



# City of Aurora

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

## Legistar History Report

**File Number: 16-00581**

**File ID:** 16-00581

**Type:** Ordinance

**Status:** ATS Review

**Version:** 3

**General  
Ledger #:**

**In Control:** Planning &  
Development  
Committee

**File Created:** 06/16/2016

**File Name:** Cinco De Mayo / Hill & 5th Ave / Annexation  
Agreement

**Final Action:**

**Title:** An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2(S) General Retail and OS-1(S) Conservation, Open Space, and Drainage zoning with a Special Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the northeast corner of 5th Avenue and Hill Avenue in Kane County, Aurora Illinois 60505

### Notes:

**Agenda Date:** 10/27/2016

**Agenda Number:**

### Sponsors:

**Enactment Date:**

**Attachments:** Exhibit "A" Annexation Agreement, Property Research Sheet.pdf, Land Use Petition and Supporting Documents - Annexation Agreement - 2016-06-16 - 2014.024.pdf, CC and Rs - 2016-06-16 - 2014.024.pdf, Plat of Survey, Legistar History Report (Annexation Agreement) - 2016-10-07 - 2014.024.pdf, Powerpoint presentation - 2016-10-19 - 2014.024.pdf

**Enactment Number:**

**Planning Case #:** AU26/2-15.024-AA/A/SU/FSD/FPN

**Hearing Date:**

**Drafter:** aminnella@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	06/21/2016	Forward to Planning Council	DST Staff Council (Planning Council)			
	<b>Action Text:</b> This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	06/28/2016					
	<b>Notes:</b> Representatives Present: John Philipchuck, Nely Parra, Gerardo Parr, Lane Allen, Cliff Pixler						
	Mr. Allen said this is Mr. Parra and Nely.						

Mr. Philipchuck said they are the owners of the property. They currently operate the Cinco De Mayo Bakery over on Jackson Street.

Mr. Parra said I want to say hi to everybody and I want to say thank you for the opportunity to come in. Maybe some people know that I built the Plaza Mexico in 2003 to 2004.

Mr. Philipchuck said so we've got a 6.3 acre site located at the northeast corner of 5th and Hill Avenue. It is unincorporated, so we will be annexing it into the city. We'll be doing an Annexation Agreement in conjunction with the rezoning. We are requesting an underlying B-2 Special Use and then I think it is OS-1 for the detention area, again a Special Use. It is a 3 lot subdivision. Lot 1, containing the strip center, is 3.2 acres and a 30,000 square foot building. That would be the first construction. Lot 2 is a little over a half an acre size lot with about an 8,600 square foot building. There is no proposed user or anything for that at this time. We're looking at a detention facility then on Lot 3. We've got proposed access to Hill Avenue and then a right-in only and a full access onto 5th Avenue. The 5th Avenue intersection is already improved and signalized. We will be adding some additional pavement for 5th Avenue and putting some improvements in there. There are two vacant former commercial buildings on the property. There were four large poster panels. Mr. Parra has already had those removed. If you've been out there, you'd notice that.

Mr. Sieben said you mean the billboards?

Mr. Philipchuck said the billboards are gone. Of course, those two buildings will be demolished and the site regraded to accommodate the plan. With that, I would have Lane just talk about what he wants to do with the building and bakery that would be inside.

Mr. Allen said Cliff do you have any site issues that you want to expand upon?

Mr. Pixler said sewer and water is there. We are pulling sewer and water off of 5th Avenue. We have to provide detention for the entire development, both Lots 1 and 2. That will be in Lot 3. It is approximately 2 2/3 acre feed of storage. Access off of Hill and 5th as John mentioned, full access and then a right-in closer to Hill on 5th Avenue. We meet the parking requirements for the two uses.

Mr. Allen said it is a relatively large building and there is a lot going on. The first page on the left is all the building materials and we are looking at a utility size brick integrated into the design with EFIS on the upper panel that's part of the signage. In the rear, it is a utility brick look-a-like, but it is cementitious reinforced wall, but the module is utility brick and the color is red. Then we've got a very nice stone at the entrances. The upper panel in these elevations show on the left there's back-to-back entries at the bakery and then two minor entrances for 2 out of 9 retail units and then the corner is a restaurant and then another secondary as part of the 4 retail. Those buttress piers at where those kicked back roofs are, the 2 at the bakery and 1 at the restaurant, have fully buttressed full stone piers and it brings some real prominence and, of course, this is all about breaking up the façade and having variety. The 2 ends facing south are both curved window walls with squared off upper EFIS walls for a simpler structure but nicer elevations. For instance, in the bakery, that southwest will be the entire viewing of the bakery interior retail area. In respect to signage, in the lower left, we've got 2 of those signs at both main entrances and they are two sided. They are back lit panels with removable name plates and they are masonry with stone, brick and standing seam with a back lit signage panel for the 10 retailers. The bakery is not noted there because they've got so much signage associated with the bakery, so we just left them off of the monument sign. The pink is called quick brick, but it is utility size cementitious material, red, made by Northfield, but it can be completely structurally reinforced and you can put a sealer on it completely. It's not split face, which actually means it will probably stay cleaner. There are T walls that you can't really see. You can just barely see there are T walls and we've got 3 dumpsters, T walls in the north portion in between the retailers so that each retailer can have a couple 3 by 3 trash bins and just have a whole different, just a real low key trash bin. We've orchestrated a (inaudible) back there and kept everything clean. The other thing is that the restaurant, since it has such little façade, we've set up a secondary seating area, which is in the back and which faces the detention and there are actually some additional windows through a landscaping area. The landscape plan would be an appropriate thing to look at as well. That's pretty much it.

Mr. Philipchuck said so we've got the restaurant on the right side and then we've got the bakery on the left side.

Mr. Allen said yes, and one has got a lot of façade and, of course, the restaurant is a dead-end corner. So having a strong façade and having some additional windows and just other amenities that make it a nice place to rent out. Design Perspectives has done a good job of putting together the landscape

plan and kind of maxing out and diversifying the amount of landscaping. We got that 30 foot setback and we've been really kind of being very careful about, you can see in fact on the west side of the bakery, there is actually a whole 8 foot, so there are no windows along that wall because it is bakery equipment and tents. There is one little puncture of window, so that will give some vitality to that west façade and then it is just more of a diversified landscape plan. Those are the other pieces of the puzzle.

Mr. Sieben said so this is Lot 2?

Mr. Philipchuck said Lot 2, subject to whatever building the user would get.

Mr. Allen said but theoretically in Phase 1 it would just be a seeded lot.

Mr. Philipchuck said and this is the detention facility. Cliff has designed that and the grade so that we could get a lot of landscaping around that also.

Mr. Pixler said it is a dry bottom detention.

Ms. Phifer said so I think we are very excited to see this corner come into the city. I think it has been an eyesore for quite some time and we are very happy to see the billboards come down because I know that was really not what we wanted people to see when they first sort of came into this part of Aurora, so we are excited about those coming down. The buildings look great. We are finalizing our comments right now. We are hoping to get them out to you in the next day or so. A couple of things that are going to be reflected in some of our comments, first off is where the lot line falls, you do meet the parking requirements for both buildings for the square footages that you are showing, but making sure that each lot independently meets their parking requirement so we know which spots go with that second lot, so just something to think about how you are going to represent that.

Mr. Philipchuck said that might be difficult. That's why we have the covenants. That, obviously, would allow cross parking and access easement.

Ms. Phifer said but typically then, especially since we don't know what that Lot 2 building is actually going to be, then we would want to wait to even do that property line. The fear is always that that lot gets sold off to another property owner who then, you know, there is a question as to whether or not they can build that building to the size that you are showing it and are they really meeting the parking. So parking, I think, is going to be the biggest concern with this. I know it meets the regulations, but given what we think is going to be a very successful bakery and a very successful restaurant, I think you are going to be using every single one of those parking spaces, so I think that's going to be one of the questions we are going to have. How are we regulating that that second building, if it gets built, has its fair share of parking?

Mr. Philipchuck said well obviously there is the parking that's shown on the lot and then depending on the user, that might be plenty, it might be more, but if it is not enough, then obviously we would have the ability to have the cross parking, whether or it is sold off or not sold off, there still would be the ability.

Mr. Sieben said I think what Stephane is getting at is right now Lot 1 you've got a little bit of an overage and Lot 2 you have an underage.

Mr. Allen said to what extent?

