



City of Aurora

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

Legistar History Report

File Number: 16-00781

File ID: 16-00781

Type: Ordinance

Status: ATS Review

Version: 3

General Ledger #:

In Control: Planning & Development Committee

File Created: 08/16/2016

File Name: BP / 407 S. Lake / Gas Station Rebuild / Special Use PD

Final Action:

Title: An Ordinance granting a Special Use Permit for a Planned Development with a gasoline station use on the property located at 407 S. Lake Street being the west side of Lake Street between Gale Street and Prairie Street.

Notes:

Agenda Date: 11/21/2016

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description, Exhibit "B" Plan Description - 2016-09-30 - 2015.223.pdf, Property Research Sheet - 2016-07-28 - 2015.223.pdf, Land Use Petition and Supporting Documents - 2016-08-11 - 2015.223.pdf, Plat of Survey - 2016-08-11 - 2015.223.pdf, Legistar History Report (Special Use Planned Development) - 2016-11-08 - 2015.223.pdf

Enactment Number:

Planning Case #: AU21/4-15.223-Su/Fpn

Hearing Date:

Drafter: aminnella@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	08/16/2016	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	08/23/2016					
	Notes: Mr. Minnella said staff is in the process of reviewing the Final Plat and Plan and is making comments and will be able to send comments soon. Hopefully by today or this week actually.						
	<i>Mr. Sieben said so here's the plan. What they are doing basically is the pumps are staying in the location they are. They are tearing down the small building and building a newer convenient store kind of building with additional parking, so they are expanding back on the property. They are trying to maximize the landscape setback along Lake Street. Right now there is about 2 feet. They are trying to get it about 6.8 feet or so. They would be doing new signage, etc. It looks like it would be branded</i>						

as a BP.

Mr. Thavong said in terms of Engineering, there is not much on the site. We did receive a site plan and we are going to be taking a look at that and send out comments.

Mr. Frankino said we don't have this yet. But if it is a tear down, we are going to ask for the service to be a new service or line the old one just to mitigate filtration issues.

Mr. Beneke said we are approving it.

Mrs. Vacek said we did make a comment about they are not showing a handicap spot, so we did make a comments about that.

Mr. Beneke said okay.

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

Notes: Mr. Minnella said we are in the process of reviewing the plans submitted and we are trying to work out a better layout of the site. We'll send those comments out as soon as we can.

Ms. Phifer said our main concern is that they are really only using the very front of the property and that leaves a lot of vacant land to the back that we are a little worried about fly dumping and about it just being sort of a no man's land back there. So with that, we'd like to try to encourage the Petitioner to incorporate a little bit more of the land that they own into the site plan. We also think it will make it a more efficient and aesthetically pleasing layout in the street. So we are going to be sending them comments with that and understanding that there is a threshold of pavement coverage that we need to make sure that we are staying under so we don't kick in some extra stormwater requirements that otherwise wouldn't be required, so I think we are being cognizant of that as we make some suggestions for the site.

Mr. Feltman said were you talking about adding parking to the rear of the building?

Ms. Phifer said to the side, to the north side.

Mr. Minnella said to the northeast side.

Mr. Feltman said we deferred Engineering to when the Special Use is completed.

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 revised plans.

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

Notes: Mr. Minnella said the Petitioner contacted staff informing us that they will address comments and they will be in touch with us as soon as they can, but they haven't given us a specific date yet.

Mr. Feltman said because this was a Special Use, Engineering deferred the Final Engineering for building permit, so we don't have anything.

Mr. Frankino said I don't believe there is any civil work outside for this, sanitary related, so we're good.

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

Notes: Mr. Minnella said staff sent comments and we look forward to receiving revised plans.

Mr. Feltman said because it was a Special Use, Engineering deferred the final engineering until after it was completed and then they would come in with a Final Plan, correct? So we'll get our engineering, or no?

Ms. Phifer said this is the Final Plan, a Special Use and Final Plan.

Mr. Feltman said well we deferred it.

Ms. Phifer said you'll get that with the building permit then, but I think the main thing is that they are

under your disturbance threshold that they're not going to require detention.

Mr. Feltman said right and I believe after looking at it before they were below it.

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

Notes: *Mr. Minnella said staff sent comments to the developer and we are still waiting on a resubmittal, which should be fairly soon according to the Petitioner.*

1 DST Staff Council 10/04/2016
(Planning Council)

Notes: *Mr. Minnella said the Petitioner submitted plans. Staff is in the process of reviewing the submittal and we should send out comments soon.*

Mr. Sieben said and Engineering is deferred until the Special Use would be granted.

