



City of Aurora

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

Legistar History Report

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**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 10/14/2020

File Name: CIMA / PAS Plaza / SWC of Butterfield Road and
Farnsworth Avenue / Planned Development Revision

Final Action:

Title: An Ordinance Establishing a Special Use Planned Development at the Southwest Corner of Butterfield Road and North Farnsworth Avenue, to be Incorporated Under the Existing PAS Plaza Plan Description, and the Aurora Zoning Ordinance and the Zoning Map Attached to an Underlying Zoning of B-2(S), General Retail District and OS-1(S), Conservation, Open Space, and Drainage District (CIMA Developers, LP - 20-0653 / BA36/3-20.166-Ppn/Psd/R/SUPD/R - SB - Ward 1)

Notes:

Agenda Date: 12/09/2020

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" - Legal Description - 2020-11-18 -
2020.166, Exhibit "B" Plan Description Revision
REDLINE - 2020-10-22 - 2020.166, Land Use Petition
and Supporting Documents - 2020-10-13 - 2020.166,
Property Research Sheet - 2020-11-19 - 2020.166

Enactment Number:

Planning Case #: BA36/3-20.166-Ppn/Psd/R/SUPD/R

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning and Zoning Commission	12/02/2020	Forwarded	Building, Zoning, and Economic Development Committee	12/09/2020		Pass
Action Text: A motion was made by Fox Valley Park District Repre Chambers, seconded by SD 129 Representative Head, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 12/9/2020. The motion carried.							

Notes: See Attachment for Items 20-0652 and 20-0653.

Aye: 8 At Large Anderson, At Large Cameron, Fox Valley Park District
Representative Chambers, Fox Metro Representative Divine, At Large
Elsbree, SD 129 Representative Head, SD 131 Representative Hull and
At Large Tidwell

Attachment for Items 20-0652 and 20-0653:

20-0652 A Resolution Approving a Revision to the Preliminary Plat and Plan for the Property Located at the Southwest Corner of Butterfield Road and North Farnsworth Avenue (CIMA Developers, LP - 20-0652 / BA36/3-20.166-Ppn/Psd/R/SUPD/R - SB - Ward 1)

Mr. Broadwell said as you just heard, this is a Plan Description Revision and a Preliminary Plat and Plan Revision. I think we have two of the Petitioners here, Dan Soltis with CIMA and then Todd Abrams who is here as well. Like I was saying, the property is at the southwest corner of Butterfield Road and N. Farnsworth. Right now it is a vacant lot and it is zoned Business District and Open Space Conservation. There is a gas station right here, which is existing if you are familiar with the intersection. A little bit of background. Some of you that were here on the Planning Commission in 2015, you may remember that there was a Plan Description Revision for this lot and then also a Final Plat and Plan. The original Plan Description had provisions for a drive through restaurant, a retail sales or service with a drive through as well as existing car wash. Then there was a Special Sign District in there as well. We are not making any changes to the Special Sign District here. The Final Plat and Plan was approved in 2016, which was consistent with the original Preliminary Plat and Plan. So a little bit of background on what is being proposed here. I'll go into a little bit of background, but the first part is obviously the use for the truck stop and despite what it sounds like, it is not like a truck stop like you would see on the Tollroad. It is more of a place, which you can see down here, and I think Dan can probably talk more about this in a little bit, but essentially they are adding this place for semi-trucks and other commercial trucks to come through and basically fuel up and then pull out here onto Farnsworth. That's really what's going on here, so we are adding that in the Plan Description. There is also, part of it as you will have seen in the title, is that it is a rezoning because the legal description of the lots from the original Final Plat are being changed and I'll show you the original. I'll pull up the Preliminary Plat in a second, but you can see the detention is right here and the detention is the OS-2 zoning. Then along fronting on Butterfield and Farnsworth is the B-2. So this right here is what the lot lines are going to look like once the Preliminary Plat and then the Final Plat. There are 3 lots here. The reason we are doing the rezoning is because the legal description of the OS-2 and the B-2 parcels are changing. So to give you a sense of what I'm saying here, you can see that these are the different lots. Lot 4 is the original Open Space and then Lots 1, 2, 3 and 5 are the B-2. So we are rezoning, but we are really changing the legal description of the zoning lots. Does that make sense to everybody? Any questions about that so far? We can come back to that if you have more questions. Then going back to the Preliminary Plan, I think I just kind of covered everything so far, but as you can see, on Lot 2 there is the 10,000 square foot retail with the fast food drive through. Then Lot 1 is the existing gas station with, again, the truck stop. Lot 3 is the open space. You can see that there's a, kind of south of the detention pond, there is a home which is not being included in this development. I think that's essentially the proposal. They saw the staff report. Any questions for staff at this point?