Mr. Sieben said based on net square footage.

Ms. Phifer said so that's why we are kind of saying maybe we think about where that lot line goes since you are showing a lot line.

Mr. Allen said but why wouldn't the covenants cover that, if I understand the language correctly?

Mr. Sieben said it is just something we'll have to look at.

Ms. Phifer said I guess that's why I'm saying how are you showing that on the plan so we can make sure it is clear for that second user when they come in? If the users for the first building take up all of the parking, what does the second lot owner have to be able to say you can't park in these parking spaces so that I can enough for mine? Do you see what I'm saying? Like if the one building uses up

*all of the parking and there is, in practice, not enough parking for Lot 2, that's detrimental to that separate property owner. If it was the same property owner, then obviously it is just not a concern. It is the fact that you are lotting it off is what's causing the concern.*

*Mr. Pixler said would it be simple enough to just indicate on the plan which spaces are shared with Lot 2?*

*Ms. Phifer said I guess that's what we are looking for. What kind of options can you show that's very clear which parking spaces are ones that really are going with Lot 2 and which parking spaces are going with Lot 1. We've had this issue when we end up subdividing parking lots. When different property owners own them, that's when it gets to be a little bit hairier when it comes to parking, so we just want to know how you're doing that.*

*Mr. Allen said and we would make a note on A1-2 and bubble it accordingly?*

*Ms. Phifer said yes, because I think it is, like you are saying 6 to 8. Maybe it is the first front ones that actually are showing that those really go with Lot 2. Those are your over spots. As far as your phasing, what part of the parking lot improvements are you are building with Lot 1 and which part of the parking lot improvements are you building with Lot 2?*

*Mr. Philipchuck said well I think everything on Lot 1 would all be built.*

*Mr. Allen said that's the center of the street.*

*Ms. Phifer said right. So that's why one of the questions comes in.*

*Mr. Allen said I don't think we're planning, Cliff correct me if I'm wrong, but we are not planning on building any of this.*

*Mr. Pixler said it would be the entire isle there within the lot line of Lot 1 plus the entire entrance onto Hill, including the turn lanes.*

*Mr. Allen said so there would be black dirt there, black dirt there.*

*Ms. Phifer said but you are building the whole drive isle?*

*Mr. Philipchuck said yes, the whole driveway.*

*Mr. Pixler said the width of the drive isle, yes.*

*Ms. Phifer said and then it's just the parking spaces and the extra parking lot?*

*Mr. Pixler said correct.*

*Mr. Philipchuck said that would come with building 2.*

*Mr. Allen said and that's where you've located the property line, isn't it, where phased line is?*

*Mr. Pixler said the property line actually is, it kind of dissects the main entrance there.*

*Ms. Phifer said that's kind of why we had that question.*

*Mr. Pixler said we can always draw the lot line over or just state it in the plans that the entire entrance is going to be constructed as part Phase 1, or Lot 1.*

*Ms. Phifer said I think it was more just for our knowledge just to know what we're looking for.*

*Mr. Allen said we're just putting a line there and saying that is a phasing line, a contract phasing line. Everybody needs to know that.*

*Ms. Phifer said and that doesn't necessarily need to be on the Final Plan. It would need to probably be on the Engineering Plan so they know. To that end, with Lot 2 you're proposing in the Annexation Agreement that you are going to construct the curb and gutter roadway improvements to 5th Avenue with Lot 2. I guess we had some concerns with the fact that it is such a small length and even the*

*practicality of sort of constructing that other last piece was Lot 2 versus just doing it all once. Dan, I don't know if you had any thoughts on that too.*

*Mr. Allen said are you talking about right here?*

*Ms. Phifer said correct. From there to the end of the property.*

*Mr. Pixler said I think the intention was just to put the taper in for the pavement transition, not to put curb and gutter in that section.*

*Ms. Phifer said until you develop Lot 2.*

*Mr. Pixler said I didn't think they were going to do it at all.*

*Ms. Phifer said so I guess that's why we wanted to have this conversation.*

*Mr. Pixler said the last discussion we had with DST was that they were not going to have Mr. Parra build the curbing in front of Lots 2 and 3.*

*Ms. Phifer said Dan that was not your understanding, correct?*

*Mr. Feltman said yes. The way I thought we had left it was that the full improvements were going to be composed across the property and then it was going to taper after that.*

*Mr. Pixler said okay, that's not what I remember.*

*Mr. Feltman said and whether we ease it or not, I guess that's still debatable, but I think our thought initially was that it would all be constructed at the same time.*

*Ms. Phifer said it is such a small piece. I mean the practicality of really coming in and having to do road closures and traffic control...*

*Mr. Philipchuck said it is all about the costs. A lot of costs.*

*Ms. Phifer said right. I think we are still looking at that.*

*Mr. Philipchuck said that's why we thought we could phase it.*

*Ms. Phifer said but I do think that the plans need to be revised to show the, because the Annexation Agreement actually refers to the plan as far as what the proposed improvement is and that was why I wasn't clear on what we were, so we can revise the plans and that will be part of our comments to show the full roadway improvement. We also had some concerns with regard to the setback from the building. I know you are just trying to just maximize that square footage of that building. As this point, you don't have a user, you don't know really what it's going to look like, but you've got such a small setback right now because your lot line for the detention pond is actually on the high water line, it appears, and so that really doesn't leave any room for landscaping and you actually don't show any landscaping on that part of the pond, which we are going to be requesting landscaping there. So it is really, really tight in between that high water line and the building pad that you are showing.*

*Mr. Philipchuck said well I think we tried to show a max, didn't we really, I mean in the end?*

*Ms. Phifer said I would assume that...*

*Mr. Philipchuck said I mean we were trying to show max building area.*

*Mr. Allen said we had a drive-thru and we got rid of that.*

*Ms. Phifer said so in order to accommodate that landscaping and having some setback from that high water line, typically we have at least 5 feet and I think you are showing 8 feet at some point, but I think at one point you are showing like a half a foot on that high water line.*

*Mr. Allen said so kind of the directive here is make the building 5 feet smaller? Is that where that is headed?*

*Ms. Phifer said it wouldn't be all around, but I think we'd like to see...*

*Mr. Allen said on the rear?*

*Ms. Phifer said it is actually the east side.*

*Mr. Philipchuck said it is actually the east side so there is room for landscaping.*

*Mr. Wiet said can you do anything with the slope, I mean the detention? Does that have to stay?*

*Mr. Pixler said it is at maximum slope right now.*

*Mr. Wiet said everything is maxed out on the sight it looks like.*

*Mr. Philipchuck said something to keep in mind, and I think it really comes to play being as we just talked about Plaza on New York, please go out and look at what these things turn into with some of these landscape ideas we come up with when it starts to mature. You lose the beauty of the water at Plaza because there is just so much landscaping in the summertime. You can't see it. You can't see it at all. You come down New York, you drive in Station Boulevard, and you don't see the water. It is just all leaves.*

*Ms. Phifer said I guess it is just a matter of what your preference is to look at leaves or water.*

*Mr. Philipchuck said well I think we could have a little of both. It is just sometimes when we look at a plan like this and you see little dots and that's your landscaping, and gosh there is so much space between them, let's add some more and then what happens is it matures and when it matures it is like crazy. Then you run into the problem of well now something dies and now you've got to go in you've got to replace it because that's what the landscape plan called for. Maybe that's a really welcome relief because there is a little more space now and you can see more, there is more visibility. It is just a point that I've observed as we go through the planning stages, but a lot of these projects now that we worked on 10, 15 years ago, the landscaping is maturing and there is a huge difference between what it goes in as and what it looks like 15 year later, so I would hope you would just kind of keep that in mind as you look at some of those things.*

*Ms. Phifer said so those are just some of the topics we have reflected in our comments. Dan, I don't know if you guys had anything, or Herman.*

*Mr. Feltman said we are in review. You mentioned that the basin is going to be dry bottom. We need to figure out how we are going to meet the retention component of the Stormwater Ordinance. Typically you drive some type of a water service because you have to retain a certain amount of volume. It is actually  $\frac{3}{4}$  of an inch times whatever impervious area is tributary.*

*Mr. Philipchuck said do we get any credit for the existing impervious?*

*Mr. Feltman said no.*

*Mr. Philipchuck said why not?*

*Mr. Feltman said because this is like a green field.*

*Mr. Philipchuck said well it is not though. It is a commercial property and we are tearing down the existing buildings and ripping out those parking lots.*

*Mr. Feltman said but we look at this as starting...*

*Mr. Philipchuck said I'm just saying if we are close, can you give us a break on what we are doing here because of the pre-existing impervious?*

*Mr. Feltman said the retention is a different volume than the detention. The retention is supposed to be retained on site, so it is like  $\frac{3}{4}$  or an inch times whatever the impervious area is proposed and then there is the live developmental storage. So the developmental storage is from the invert up to the high water level. It is just something to look at because right now you're probably not meeting the retention component and to be honest with you John, we are going to look at this as being brand new. I think Cliff, I think you provided enough detention for the entire site.*

Mr. Pixler said developmental, yes.