1 DST Staff Council 10/11/2016
(Planning Council)

Notes: *Mr. Minnella said staff received and reviewed the resubmittal. Comments will be sent out soon, within a day or two.*

Mr. Feltman said this is the one that Engineering had deferred Final Engineering Plans because it was a Special Use, so we hope to get them for the building permit.

1 DST Staff Council 10/18/2016
(Planning Council)

Notes: *Mr. Minnella said staff has sent out comments. We haven't received revised plans quite yet, but we look forward to receiving those comments pretty soon, hopefully.*

1 DST Staff Council 10/25/2016
(Planning Council)

Notes: *Mr. Minnella said the Petitioner dropped off their resubmittal last week, Friday. Staff is reviewing their resubmittal. It looks like they are close to being done with any other comments, so they will go to Planning Commission on November 16th.*

Mrs. Vacek said we did send out the public notices.

Mr. Beneke said there was a pretty substantial change for the fire stuff on that. We need to take a look at that again because there are some things that the plans show differently from what was originally there and we may have some comments that have to be resolved now that were not a problem before.

1 DST Staff Council 11/01/2016
(Planning Council)

Notes: *Mr. Minnella said signs will go up for Planning Commission set on November 16th. It is my understanding that a few fire comments still need to be addressed, but the Petitioner is working on those comments to be addressed.*

Mr. Sieben said what were the remaining issues?

Mr. Cross said just some dimension comments need to be addressed. Initially he addressed some of the plans as far as in the digital copy in regard to the sprinkler system. On the old plan he said they weren't. On this one, there was no note saying they were or were not and so I just wanted to have some clarification on some dimensions. Nothing really major, but we just have to make sure on dimensions.

1	DST Staff Council (Planning Council)	11/08/2016	Forwarded	Planning Commission	11/16/2016	Pass
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Action Text: *A motion was made by Mr. Minnella, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 11/16/2016. The motion carried by voice vote.*

Notes: *Mr. Minnella said it is my understanding that the Petitioner revised the Fire Access Plan according to review comments that were sent out. They are scheduled to go to Planning Commission on November 16th. I would like to vote this out. I make a motion to move this item forward. Mrs. Vacek seconded the motion.*

Mr. Cross said we don't have a hard copy of those revisions yet. There was nothing over in Herman's office.

Ms. Phifer said Sue do you know if we got a hard copy of those?

Mrs. Jackson said I think we did.

Mr. Cross said because we signed off on the initial plan, but then they did the change and we didn't sign off on the change.

Mrs. Jackson said I can check.

Mr. Feltman said when they submit for a building permit, they're going to have to submit engineering plans.

The motion carried.

2	Planning Commission	11/16/2016	Forwarded	Planning & Development Committee	11/21/2016	Pass
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Action Text: A motion was made by Mrs. Anderson, seconded by Mrs. Cole, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 11/21/2016. The motion carried.

Notes: See Attachment for Items 16-00781 and 16-00782.

Aye: 8 At Large Bergeron, At Large Cole, At Large Pilmer, Aurora Twshp Representative Reynolds, At Large Anderson, At Large Divine, SD 131 Representative Garcia and At Large Owusu-Safo

3	Planning & Development Committee	11/21/2016				
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Attachment for Items 16-00781 and 16-00782:

- 16-00781 Requesting the establishment of a Special Use Planned Development on the property located at 407 S. Lake Street on the west side of Lake Street between Gale Street and Prairie Street (Amphion Engineering – 16-00781 / AU21/4-15.223-Su/Fpn – JH – Ward 4) (PUBLIC HEARING)
- 16-00782 Requesting approval of a Final Plan for Lot 1 of Marshalls Addition Subdivision located at 407 S. Lake Street on the west side of Lake Street between Gale Street and Prairie Street for a Gasoline Station (2831) Use (Amphion Engineering – 16-00782 / AU21/4-15.223-Su/Fpn – JH – Ward 4)

Mr. Minnella said as you just introduced, the Petitioner is seeking your approval for the establishment of a Special Use Planned Development for a gas station use for the property located at 407 S. Lake being the west side of Lake Street between Gale Street and Prairie Street. The site is currently a vacant gas station, abandoned, in advanced conditions of deterioration and the Petitioner is proposing to demolish the existing building and build a new 2,231 square foot gas station for retail and resurface the existing canopy and pumps as well and adding additional parking spaces to the existing 13 parking spaces that are also required for the site. The Petitioner is also requesting not only the establishment of this Special Use Planned Development District, but also the approval of a Final Plan. With the Special Use Planned Development also we are proposing to limit certain uses on site and providing additional regulations for additional signage also proposed with the Final Plan. Tonight the owner and the person who will run the business are here for any questions the Commission might have.