The Petitioners were sworn in.

Good evening everybody. My name is Dan Soltis. I'm with CIMA Developers. CIMA Developers is the Real Estate and Development arm of the Pride stores. Some of you may remember me. The last time I was in front of this Commission was back in 2015 for what Steve had explained a little earlier. Fast forward to now. We've had to kind of re-evaluate the project in general. Two of the big reasons; the

first being the original cost of the detention pond from the first original development was in excess of what we expected to pay. It was over \$1.2 million dollars to just do that detention area. Another reason for the change is our push on the diesel offer. As Steve mentioned, our diesel offer is not a truck stop. It is a quick grab and go type scenario, 3 lanes. We do have diesel at that site now on 1 of the dispensers, but these are high flow dispensers, so they are able to accommodate quicker fills. They are able to accommodate fills from both sides. It gets the trucks in and out. We can accommodate large trucks now on the current site, but this will allow for that much more truck fueling. Currently the site does about 10,000 gallons of diesel fuel a month now. We anticipate that diesel volume to jump to hopefully around 75,000 to 80,000 gallons a month. This site is more than capable of handling that type of flow. That's really the reason for that. The retail center, nothing has changed on the retail center since we originally had brought this back in 2015. We anticipate 3 to 4 tenants. As Steve mentioned, the drive through, we kept it on that east side. We kept the west side for like maybe a restaurant or like a global brew tap house or something along those lines and then maybe a non-restaurant in the middle units. We are excited about presenting this again. Like I said, Todd Abrams from WT is on board tonight as well and hopefully can answer any and all questions.

Chairman Pilmer said any questions for the Petitioner?

Ms. Tidwell said I have a question. The description talked about stacking trucks and that there was adequate space for them. Can you say how many trucks could be stacked at any one time?

Mr. Abrams said I should be able to give you that information. There should be a circulation plan in the packet that shows the amount of stacking. Bear with me one second here.

Mr. Soltis said as Todd is looking for that, just to give you a perspective, the 80,000 or 75,000 gallons of fuel a month breaks down to roughly 2,500 gallons a day. Average trucks can fuel up anywhere between 50 gallons to 100 gallons per fill up, so if you do the math, we're probably looking at maybe 30 to 45 trucks a day. Busy times in the morning and busier times in the afternoon based off truck traffic and things. A busy hour maybe could be between 5 and 8 trucks, maybe 8 to 10, somewhere around that line just to kind of give you an idea of what we anticipate on volume there.

Mr. Abrams said there is sufficient space for at least 1 truck to stack behind trucks that are fueling in each of the 3 lanes. That would be 1 in each lane, stacked 1 in each lane. There would be approximately 3 additional stacking spaces further to the west and kind of northwest of the diesel dispensers. Typically I do quite a few of these types of projects. One of our big clients is Speedway. They are constructing these types of developments all over the place. The typical standard is enough space for 1 truck to stack behind each truck fueling. We've got that and then we've got a little bit of excess in that turn around area.

Ms. Tidwell said okay and then are you adding underground storage tanks for the expansion?

Mr. Abrams said all of the detention is actually at grade. You can see in what Steve described as the Lot 3, there are 2 at grade detention ponds with landscape retaining walls that are tiered to meet the city's requirements. All of the detention will be at grade and open space.

Ms. Tidwell said I'm sorry. I was referring to underground gasoline or diesel storage tanks.

Mr. Abrams said I'm sorry. Yes, we are showing underground storage tanks. You can see them. They are kind of hard to see on the Preliminary Plans, but it is in the southwest, kind of in the southwest corner of that new truck turn around area.

Ms. Tidwell said and I assume that whatever environmental approvals need to be gotten are gotten or will be?

Mr. Abrams said typically the way, obviously the Fire Marshall is something that does take place a little bit further along in the process. But yes, that is something that will have to be obtained.

Mr. Elsbree said I've got a couple of questions. So the detention area, did that replace the retention pond? There was a pond there and now there is a detention for fuel?