Mr. Feltman said correct.

Mr. Pixler said but no retention though.

Mr. Feltman said correct. So we just need to look at that. What might end up happening is there's a pocket of open water service somewhere in the basin and then we need to figure out what that volume is.

Mr. Pixler said I'm guessing it will be the entire bottom.

Mr. Feltman said unfortunately it does tend to go that way, but if you go deeper there is a possibility of having both, so just something to look at. Then just one other just minor thing. You are showing the hydrant tapped off the fire service. We typically don't allow that. Usually we want the fire hydrant to be tapped off the main. So that's minor.

Mr. Cross said and then our comments as far as relating to that Phase 2, I sent comments out already. I kind of had a Phase 1 comment and a Phase 2 comment. With the Phase 2, obviously that's going to need to be a sprinklered building for that Phase 2 building, so we need to show the sprinkler room on it, the FDC, the Fire Department Connection.

Mr. Pixler said we didn't show services or an FDC on that because we didn't have any...

Mr. Philipchuck said it is really conceptual at this time.

Mr. Beneke said but if you are going to show it, we need to make sure that the Fire Plans cover it. We just to need to make sure everything is there that needs to be.

Ms. Phifer said another thing too. You're choosing to final plan Lots 1, 2, and 3. You could just choose to final plan Lots 1 and 3 and that's kind of where I get back to that lot line. I mean if your lot line is actually, if you actually moved it so that it is just at the back edge of that drive isle and then you just said you are coming in for final plan on Lot 2 at a later date then we'll kind of cover that when we get there.

Mr. Beneke said and then just take it off. That's fine with us. A couple of other things that we had too is that with this access coming in there is going to need to be a cross easement access on this. I don't know if that is part of what they are doing, but if you are coming in and servicing both buildings, you are going to have to have something there to make sure that they've got that for both properties. Javon mentioned the sprinkler building requirement is because you are over 5,000 square feet, which is our Aurora amendment at 5,000 you have to be a sprinklered building. A couple of other things I saw too on this is that the east wall on that second building is very close to the property line. It is probably going to have to be graded, so just keep that in mind in your future, when you get there, for construction document requirements.

Mr. Allen said well it looks like we are moving it back.

Mr. Beneke said if you move it further away, then that's not a question, but I'm just bringing it up to you.

Mr. Allen said even though the lot is a detention?

Mr. Beneke said yes. It is the property line. EFIS, you had mentioned the EFIS being on the building. The ordinance does not allow EFIS on any wood construction, wood blocking, even wood sheathing so just be aware of that in your detailing.

Mr. Allen said a technical question. Is the best product you've seen out there DensGlass? Have you seen any better product that contractors...

Mr. Beneke said we usually see DensGlass as being the product they use. I'm not saying it is the best product, but we see that a lot. Another comment I had was that I noticed on some of the plans that you had some seating areas for what looks like that corner spot. I'm guessing that's going to be a restaurant location. In case you're looking at a liquor license in that particular location in the future,

*just be aware that seating areas have to have access from inside the building and they have to be fenced in. The one area out in the corner is separated. That would not be able to meet the requirements for a liquor license to have liquor services. The other one could possibly. You also can't block off your entries and things. So just as a FYI.*

*Mr. Allen said so if somebody says that I want to sit out here, the response from the receptionist would be you can sit out here but we can't serve you the liquor.*

*Mr. Beneke said that would be something you would have to work with the Clerk's office on. I would think they might do that.*

*Mr. Allen said but the rear area would actually be physically fenced.*

*Mr. Beneke said yes, if you are going to have liquor out there. Again, if you don't have liquor, that's not an issue, but it is just part of the ordinance. If that changes, it changes, but right now that's what the ordinance says.*

*Ms. Phifer said but probably better to see if you can accommodate it now just so you are not limiting yourself.*

*Mr. Beneke said and those aren't things we're going to hold you up on.*

*Mr. Allen said it is just good to know programmatically.*

*Mr. Beneke said yes, just information.*

*Mr. Wiet said I apologize if I missed this earlier, but the reason for not having one long building on both the two lots and two separate buildings is...*

*Mr. Allen said well it was actually the entrance way and it just kind of naturally divides and we originally planned on a like a 25,000 square foot building. It grew to kind of find this happy dividing line, so it is just really the geometrics of the site.*

*Mr. Wiet said it wasn't logistic? It wasn't stormwater or anything?*

*Mr. Allen said no. He's got the kids and so he hopes to gift this to his children and allow them to do a future development of their own. He is hoping to do this down the road himself. Mr. Parra is definitely a leader and a communicator. He's an incredible entrepreneur. He works his tail off. We are very lucky to have this project going forward. We really appreciate your support and anything you can do to grease the wheels to keep this moving is greatly appreciated.*

*Mr. Frankino said I have a couple of small things. The first thing would be something Dan and I already talked about is we noticed that there was a single line going across the street for what looked like 2 sanitary services, and what we need to see is 1 coming across the street for each one.*

*Mr. Pixler said again, we didn't know where it was coming into Unit 2, so we just threw something on there to show that we, at least, thought about it.*

*Mr. Frankino said and the idea that could be a public main, it really shouldn't be. It doesn't need to be for something for the public to maintain. The other thing would be is whatever buildings are on site for purposes of credits, which could amount to quite a bit of money, please provide a count of the plumbing fixtures that are within the buildings that are going to be razed or have been.*

*Mr. Allen said I think \$1,000 for each floor drain, sink, any toilet, any little fixture, so we need to do a photo take off of it before you demo.*

*Mr. Philipchuck said right.*

*Mr. Frankino said I thought I would mention that because that will help.*

*Mr. Feltman said I don't know if the buildings are served by water at this point or if they are well and septic. I don't have any history on those buildings, but if it is tapped to the main, the water service needs to be disconnected from the main as part of that demo. Again, I don't have any history on this so I don't know.*



*Mr. Allen said do you know Mr. Parra? Is it well or is it piped in?*

*Mr. Pixler said I think we did pick up well out there in our topo, but I didn't know if it was accurate or not.*

*Mr. Philipchuck said well there was a house that was removed out there about the middle of the property, so try to differentiate between the well that could have possibly served the house versus those 2 commercial buildings. So we'll have to check that, but good points. Thank you.*

*Mr. Feltman said and any wells need to be capped and (inaudible) by the Health Department. Just show which way the existing buildings are being served so we can just make sure we understand what needs to be disconnected.*

*Mr. Frankino said that will apply to the sanitary services too.*

*Ms. Phifer said so it sounds like a lot of the comments are kind of because Lot 2 is fairly preliminary, so you might put some thought into whether or not you pull back on that final for Lot 2 and wait until you've got a little bit more information on that one. Just a thought.*

*Mr. Wiet said this is going to make a big improvement to this corner.*

*Mr. Sieben said I did work with Mr. Parra back in 2001, but maybe it was after that with the Plaza Mexico, which was your original development, and he was very good to work with and it was very successful. Hope to have a little bit more parking with this one.*

- 1 DST Staff Council 07/05/2016  
(Planning Council)

**Notes:** *Mr. Sieben said I believe Planning and Zoning sent comments out last week, so I believe our comments have gone out.*

*Mr. Thavong said Tim DuSell is looking at this. I know we have talked about it. I'm not sure if he sent out comments.*

*Mr. Cross said we are just waiting to see if they were going to take that Phase 2 building off of it to address that Phase 1/Phase 2.*

*Mr. Sieben said I had a talk with their attorney on something else and he brought up they are still reviewing how they are going to do that, whether they'll leave it on there or whether they'll take it off. Another option he just talked about was removing all the lot lines and just doing a phasing. We have to talk about this internal.*

