farnsworth itself floods because there are no drains on the highway itself. There are curbs in it and it traps the water in it. Even on a regular rainy day with the creek completely dry, it still floods because there is no place for the water to go because it is trapped inside of the curbs themselves there on Farnsworth. Like I say, I've had the property for over 40 some years and in that length of time, even when we had 18 inches or 15 or 18 inches of rain, I thought I'd go over and check my property and I'd have water going in one window and out the other and I never had a drop of water in the basement outside of just normal seepage. Now my concern is when they take and change the flow of the creek between Austin and Farnsworth how it is going to affect me then. Like I say, I'm not opposed to them getting their zoning. I'm just concerned about what the city is going to do with changing the flow of the creek.

The public input portion of the public hearing was closed.

Mrs. Vacek said obviously the Engineering Department has to take a look at that and they will be taking a look at making sure that they are not flooding any more. My understanding is that they are actually going to be reducing the floodplain in this area, so it actually will be better than it is now.

Chairman Truax said is there someone in the Engineering Department this gentleman can talk to about this?

Mrs. Vacek said yes. I will get him the information.

Mrs. Vacek said staff would recommend approval of the Ordinance providing for the execution of Annexation Agreement with the owners of record providing for B-2(S), R-1(S) and OS-1 with a Special Use zoning for the territories which may be annexed to the City of Aurora located at 759 Austin Avenue.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Owusu-Safo

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Duncan, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds

NAYS: None

Mrs. Vacek said staff would recommend approval of the 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 the underlying B-2(S), R-1(S) and OS-1(S) for the property located at 759 Austin Avenue.

Chairman Truax said do you think we need to reopen and reclose the public hearing separately, or is that the same public hearing? I have it twice on my agenda.

Mrs. Vacek said why don't we open it and shut it again.

The public input portion of the public hearing was opened.

Mr. Philipchuck said I'm the attorney representing the Petitioners. I'm still under oath. I would ask that you adopt the presentation and the testimony that I gave at the prior hearing in regard to the Special Use Planned Unit Development zoning for this property with the B-2, R-1, and OS-1 zoning at 759 Austin Avenue.

Chairman Truax said and we will assume that the comments made in the public hearing originally will get transmitted along this second issue.

The public input portion of the public hearing was closed.

MOTION OF APPROVAL WAS MADE BY: Mr. Bergeron

MOTION SECONDED BY: Mr. Cameron

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Duncan, 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 were 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?

Mrs. Owusu-Safo said it is consistent with the existing classifications and other uses in the general 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?

Mr. Pilmer said this is consistent with the existing use and further improves the future use with direct access and egress onto Farnsworth Avenue and neighboring properties.

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

Mrs. Owusu-Safo said I think for the current use being requested, it does not have any negative impact on the existing traffic conditions.

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. Bergeron said all those services are available at the present time.

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. Pilmer said the proposal addresses the existing egress and ingress on the west side of the property on Austin Avenue as well as an improvement on the east side of the property on Farnsworth Avenue and the adjacent properties to the north.

- 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 there are similar uses in the general area to cause saturation.

- 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?

Chairman Truax said I believe it does conform to the applicable regulations and other respects.

Mrs. Vacek said this will next be heard at the Planning and Development Committee meeting on Monday, November 14, 2016, at 4:00 p.m. in the 5<sup>th</sup> floor conference room of this building.