Mr. Abrams said the new diesel canopy is going over an existing, I call it a quasi-detention pond, because in reality it doesn't provide that much detention. There is a 12 inch pipe that drains that existing pond that is out there that's south of the car wash, but part of the design is to provide that volume in the other ponds that we are providing. Yes, we are going to be filling in that existing pond, but it is being offset by the new detention system, if that make sense.

Mr. Elsbree said so I'm trusting the city has this all under control, right? There's not going to be any fuel in the creeks?

Mr. Abrams said we will meet all the requirements of the county and the city ordinance as far as discharging into the pond. One other addition too. There will be wetland plantings in the bottom of the detention ponds, so those actually help above and beyond the mechanical systems. They really help with the filtration.

Mr. Elsbree said as long as there's not diesel in there, right? I am a truck driver, but there are gas leaks, not from you or from the gas station necessarily, but overflowing fuel tanks constantly everyday and if you guys are at gas stations you know because they are cleaning it up all the time. I've just got a concern. There is a creek not too far away from there. I'm sure the city has it under control, but I just wanted to say something. A couple more questions. My understanding is there is no truck parking, no overnight parking anyway, right?

Mr. Abrams said correct.

Mr. Elsbree said traffic-wise getting out of there going south on Farnsworth out of that parking lot I would assume you can't go north.

Mr. Abrams said correct. That is correct. There is a barrier median on Farnsworth, which basically prohibits only a southbound turn movement out of that diesel canopy area.

The public input portion of the public hearing was opened. No witnesses registered to speak. The public input portion of the public hearing was closed.

Mr. Broadwell said taking a step back, one of the issues that we've come across with the Engineering Department and with the Petitioner is that you can see there is the private home there south and west of the detention ponds. We are working on a way to basically ensure that the private home can continue to have access to their home from Butterfield or at least from the outside. I'll read the recommendation. Staff would recommend conditional approval of a Resolution approving a Revision to the Preliminary Plat and Plan for the property located at the southwest corner of Butterfield Road and North Farnsworth Avenue with the following conditions:

1. That prior to Final Engineering being approved for the subject property, the necessary easements for vacation and dedication of the private drive on the subject property be recorded at the Kane County Recorder's office.

Mr. Sieben said this is just a Preliminary. This will come back for a Final, so we can work out any movement of that access easement for that home by the Final and the Petitioners are agreeable to that.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Ms. Tidwell

MOTION SECONDED BY: Mr. Chambers

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mrs. Head, Mr. Hull, Ms. Tidwell

NAYS: None

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, December 9, 2020, at 4:00 p.m. which will be held via tele-conference.

20-0653 An Ordinance Establishing a Special Use Planned Development at the Southwest Corner of Butterfield Road and North Farnsworth Avenue, to be Incorporated Under the Existing PAS Plaza Plan Description, and the Aurora Zoning Ordinance and the Zoning Map Attached to an Underlying Zoning of B-2(S), General Retail District and OS-1(S), Conservation, Open Space, and Drainage District (CIMA Developers, LP - 20-0653 / BA36/3-20.166-Ppn/Psd/R/SUPD/R - SB - Ward 1) (PUBLIC HEARING)

Mr. Broadwell said staff would recommend approval of the Ordinance establishing a Special Use Planned Development at the southwest corner of Butterfield Road and North Farnsworth Avenue, to be incorporated under the existing PAS Plaza Plan Description, and the Aurora Zoning Ordinance and the Zoning Map attached to an underlying zoning of B-2(S), General Retail District and OS-1(S), Conservation, Open Space, and Drainage District

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Head

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mrs. Head, Mr. Hull, Ms. Tidwell

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?

Mr. Chambers said yes, and these are listed in the staff report.

2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

Ms. Tidwell said yes it is.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Anderson said yes it is.

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

Mr. Hull said there should be no adverse effect to the traffic. Since it is a right-in/right-out, it will only be impacting the southbound traffic.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mr. Cameron said these are either in place or will be provided.

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?

(Inaudible).

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

Mrs. Head said no it should not.

- 9b. Is the special use in all other respects in conformance to the applicable regulations in 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 Pilmer said I would state it is in conformance with all applicable regulations of the district.

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, December 9, 2020, at 4:00 p.m. which will be held via tele-conference.