*Mr. Cross said they got comments in both scenarios. If they leave it on or if they leave it off, they've gotten comments addressing both of those.*

*Mr. Beneke said the bottom line is if they leave it on in any fashion, we have to make sure that building complies with requirements.*

- 1 DST Staff Council 07/12/2016  
(Planning Council)

**Notes:** *Mr. Minnella said the staff is in the process of reviewing the document and will send comments out as soon as we can. By the end of this week comments will be sent out.*

*Mr. DuSell said Engineering has done its review and submitted comments to them last Friday.*

*Mr. Frankino said we've been talking with the architect and we had some video of some existing sewer service locations, but I think everything is looking good moving forward.*

*Mr. DuSell said we did make a suggestion for them to take a look at bringing the sanitary from Hill Avenue. There is an existing manhole and if they can versus going out in 5th Avenue for another service.*

*Mr. Frankino said eventually the lot, Lot 2, will need a service. We have a lot of services off of that already. We're going to have to look into lining or abandoning some of those because there are a lot of capped and broken services. That's fine, either way.*

*Mr. DuSell said if they can make it work it could be a grade issue, but they were not sure.*

*Mr. Frankino said I know at one time they were talking about the possibility of multiple services maybe in the building. Maybe that was early talk, a couple of grease traps.*

*Mr. DuSell said they have a couple of grease traps shown on the drawings and they are showing the service line running outside the building around the perimeter, but we were hoping that maybe if they could come off of Hill Avenue it would help open up the corridor for the water services off of 5th Avenue, but they are going to have to look into that and see if they can make it work.*

*Mr. Frankino said whatever works best for you in that case.*

1 DST Staff Council 07/19/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff has sent comments to the Petitioner, but staff has not received as of yet those comments being addressed*

*Mr. Feltman said Engineering sent out comments as well. We also met with the developer's engineering to go over the comments, but we've not received a resubmittal back yet.*

*Representative Present: John Philipchuck*

*Mr. Philipchuck said right. As you know, this agenda hasn't caught up with it, but on the resubmittal we are going to go to 2 lots and not 3. We are just going to have a potential Phase 2 with a building that would come in the future, but for now it is the one building. I guess you want detention on its own lot, but its own zoning, which I really don't understand, but a lot of years of tradition kind of change.*

*Ms. Phifer said tradition of people buying vacant lots thinking they can develop them when they are actually stormwater detention facilities.*

*Mr. Philipchuck said well that's pretty stupid, isn't it?*

*Mr. Feltman said it happens. It's crazy because people don't even come to the site. They just buy stuff. They think it's got a PIN and they buy it.*

*Ms. Phifer said and this way it is very clear that the zoning only allows the stormwater detention facility...*

*Mr. Philipchuck said well it shouldn't have a PIN if it's not on a separate lot, in other words if it is combined with one.*

*Mr. Feltman said we're in a whole mess with a subdivision just over that reason. I mean it is crazy, but it happens.*

*Mr. Sieben said what are our issues then?*

*Mr. Philipchuck said well one of the things Lane Allen asked me to bring up this morning is the sign and to verify that we can have the 50 square feet with that lettering and then 88 square feet total. It is a unique design as far as the sign is concerned and we just were hoping to confirm that we would be able to have that. That back lit lighting would be around 50 square feet, but 88 square feet total.*

*Ms. Phifer said so I think there are a couple of things that we can do to maybe meet half way on this. I think we're fine with the cap, sort of the Cinco De Mayo Plaza, the overall development name, not being counted as far as the square footage and as the height, but I do think we want to see the base come down a little bit then. You've got quite a bit of height just in that, at least a couple of feet, just in that stone base. If the sign can just come down, not necessarily reducing the overall signage, but making the height of it a little bit less. I think we do want to see something in the Covenants and Restrictions then that say that that Cinco De Mayo Plaza part can only be used for the signage of the entire plaza. I think we want to make sure that doesn't come back in as tenant signage.*

*Mr. Sieben said in other words that it is just the name of the center?*

*Ms. Phifer said correct.*

*Mr. Philipchuck said the words on the top?*

*Mr. Sieben said in the brick.*

*Ms. Phifer said correct, if we don't count it toward the overall requirements, so that's like sort of...*

*Mr. Philipchuck said can't we just put that in the Plan Description? Because I'm not so sure we need the CCR's anymore because we're not going to sell off anything.*

*Ms. Phifer said okay. We can look at putting it in the Plan Description.*

*Mr. Philipchuck said it might work better for us.*

*Ms. Phifer said but I do think we want to see some of that tenant sign space come down a little bit. I think we can come up with a compromise, maybe 60 to 65 square feet, but 88 square feet for vendor spaces, I think, is a little over the top. So we can see about shrinking the height by reducing some of that brick base at the bottom, the stone, and then not counting the Plaza sign as part of the square footage or the height and then bringing that tenant signage down a little bit.*

*Mr. Philipchuck said when you say a little bit, what are you...*

*Ms. Phifer said I'd like to see us at 60 square feet is where I'd like to be at if we're not counting that Plaza part.*

*Mr. Philipchuck said alright I'll take that back to Lane then. There was an Engineering comment about how far we had to extend the curb and gutter, yet the Annexation Agreement went with our initial request, which was that we terminated at the end of the driveway and not take it all the way to the east end of the property with the first phase.*

*Mr. Feltman said I thought we were all on the same page with that.*

*Ms. Phifer said I thought we were too.*

*Mr. Philipchuck said it says that the left turn lane and B6-12 curb installed from Hill Avenue to the end of the east radius of the 5th Avenue full access point. That sounded to me like not taking it all the way, having to take it all the way to the east end of the property.*

*Ms. Phifer said because this one talks about it along the entire frontage is required and shall be permitted.*

*Mr. Philipchuck said well it's sidewalk.*

*Mr. Feltman said well who wrote that?*

*Ms. Phifer said this is our comment. The intent was to be on the same page. I guess we probably just sent out the wrong version on this.*

*Mr. Feltman said our comments went out to bring it to the east property line.*

*Ms. Phifer said we're not in support of phasing it at this point.*

*Mr. Philipchuck said well I wanted to clarify that. It was mentioned also in the Engineering comments about a water main recapture. I would like to ask for a waiver on that. That goes back to the water main that was installed in 1973 to serve Fox Valley Center. It is like, it is over \$7,000.*

*Mr. Sieben said there is no deadline, no end to it?*

*Mr. Feltman said no, and we've asked this question so many times and we don't really get a very clear direction or answer on these old recaptures. As long as they are in effect, we've been collecting.*

*Ms. Phifer said so I would suggest John just put it in there and then we can have a discussion as we go through.*

Mr. Philipchuck said is there a particular place you want it?

Ms. Phifer said probably as part of the Public Improvements section, and then we can have the conversation and then at least it will be up and we can make a decision.

Mr. Feltman said it is not our position.

Mr. Philipchuck said it's not your call.

Mr. Feltman said correct.

Mr. Philipchuck said I just wanted to make you aware that we were going to ask for that. That was an exchange for taking those billboards down. How's that? In Section B where we talk about the zoning that would be granted to the property, under B-3 it doesn't mention the OS(1). Shouldn't we be adding that in that paragraph?

Ms. Phifer said absolutely.

Mr. Philipchuck said and then on the new 4 there about the access points pending any applicable State or County. Are there any? If not, shouldn't we remove that?

Ms. Phifer said it is just a standard thing that we put in there in case there is anything applicable.

Mr. Philipchuck said well you frightened me when you put that in there because I'm not familiar with anything, but I thought well wait a minute, beware of meaningless gestures. So if you are putting it in there, why?

Ms. Phifer said just so that we catch it in case there is...

Mr. Philipchuck said well let's catch it now and just take it out. It infers there might be something out there and let's determine now before my client signs this that there either is or there isn't. I mean, when would you bring this up? After we close? Can't we determine that now if there are any?

Ms. Phifer said well we usually determine it with Final Engineering.

Mr. Philipchuck said this is Final Engineering. This is final.

Mr. Feltman said we can look into it.

Mr. Philipchuck said thank you.

Mr. Feltman said you know there is history on Hill.

Mr. Philipchuck said but my version of the history might be different than your version of the history so that's why I'd just like to know definitively either it is or it isn't and then let's take it out if there is nothing out there. Okay?

Mr. Feltman said yes.