The Petitioners were sworn in.

My name is Animesh Kumar and I'm the owner of Excel Investments, LLC. We are in development of gas stations in Illinois. This will not be our first. So far we have completed 31 in the State of Illinois from all the way south, central and the north. We are looking forward to making it a good gas station and good for the community to have a special use for any type of groceries or gas or anything they are looking for.

Mr. Sieben said I believe this is going to be a BP gas station. Is that correct?

Mr. Kumar said yes. We already have an option for all the brands because Excel also wants us to build BP's, Exxon Mobile and Marathon, but we are going with a BP. We just completed one. If you go on the same road and cross I-88 you will see on your right hand side right after I-88 is the BP. We completed it last year.

Mr. Sieben said is that Route 31?

Mr. Kumar said Route 31. It is called South Lincolnway.

Mrs. Cole said what are the hours of operation going to be?

Mr. Kumar said we are starting around 4:30 to 5:00 until 10:00 o'clock.

Mrs. Cole said and you said starting. Does that mean that could change?

Mr. Kumar said it depends on how the demands are. It is not going to have anything else than the grocery and the gas. So normally 10:00 to 10:30 is the cutoff time. If the market is looking for more hours, we can increase. It is not going to be 24 hours though. We don't operate any 24 hour operations.

Mr. Bergeron said are you going to have food service there as well?

Mr. Kumar said we are planning for that, hot foods, but we are still waiting for our franchisee to approve us. Right now it will be prepared food, not the hot food, but if we get our franchisee approval we will have hot foods too.

Mr. Reynolds said did I read correctly there is no alcohol?

Mr. Kumar said no, no alcohol.

Mr. Sieben said this would not qualify for alcohol because it does not meet the size criteria. Also, I believe, because it is in the River Edge Redevelopment Zone, which is the area near and expanded of downtown, our liquor ordinance does not allow gas stations to have a liquor license, even if they met the square footage in that area.

Mrs. Cole said I have another question. This has been a gas station in the past, which means there were gas tanks buried there. I don't know if those were removed and if they were not, are you going to be using new gas tanks instead of just reusing the old ones, which are certainly of a non-determinant age and probably don't have all the safety issues built into them that the newer gas tanks do?

Mr. Kumar said we got approval from the Environmental Protection Agency of Illinois. Two years back when we started to operate with a smaller store, we got everything recertified and re-engineered as per the new codes. As far as the tanks are the concerned, we would love to change the tanks, but the EPA requirement is saying that right now we cannot change because of the condition of the area, so they are saying you can use it for another 12 years with the same tanks. These are the steel tanks and they are good for another 10 to 12 years. That's what the EPA gave to us. If we have to, we are ready to do that because when we are building it we can change it, but they said you don't have to do it right now. They are with the new codes, new structure, new piping and new interline piping as well.

Mrs. Cole said they do have the new piping or they don't?

Mr. Kumar said they do have. When we started around a year and a half back, we did all these things.

Mrs. Cole said okay so you did that work in the last 2 years?

Mr. Kumar said yes.

Mrs. Cole said okay. I did not realize anybody was working on that down there.

Mr. Kumar said in 2014 we took over the property and we thought of changing that time the size of the building and everything, but before that we opened the store just to see how the market is and all. We had owned it for like 6 months, if I'm not wrong, 5 to 6 months, and before you open and you close a store you have to get all these things up to the mark, otherwise the EPA will not allow you to sell the gasoline from there.

Mr. Bergeron said has the property passed all the soil tests?

Mr. Kumar said yes, I think we already sent the report and everything to the city.

Mr. Sieben said just one comment to add because I've been dealing with these gentlemen on the front end for the last year or two. One thing we had always talked about, this goes back a while, even with the previous owners that wanted to redevelop, we had tried to get this redevelop with potentially new canopy and new gas pumps where you could get a little bit of a larger setback. That really wasn't economically feasible, so we worked with the Petitioner to basically leave the pumps and the canopy in the same spot but to get as much of a landscaped setback as we could along Lake Street. Currently it is only about 2 to 3 feet right there between the drive isles. We were able to get about 6.8 feet as shown on the plan, so we were able to expand that. So the goal is to try to aesthetically get it a little bit better looking than what it is now. That is really the goal and they worked with us on that.

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

My name is Antonio Morales.

Mr. Sieben said what's your address Tony?

Mr. Morales said this is the lot right next to the building. This is my lot behind.