Mr. Philipchuck said it is a simple one, but on D-3, Section D-3, it mentions 5th Street. That should be 5th Avenue. See it out there on a, 3-a? Then is this were I'd ask for the waiver in this section? Is that what you are suggesting?

Ms. Phifer said yes.

Mr. Philipchuck said we've also been talking to Dave Hulseberg about there could be a property tax rebate with the School District, but for sure a Sales Tax Incentive. Would that language go here in the General Provisions?

Ms. Phifer said typically we just keep those as parallel tracks, so the agreement goes through at the same time, so the Sales Tax Agreement would go through at the same time as the Annexation Agreement.

Mr. Philipchuck said okay, so we don't have to reference it in here. We'll just keep that as a separate

document.

Ms. Phifer said do you know timing-wise when that might be coming through?

Mr. Philipchuck said I just got an e-mail from Dave late last week saying that he working on it. He had said it looks pretty good for a 50/50 share on the sales tax, but as far as the property tax abatement, he said he was talking with the School District, so we don't have anything definitive on that yet.

Ms. Phifer said are you anticipating one agreement or two?

Mr. Philipchuck said I don't know what to anticipate yet. We'll see if Dave can work his magic.

Ms. Phifer said but I mean if you do the property tax and the sales tax, are you thinking that's all going to be handled in one agreement or are you thinking there would be two agreements?

Mr. Philipchuck said have you done one like that before?

Ms. Phifer said usually we put them in one.

Mr. Philipchuck said I don't have a problem with that.

Ms. Phifer said we'll get it queued up to make sure it is on the same track then.

Mr. Philipchuck said okay great. Will you contact Dave or do you want me to?

Ms. Phifer said I'll have Bill talk to him.

Mr. Philipchuck said there was under the Plan Description under General Character, Existing Conditions, Surrounding Property under 2, it talks about the zoning. The surrounding property to the south is currently, it says, zoned R-1 Single Family Residential District in the County. There is actually a B-1 parcel right on the corner, the hard corner, so I don't know if you want to mention that in there. Then again, under Development Standards in #2, on page 6 we are talking about Parcel B. See where the reference is, the zoning reference as Parcel A contains 1.08 acres? It should be B. Then we'll tweak that sign language per our discussion and I'll talk to Lane about that. Then, of course, the exhibits will be modified based on our revision to the comments and the plans. That's all I have.

Mr. Beneke said John so the one thing on Fire was either take that other building off, which sounds like what you are going to do, or show compliance...

Mr. Philipchuck said we are going to take it off.

Mr. Beneke said that will be the easiest way to do it. We need a revised Fire Plan also.

Mr. Philipchuck said Mike, I don't know if they got you the information yet on all the waste outlets that were on the property.

Mr. Frankino said they did not.

Mr. Philipchuck said okay. That's coming. They had a plumber out. Dan, do you guys have any television videos of that sewer?

Mr. Feltman said I was going to look into that.

Mr. Philipchuck said we are trying to determine how many connections there are.

Mr. Frankino said we didn't have anything. We sometimes do, but it is a city sewer so sometimes we randomly come across that.

Mr. Feltman said you are talking about 5th correct, or Hill Avenue?

Mr. Philipchuck said probably on Hill. On 5th our guess is that house may have, we don't know.

Mr. Frankino said we have a video on 5th and found several sewers, several services going north and we're not sure which one it is.

Mr. Philipchuck said I can give you a dimension if that will help you. Is there a running dimension on it?

Mr. Frankino said yes.

Mr. Philipchuck said we should be able to figure that out because the house was previously taken down and the, of course, these two other buildings will be coming down. There were quite a few waste outlets in those buildings, so they took some photos of them.

Mr. Feltman said that's why we measure and locate the services before the demo. That demo was probably done in the County. We have been very adamant about that because the same thing happens and it kept happening and then everyone is scratching their head and not knowing where the service line is at. I don't know whether we have televising on there, but I will check.

Mr. Philipchuck said and Mike we'll try to coordinate back with you then because I think we can give you a pretty good idea of what that distance was on that for where the house was.

Mr. Frankino said are they trying to still come up with an address for that house? We need to find a history of that house having paid a bill previously and we haven't been able to find anything.

Mr. Philipchuck said we should be able to get the address.

Mr. Frankino said if we can get an address we can give them \$1,650 worth of credit for the house. The rest of them are by the fixture, so if the architect can show us a fixture count we'll count that for the file because we don't have anything on those old buildings either. We'll work with you on that.

Mr. Feltman said only the house was demoed, right?

Mr. Philipchuck said yes.

Mr. Frankino said the house was demoed, but the other buildings will be.

Mr. Philipchuck said as part of this development they will be demoed, but they are still there.

Mr. Feltman said will that be done through the city building permit process?

Mr. Philipchuck said yes.

Mr. Feltman said well I just didn't know timing-wise with the annexation.

Mr. Sieben said it is still in the County.

Mr. Philipchuck said it is still in the County, but the plan is to bring it into the city and demo them, I believe, under city permits. That's my understanding right now anyway. I believe there is only one well on the site. I think it served the house, so we'll, obviously, get that properly sealed.

Mr. Frankino said could the house have been on septic?

Mr. Philipchuck said it is not impossible, but that sewer has been out there a long time, hasn't it?

Mr. Frankino said the 50's I'd guess.

Mr. Philipchuck said in the 50's there was no water.

Mr. Frankino said we don't have permit records going back that far.

Mr. Philipchuck said that water main didn't go in until 1973 when the city ran it out to Fox Valley. It was part of that system improvement. Moecherville had their own community well, and this was outside of that. It may have been on sewer, but not on water.

Mr. Frankino said when we can't find a permit on a house, we look for, at least, the presence of a building history, which implies that there was a permit that started that account. So we'll work on it. If we can't, we can't. If we can, we can. The commercial should be easy. That's where the credit really

*builds up anyway.*

*Mr. Sieben said how old was the house though? That was an old farmhouse, right? It's probably not going to have permits with the County. I bet it predates County permits.*

*Mr. Philipchuck said but there would be a well log typically, wouldn't there?*

*Mr. Sieben said yes.*

*Mr. Philipchuck said maybe the County Health Department would have that.*

*Mr. Sieben said the County Health, correct.*

*Mr. Philipchuck said so there's probably a record, at least, of when that was put in.*

*Mr. Feltman said are the commercial buildings connected to the water and sewer?*

*Mr. Philipchuck said definitely sewer yes, because they get sewer bills.*

*Mr. Frankino said I can confirm that, but I think he's right. We just don't have a file on the buildings because they are old and nothing has happened for a while.*

- 1 DST Staff Council 07/26/2016  
(Planning Council)

**Notes:** *Mr. Minnella said due to the lack of a submittal from the Petitioner, we are moving this...*

*Ms. Phifer said we had some changes that were requested by Attorney Philipchuck at the last meeting, so Alex has made those revisions to the agreement. The Petitioner has also resubmitted a sign that does lower it a bit, but we still need to review that to determine whether or not that's going to be supported by staff and whether it meets the objectives. Then finally, we have heard that they are going to be submitting plans that revise the plan to remove that second building. We have not yet received those plans. We're waiting to hear back from them on that, but we have some things that we need to get them as well, so we are continuing to work through that.*

*Mr. Feltman said we've sent out comments and not heard back. I've not had a resubmittal back in.*

*Mr. Sieben said Javon we're talking about Cinco De Mayo at Hill and 5th. Do you still have outstanding comments?*

*Mr. Cross said no. That was the one that had the phased...*

*Mr. Sieben said yes. They were supposed to remove the second building, but we haven't seen that yet.*

*Mr. Cross said as long as that's removed we have nothing further.*

- 1 DST Staff Council 08/02/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff has sent review comments to the Petitioner and staff is working with the Petitioner in order to get the resubmittal in so that we can move forward with the project. We are actively working with the Petitioner. They should be getting us documents pretty soon.*

*Ms. Phifer said they told us they would get us those today, correct?*

*Mr. Minnella said correct.*

*Mr. Feltman said that's what they told us, so supposedly today everything is coming in, both Engineering and Zoning resubmittal.*

*Mr. Cross said they were taking off the second building, right?*

*Mr. Sieben said allegedly. We'll see today.*

- 1 DST Staff Council 08/09/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said we did receive a resubmittal, so we will be reviewing it and getting comments back.*

*Mr. Feltman said Engineering received a resubmittal as well just the other day, so we will be reviewing that shortly.*

*Mr. Cross said we didn't receive a...*

*Mr. Sieben said you are still waiting for a revision?*

*Mr. Cross said yes. We got a set of plans, but there is no Fire Access Plan included in those plans. We do have concerns. There is a change on a hydrant location on some of the plans that have been submitted that aren't going to work.*

*Mr. Frankino said we haven't started our review yet. We've had staff shortages, so we're real close to getting comments out and having something ready to go. Probably within the next week and a half we'll have the permit.*

1 DST Staff Council 08/16/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff sent comments yesterday to the Petitioner. We are anxiously awaiting to hear back from the Petitioner.*

*Mr. Feltman said Engineering sent out comments on Friday.*

*Mr. Cross said our last comments were just that other building.*

*Mrs. Vacek said we told them to remove the entire building because they are now showing it as future building, so we told them, as part of our comments, to remove that building. We are not giving comments or any approvals on that building, so we just wanted it to be taken off the plans.*

*Mr. Wiet said are we going do improvements all the way through to the end of the property, but not show the building?*

*Mrs. Vacek said correct.*

*Mr. Sieben said that area will remain just grass.*

*Mr. Wiet said right, but it will be fully improved with sidewalk?*

*Mr. Sieben said yes.*

*Mrs. Vacek said correct.*

*Mr. Beneke said this is actually a second building. The other one is going to be totally improved. Once they take that off, that resolves our issue too.*

*Mrs. Vacek said they are not building it at this time, so we would just like them to take it off.*

*Mr. Sieben said they are not meeting certain criteria, so we can revisit it at a later date when they are ready.*

*Mr. Feltman said what Engineering was planning on doing, we are flexible, but we would like to maybe at least leave a bubble there so that is shows that detention had been provided for the future. We don't have to have it. It just would be nice to leave that.*

*Mrs. Vacek said can you show just like a bubble though and not necessarily be exact improvements?*

*Mr. Feltman said yes. Maybe what we can do is just have them add a note saying future development had detention provided for it. That's the only reason I want it there.*

*Mr. Sieben said yes, that's fine.*

*Mrs. Vacek said and we are fine with that. We just don't necessarily want the improvements being shown just because we don't want them to get any idea that that is approved.*



*Mr. Feltman said understood.*

*Mr. Frankino said Fox Metro has received only civil on this and not building plans, but from the civil we can make a determination as to what they are trying to propose for sanitary discharges and they are showing little stubs coming out of every space, almost like a single family subdivision to a lot. It is a matter of time as to when these spaces are going to divide up and split in half and then there will be the need for exterior connections and work outside. What we typically see, and I think you guys would agree, is that there is usually some underfloor sanitary sewers. He also doesn't show underfloor grease lines to every space. We've got some issues to work out on that, and we started reviewing, but one affects the other.*

- 1 DST Staff Council 08/23/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff sent comments to the Petitioner, but we haven't received revised plans. We look forward to receiving revised plans.*

*Mr. Thavong said in terms of Engineering, we sent out comments. We are just waiting for a resubmittal.*

*Mr. Frankino said Fox Metro is waiting for a revision for the outside and inside sanitary alignments.*

*Mr. Cross said we haven't seen a final answer.*

- 1 DST Staff Council 08/30/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff sent comments on August 15th. We have been in touch with the architect and landscape architect. They are working on resubmitting the documents pursuant to the review comments. We are looking forward to receiving their revised documents.*

*Mr. Feltman said Engineering sent out comments as well.*

*Mr. Frankino said we are still awaiting changes on the internal and external sanitary sewers.*

- 1 DST Staff Council 09/06/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff has sent comments to the Petitioner and we look forward to receiving a resubmittal.*

*Representative Present: John Philipchuck*

*Mr. Philipchuck said I wanted to find out what's the situation with the language I had in the agreement, the Annexation Agreement.*

*Ms. Phifer said nothing has changed. We do not want to commit the city in the Annexation Agreement. You want to work with Dave Hulseberg on the timing to make sure that they both get considered in front of the City Council at the same time. That would be the only way to accomplish that.*

*Mr. Philipchuck said so you don't ever recognize that opportunity...*

*Ms. Phifer said we can't commit the City Council to approving an agreement that they haven't even seen yet and don't have any idea what the terms of it are.*

*Mr. Philipchuck said well I would assume that it would come together at the same time.*

*Ms. Phifer said and that's what we would have to assume.*

*Mr. Philipchuck said without any recognition of the fact that there is something out there in space, how do we...*

*Ms. Phifer said well you just have them on the agenda at the same time.*

*Mr. Philipchuck said it is totally working with Dave then?*

Ms. Phifer said yes.

Mr. Philipchuck said and it doesn't have anything to do with Planning?

Ms. Phifer said no. It is 100% Dave.

Mr. Philipchuck said the second item. What's happening on this landscape issue with that future potential space that a lot could go on? I've heard we either have to landscape it other than just grass, or we have to pave it.

Ms. Phifer said I don't know anybody who would have said that you should pave it. I hope nobody here said that. It should just be turf grass. There is a requirement for landscaping on the pond.

Mr. Philipchuck said yes, and we've got that.

Ms. Phifer said and then there is a perimeter/buffer, which you could put, actually, on either lot. If you wanted to put that on the detention lot, you can as well, but any of the internal landscaping, the parking lot landscaping and the foundation landscaping, all of that would wait until such time as that would develop.

Mr. Philipchuck said so we can grass it?

Ms. Phifer said yes.

Mr. Philipchuck said well I don't know why I got an e-mail that said that after talking to Alex, the only way around it seems to be paving the lot and leaving it open.

Mr. Minnella said no because I would have never said that that lot could have been paved simply because it is a projected development, which we are not approving as of yet. It is part of Lot 1, but in terms of landscaping requirements, there are no landscaping requirements for that portion because there is no building on that portion of the lot.

Ms. Phifer said well there is no development at all, right? You are not putting in the parking lot. You are not putting in the building.

Mr. Wiet said if your parking meets, you don't need that additional parking to meet.

Mr. Minnella said right.

Ms. Phifer said correct.

Mr. Philipchuck said so what we thought we could do, I assume we could do, is just grass it.

Ms. Phifer said yes.

Mr. Philipchuck said and there wouldn't be anything else that has to go on it?

Ms. Phifer said correct. I think part of the confusion is that the comments were sent out over a month ago and I think that Alex had a very lengthy conversation Lane at that point and then a month or so went by and then I think we had to resend the comments again and I think Alex had another lengthy hour and a half conversation with Lane to go over all the comments again and I think that some of it is just sort of the rehashing of the comments.

Mr. Philipchuck said the problem is, is that Lane isn't doing the landscape plan.

Mrs. Vacek said which is fine. We are more than happy to go over it with the landscaper if he would like to call.

Mr. Philipchuck said that makes more sense, but I thought that this Christian Wilson from Design Perspectives did that. It sounded like he talked with you.

Mr. Minnella said I talked to him, I think, last week, but I told him that without looking at a landscape plan I couldn't make a judgement call saying this is good, this is not, that you are required to do this and you are required to do that simply because, once again, there is no building that we are approving

on that portion of the lot. There is no landscaping requirement there.

Mr. Philipchuck said well he thought he had to put a bunch of landscaping on it and the alternative to that was not landscape it, but put pavement down to be torn up later and I thought, well wait a minute, that doesn't make sense.

Ms. Phifer said it does have to do the perimeter/buffer.

Mr. Philipchuck said the perimeter of?

Ms. Phifer said the perimeter/buffer of all of Lot 1 because you are doing Lot 1, but you don't have to do any landscaping for the building foundation or for the parking because we are not doing either one of those.

Mr. Philipchuck said so maybe that's the issue. How much perimeter...

Ms. Phifer said it is just the length of Lot 1.

Mr. Philipchuck said why do we need to do the perimeter, I guess?

Ms. Phifer said well we typically don't do the perimeter/buffer adjacent to the detention, but it would be the perimeter/buffer adjacent to the residential.

Mr. Philipchuck said we get that. I guess the reason that I'm here is to see if there is a way around of having to do that. This is an old plan, but this is that area.

Mrs. Vacek said so you have to do perimeter here.

Mr. Philipchuck said right, which we do.

Mrs. Vacek said there and there. Usually we would have perimeter here too, but if you do, I mean, you guys have to do some kind of landscaping here. If it is stormwater...