Mr. Sieben said is it a vacant lot?

Mr. Morales said yes. I want to ask him how big he wants to do the building of the gas station. How many square feet is it?

Mr. Minnella said the building is slightly over 2,000 square feet.

Mr. Kumar said I got his question. You have to see the map. The building size is there and then all the back is the land.

Mr. Morales said so you want to use it all?

Mr. Kumar said no. The building is almost from there, if I'm not wrong, at 46 plus 20. The 66 feet back is empty after the building.

Vice Chairman Cameron said the back is in grass. Is that correct?

Mr. Kumar said yes, grass.

Mr. Minnella said and the Petitioner also worked with staff fully landscaping the entire site. The site will be landscaped along the boundaries, along the perimeter of the site. They did a good job working with staff and meeting the standards, the requirements that the city asked.

Mrs. Cole said so the large vacant area behind the building, which I think was addressed in the staff report, they are going to just landscape that and it will be open space?

Mr. Sieben said it will be grass and then the fence will be on the perimeter, so the fence will be on the back perimeter of the property.

Mr. Minnella said I will show the Commission also the landscape plan. To the back of the property you will see that is a wood fence. There will be a buffer area, which will be landscaped with grass and there will be also canopy trees, understory trees screening the parking lot as well as the cedar shrubs and evergreen shrubs. Also, all around the building, the retail store, there will be shrubs surrounding the building as well as on the edges of the site and fronting Lake Street they are providing additional landscaping material.

Mrs. Owusu-Safo said is there any future proposed use for this big grassy area that is going to be left open?

Mr. Kuman said we have not decided yet because our main concern right now is to get the gas station building up and the business to start because for the last 2 years we are paying everything and there is no income from that building. But depending upon demand, if it is needed and the city will approve use, and we have any plans, we can do it. But for today we are not planning anything apart from making a building for the store.

Mrs. Owusu-Safo said I asked because the side setback is 20 feet, but the parking spaces are within the setback on the northern area where the arrow is, so I was just wondering why it didn't go behind the building for the parking instead of being within the setback.

Mr. Sieben said the property to the north is actually zoned business so it is not 20 feet, so that's why we had him do it like that.

Vice Chairman Cameron said did you get your question answered?

Mr. Morales said I'm okay.

The public input portion of the public hearing was closed.

Mr. Minnella said staff recommends approval of the petition for the Special Use Planned Development.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mrs. Cole

AYES: Mrs. Anderson, Mr. Bergeron, Mrs. Cole, Mr. Divine, Mr. Garcia, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds

NAYS: None

FINDINGS OF FACT

1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Cole said these 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?

Mrs. Owusu-Safo said yes. It was previously a gas station and is still going to be a gas station.

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

Mr. Pilmer said as this is a redevelopment of an existing gas station, basically an upgrade, it is consistent and there should be no change.

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

Mr. Pilmer said again, there should be no change with the relationship with the traffic pattern or traffic. The building is actually placed a little further back from the street, but ingress and egress remain consistent.

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

Mrs. Anderson said everything is already in place.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Mrs. Owusu-Safo said I believe it takes adequate measures since it meets all the required setbacks and it has a pretty good access from both directions with a 2 way access at both entrances. It should be fine.

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

Mr. Pilmer said this is a redevelopment of an existing station that had been closed and there are, to my knowledge, no similar uses directly in the neighborhood and should be an improvement for the neighborhood.

9b. Is the Special Use in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?

Vice Chairman Cameron said by the nature of the Special Use is it in conformance.

10a. What effect will the proposal have on traffic or general area? Has ingress and egress been designed to minimize congestion in the public streets? (For automobile intensive uses, including but not limited to, gas stations, car washes, and drive through facilities, the concentration of similar uses within 1,000 feet of said subject property should be given consideration as to the impact this concentration will have on traffic patterns and congestion in the area.)

Mr. Reynolds said the ingress and egress is the same as it's always been and I don't think there has ever been a very serious problem, so I think the Special Use will work out very well. Certainly the brand will as well.

Mr. Minnella said for the Final Plan, staff recommends approval of a Final Plan for Lot 1 of Marshalls Addition Subdivision for a gas station located at 407 S. Lake Street being the west side of Lake Street between Gale Street and Prairie Street.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Pilmer

AYES: Mrs. Anderson, Mr. Bergeron, Mrs. Cole, Mr. Divine, Mr. Garcia, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds

NAYS: None

Mr. Minnella said this will next be heard at the Planning and Development Committee meeting on Monday, November 21, 2016, at 4:00 p.m. in the 5th floor conference room of this building.