Ms. Phifer said the pond.

Mrs. Vacek said the pond landscaping or what not, you have to do something.

Mrs. Philipchuck said and I'm sorry I don't have that plan with me, that's the one they are working on. Alright, so I can make it clear to him. Does it need to be on the pond side of the line?

Ms. Phifer said it should be because then maintenance-wise it is clearer.

Mr. Philipchuck said but you don't double it and put something on this side do you?

Ms. Phifer said no. Perimeter/buffer is where it is adjacent to residential. So if there is a perimeter/buffer count, it would actually be on the pond lot and I don't know how you guys figured that, but as far as Lot 1, the perimeter/buffer...

Mr. Philipchuck said which this is part of Lot 1 now. That's just grass? We don't have to go around this too with this?

Ms. Phifer said well you have to go around the pond.

Mr. Philipchuck said yes, as part of Lot, this is now Lot 2.

Ms. Phifer said and we are highly recommending that you move this lot so that it is not on the high water line by the way, so that there is room to put in some landscaping. So really Lot 3, which is now Lot 2, should actually be expanded here so that you can fit the landscaping in above the high water line, and then all of the landscaping should be on Lot 2 because the landscaping is tied to the stormwater detention pond, so you want the maintenance of that, I would think, to be covered in the long-term with the pond.

Mr. Philipchuck said well the bottom line is he owns it all.

*Ms. Phifer said but if you are going to put a property line in there, you might as well make it clear that that's...*

*Mr. Philipchuck said you made me put a property line in there. Don't tell me if you are going to put a property line in there.*

*Ms. Phifer said okay because we are asking you to put a property line in there, you might as well make it so that it encompasses all of the detention pond.*

*Mrs. Vacek said he owns it now, but if he ever sells that other part off, then there is going to be 2 owners for 1 detention pond.*

*Mr. Philipchuck said any other issues then? I guess we missed the date.*

*Ms. Phifer said we sent those comments out and I think part of it was we were hoping to get some kind of a resubmittal to respond to.*

*Mr. Philipchuck said well it was supposed to have been done Friday, but the engineer's CAD man was gone. We were shooting for that first meeting in October. I don't know if that is still a possibility.*

*Ms. Phifer said no, I think we missed that window, so if we can hit the second one in October, which I think actually might be booked right now, but get your stuff in and we'll see what we can do. As far as the first issue, our recommendation and it's your call, but our recommendation would be to go ahead and hold the public hearing at Planning Commission and then go to the Planning and Development Committee with the agreement and then if you wish to hold it at that point until any other agreements catch up with it, then at least we can get the hearing out of the way and get that through so that we are not worried about the timing being that far off. That would be our recommendation.*

*Mr. Philipchuck said well, like I say, it just depends on Dave and I've got a call into him. He also talked about some kind of a property tax rebate agreement with the School District. I'm not sure where he stands on that.*

*Mr. Wiet said have you and Dave communicated on the needs of this of what all it encompasses?*

*Mr. Philipchuck said yes. We met with Gerardo. There were more public improvements than he was expecting he was going to have to put in up front, you know, extending the improvements down 5th Avenue and stuff. We felt that we would hopefully have some help for him in that regard. That was the point of it. Thank you for recommending waiving on the water main recapture. We appreciate that. Every little bit helps.*

*Mr. Cross said so the other thing as far as for fire, we are still waiting on that Fire Access Plan that does not show that other building. That's the other thing that we are still waiting on.*

*Mr. Philipchuck said which will be coming with this submittal.*

1 DST Staff Council 09/13/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff received, last Friday, resubmittals, not including the Annexation Agreement. Staff is reviewing the submittals and will send comments by today or tomorrow.*

*Mr. Feltman said Engineering received a resubmittal as well on this, I think, Friday. It will be a little bit before we get to it, but it looked like they addressed most of our comments.*

*Mr. Beneke said we have not received a revised Fire Plan.*

*Mr. Cross said we have been in communication with John on that. He said he was unaware that there was an issue with it.*

*Mr. Wiet said can someone give me a quick recap of what public improvements are not on the site? Of course, there is no sidewalk and gutter, but there is a water and sewer main along 5th Avenue.*

*Mr. Feltman said water and sewer is available.*

*Mr. Wiet said water and sewer is there and sized properly?*

*Mr. Feltman said yes.*

*Mr. Wiet said curb and gutter is not. Well I know sidewalk is not.*

*Mr. Feltman said correct. They need to bring a hydrant into the site.*

*Mr. Wiet said I'm trying to get a handle on the true public improvements.*

*Mr. Feltman said we just got a cost estimate. I was going to summarize the 5th Avenue improvements because I think that's what is being negotiated as I understand in the agreement, so I'll send out an e-mail with that summary.*

*Ms. Phifer said because of their turn lanes or is it just literally the curb?*

*Mr. Feltman said it is paving, restriping, sidewalk.*

*Ms. Phifer said is there any widening to the road then?*

*Mr. Feltman said yes. That's the bulk of the cost.*

*Mr. Frankino said Fox Metro is ongoing with our review on the civil with Intech. They have been doing a good job getting stuff back and forth to us and we just received something from Lane Allen recently on the interior work.*

*Ms. Phifer said and we did receive correspondence from Mr. Philipchuck that they are going to be looking for a little relief on some of the landscaping requirements, so we have their latest landscape plans, so we'll take that into our review to see if there is anything we can do on that.*

*Mr. Feltman said is the annexation contemplating expunging that water main recapture?*

*Ms. Phifer said yes. That's what they are proposing.*

1 DST Staff Council 09/20/2016  
(Planning Council)

**Notes:** *Mr. Minnella said staff sent comments on September 16th. We are looking forward to receiving revised documents by today in order to move forward.*

*Mr. Feltman said Engineering received a full resubmittal. We're in process of review.*

*Mr. Frankino said we have also received resubmittals on both the interior and exterior work and we are nearly complete with our review for Fox Metro.*

*Mr. Cross said Fire has already signed off on everything.*

1 DST Staff Council 09/27/2016  
(Planning Council)

**Notes:** *Mr. Minnella said we have received the revised landscape plan, the revised documents that we requested, and this is scheduled to be voted out of Planning Council on October 4th and go to Planning Commission on October 19th.*

*Mrs. Vacek said it was brought up by Engineering that we have to look at the bottom of the detention pond to make sure that there are some wetland plantings down there, so we will be taking a look at that.*

*Mr. Feltman said on the landscape plan?*

*Mrs. Vacek said yes on the landscaping.*

*Mr. Feltman said we are in review. We'll probably be sending out our review letter in the next day or so, just some clean up.*

*Mr. Wiet said did they submit anything on cost of public improvements yet?*

*Mr. Feltman said yes. I need to take all the roadway improvements and summarize it all and I'm going*

to get that over to Invest Aurora.

1	DST Staff Council (Planning Council)	10/04/2016	Forwarded	Planning Commission	10/19/2016	Pass
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**Action Text:** A motion was made by Mr. Minnella, seconded by Mr. Feltman, that this agenda item be Forwarded to the Planning Commission, on the agenda for 10/19/2016. The motion carried by voice vote.

**Notes:** *Mr. Minnella said the Petitioner submitted the revised plans and we are voting this item out to go to the October 19th Planning Commission meeting. I make a motion to move this forward.*

*Mr. Feltman said I would just say it is contingent on Final Engineering approval, but we did just send out a second round of comments. There were a few cleanup items, but nothing of major substance.*

*Mr. Cross said we are all good.*

*Representative Present: John Philipchuck*

*Mr. Philipchuck said when do you expect the signs?*

*Mr. Minnella said I just need to drive by and pick up the signs and I can have it ready this morning.*

*Mr. Philipchuck said do you want me to go get them on my way out?*

*Ms. Phifer said I think if you just want to ask for Wes and say you are there to pick them up. So John, there should be 2 signs.*

*Mr. Philipchuck said when do you need the signed petition to annex the property?*

*Ms. Phifer said before P&D is typically when we want everything.*

*Mr. Feltman seconded the motion. The motion carried unanimously.*

2	Planning Commission	10/19/2016	Forwarded	Planning & Development Committee	10/27/2016	Pass
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**Action Text:** A motion was made by Mr. Cameron, seconded by Mr. Chambers, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 10/27/2016. The motion carried.

**Notes:** *Chairman Truax said our next item is an Ordinance providing for the execution of an Annexation Agreement with the owners of record providing for B-2(S) General Retail and OS-1(S) Conservation, Open Space and Drainage zoning with a Special Use Planned Development zoning for the territory which may be annexed to the City of Aurora located at the northeast corner of 5th Avenue and Hill Avenue in Kane County, Aurora, Illinois by Cinco De Mayo Bakery in Ward 7.*

*Mr. Minnella said the Petitioner, Cinco De Mayo Bakery, is before you tonight and represented by Mr. Gerardo Parra, owner of the property of Cinco De Mayo Bakery, and his lawyer, Mr. John Philipchuck, and to your right, my left, architect Lane Allen. The Petitioner is seeking your approval for an Annexation Agreement for property located at the northeast corner of Hill Avenue and 5th Avenue on 4.99 acres for a retail development with a Special Use Planned Development with underlying zoning of B-2(S) and OS-1(S) with a Special Use for Conservation, Open Space and Drainage. The property currently is unincorporated with Kane County zoning, B-3, B-4 and F farming. There is on the property currently two buildings in very poor condition, previously used for commercial purposes as a restaurant and as a retail store. Also on the property, there were two billboards that have been removed. The Annexation Agreement includes provisions and details for the establishment of a Special Use Planned Development as we discussed, with the dedication of a right-of-way along Hill Avenue and 5th Avenue, right-of-way improvements along Hill Avenue and 5th Avenue, and waiving of the existing water main recapture along the property frontages. Also, the Annexation Agreement includes modification to standards of current zoning regulations. For instance, permitting certain uses and providing additional signage to the site. Along with this proposal concurrently, the Petitioner is also proposing an Annexation of the property just discussed, a Special Use Planned Development, a Final Plat and a Final Plan. The site will be the home of a two lot subdivision composed by Lot 1, where the retail center will be located. That will sit on 3.86 acres and the remaining of the 4.99 acres will be reserved for a stormwater detention facility for a total of 1.13 acres. Among the attachments that are available to you, you also have a presentation. If you have a question for staff, I will be more than happy to answer all your questions. Otherwise, I can turn it over to the Petitioner and his representatives.*

*Mr. Cameron said on the back part of the lot, it looks like there is a building separated into five. Is that*

an existing building?

Mr. Minnella said there are two existing buildings that are planned to be torn down and the entire site will be redeveloped. So 3.86 acres will be the home of the retail center with a restaurant in the middle and to the west side of the retail center there will be a bakery.

Mr. Cameron said that separate building is a bakery then?

Mr. Minnella said there is only one building.

Mr. Cameron said well I'm looking at the landscape plan and there seems to be a building to the west of the retail, to the right of the retail building. I'm looking at the PowerPoint presentation.

Mr. Minnella said so the retail center will be just one building, one principle building and then on Lot 2 the stormwater management facility.

Mrs. Vacek said it looks like the PowerPoint hasn't been updated. They were proposing two buildings at one time. Right now they are only proposing one building.

Mr. Cameron said and if they decide to build that other building they'll have to come back in...

Mr. Minnella said they will need to come back for further approval, yes.

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 Cinco De Mayo Bakery, formerly known as La Original Chicanita Bakery, Inc. Mr. Gerardo Parra is the President. You might remember Gerardo because he developed Plaza De Mexico at the northeast corner of Union and New York Street. He currently operates the Cinco De Mayo Bakery on Jackson Street in Aurora and this would be another new venture for him by constructing this proposed 30,000 square foot retail center, which would be showcased by a bakery and also a restaurant and as Ken pointed out, originally we looked at doing two buildings at once and we decided to scale back, just do the one building, so there is a space next to the detention facility that we could construct another maybe 8,000 square foot building. It could be sometime in the future. We'll see how the rentals and the leases go for the existing structure. I would like Gerardo for just a moment to say a couple of things to you.

Mr. Parra said Mr. John he told everything about it. He said Gerardo is the owner for the Cinco De Mayo Bakery. I opened the bakery La Chicanita in 1989 on Jackson Street. In 2003, I opened the Plaza Mexico. Now we have this project where we are going to employ maybe around 200 people. At Plaza Mexico we employ 150 people with all the rental place. The new project is going to be a bakery, a restaurant, ice cream and, I think, a small supermarket over there. We hope to have maybe 13 places for rent. Mr. John explained around 30,000 square feet. He says if you have any questions he is here and the architect, Lane, and the engineer is here and they can answer the questions that you have. Thank you very much.

Mr. Philipchuck said I just had a couple of other comments and that was that I think Lane Allen has done a wonderful job with the design of this center. I think you'll agree. I think it has a nice appeal to it. The stormwater detention facility that Cliff Pixler from Intech Consultants designed, is a nice buffer, if you will, from this commercial area to the residential area that is to the east of this property. As was stated, the property is currently in the county. It was an old home that was converted to a tavern and operated for many, many years and then it was a commercial building that has had various uses over the years. For those of you that go back a way, that was the Kroger up there on Hill Avenue. It is a mixed area of commercial along Hill Avenue, so this will be a nice extension. Mr. Parra already removed four paneled billboards that were on the property. His next move would be to tear down those two existing buildings, clear the site and then construct this new center. The potential I mentioned for another building in Phase 2, we would come back to the city and have a new final plan for that. Right now what's before you is the rezoning of the property. It currently enjoys county B-3, B-4 and some of the property is zoned F District farming in the county. We would be bringing it in as a B-2(S) Special Use General Retail for the commercial portion of the property and then the OS-1(S) Conservation, Open Space, and Drainage Special Use Planned Development overall. This is somewhat unique because we are coming in with final. This is a Final Plat of Subdivision, a 2 lot subdivision and it is a Final Plan for the commercial center and there is a Landscape Plan that accompanies it. So this is not a preliminary and we come back. This is the Final Plan and we are

happy that we are able to be here and present it this evening.

Mrs. Cole said I have a question, which I don't remember seeing anything written up about this and I realize that this little slide show is just a rendering, but I noticed that there are solar panels on the roof. Do you really intend to put solar panels on the roof? Because if you are, you are very innovative. The first time a new building in the City of Aurora has had that.

Mr. Allen said your vision is stronger than mine.

Mrs. Cole said those are not solar panels?

Mr. Allen said no.

Mrs. Cole said could they turn into solar panels?

Mr. Allen said they could, especially with the products. The architectural detailing is trying, this is a large building and we have to really be careful on how we fenestrate or decorate the entrances to make sure that people know where to go. We've got the bakery, which has two entrances and 14 retail spaces, including a restaurant, so we needed to really break up the building and find a way to do it. The reason why they are open like that is when you start to add lighting to them, that will act as a reflective panel in respect to being conscientious to have something reflect light off of just instead of just throwing it up into the sky, which is also a valid concern. So it is really about just trying to have nice fenestrations and break up the building in such a simply way and define the scope of the work in a very acute way because cost is cost and money is money. We'll work on the solar panels.

Mr. Chambers said how many parking spaces will this lot...

Mr. Philipchuck said 138.

Mr. Allen said if we could go through the drawings real quickly. This is the bakery, so it is a 5,400 square foot bakery. It is state of the art for sure. A beautiful area. A few tables inside now just for people to be able to have some coffee, but you can see there's as much square footage on the production side as there is on the sales area. These are some interiors of the lobby and we're very proud of this. That front element is for cake sales, which is one of their specialties. Then we get into the site plans if you have any questions about those.

Chairman Truax said what we have is actually going to be 4 separate motions here and the public hearing part of this is part of the second motion, so I believe we have to deal with the Annexation Agreement first, which is not a public hearing. Is that correct staff?

Mr. Sieben said yes.

Chairman Truax said do you have a recommendation for the Annexation Agreement?

Mr. Minnella said staff recommends approval of the Ordinance providing for the execution of an Annexation Agreement with the owners of record providing for B-2(S) General Retail and OS-1(S) Conservation, Open Space and Drainage zoning with a Special Use Planned Development zoning for the territory which may be annexed to the City of Aurora located at the northeast corner of 5th Avenue and Hill Avenue in Kane County, Aurora, Illinois 60505.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mr. Chambers

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

NAYS: None

Mr. Minnella said this will next be heard at the Planning and Development Committee meeting on Thursday, October 27, 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 Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Engen, Fox Valley Park District Representative Chambers and At Large Owusu-Safo