



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
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Legistar History Report

File Number: 18-0400

File ID: 18-0400

Type: Petition

Status: Draft

Version: 2

General Ledger #:

In Control: Planning & Development Committee

File Created: 05/04/2018

File Name: JRG West Aurora, LLC / 2340 W. Indian Trail / Special Use

Final Action:

Title: An Ordinance Granting a Special Use Permit for a Restaurant with a Drive-through Facility (2530) Use on the Property Located at 2340 West Indian Trail (DXU Studio Architects - 18-0400 / AU18/1-15.156-Su/Fpn - SB - Ward 5) (PUBLIC HEARING)

Notes:

Agenda Date: 10/11/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2018-09-24 - 2015.156.pdf, Exhibit "B" Memorandum of Agreement - 2018-09-24 - 2015.156.pdf, Plat of Survey - 2018-05-04 - 2015.156.pdf, Land Use Petition and Supporting Documents - 2018-05-04 - 2015.156.pdf, Property Research Sheet - 2015-07-22 - 2015.156.pdf, Legistar History Report (Special Use) - 2018-10-04 - 2015.156.pdf, Findings of Facts - 2018-09-18 - 2015.156.pdf

Enactment Number:

Planning Case #: AU18/1-15.156-Su/Fpn

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/08/2018	referred to	Planning Council			
	Action Text: This Petition was referred to to the Planning Council						
1	Planning Council	05/15/2018					
	Notes: Representative Present: Bill Perry						

Mr. Sieben said we have Bill Perry here on behalf of the developer. So Bill if you could come up and introduce yourself and touch on the status of this. I know this is being slightly modified, so if you want to talk about that.

Mr. Perry said the building is getting smaller.

Mr. Sieben said why don't you touch on kind of what you are proposing as far as the overall picture?

Mr. Perry said it is a proposed retail strip center with ATI Physical Therapy as a major tenant, as well as Jersey Mike's. Jersey Mike's would have the drive-thru. We are proposing that to be on that far eastern side. The normal kind of retail strip center here along Indian Trail. We've had numerous conversations, Herman along with Dan, we had some conversations about sprinklers and currently we are proposing to not sprinker the building because of the size of it. Therefore, the issue that we had been talking about with regard to a fire hydrant has been taken off the table. There are existing hydrants to cover the rest of it, but we don't need one in proximity to the Siamese, although the site plan still has that hydrant on there.

Mr. Feltman said the total square footage is 8,320?

Mr. Perry said currently, which falls under that threshold and then it is even getting smaller from there.

Mr. Feltman said there was some talk about having a sprinkler sized water service being brought into the building and from an Engineering standpoint, we would prefer not to do that, especially since it is way under the threshold. What is the threshold for sprinkling?

Mr. Beneke said first of all if there is a restaurant in here and it is over 5,000 square feet it, needs to be sprinkled.

Mr. Perry said if there is a restaurant at all?

Mr. Beneke said over that number, then the number is 12,000 square feet. You are under it if you don't have a restaurant. If you do have a restaurant in there and you maintain it under 5,000 square feet, if you provide a fire barrier between the spaces and create it in the fire areas, you still are under the threshold of not needing a sprinkler system. So that's the key to create the appropriate separation within them. You do still need 2 hydrants for coverage of the building regardless. You just don't necessarily need the supply hydrant for the FDC if there is no sprinkler system. The key is just making sure that you don't go over those thresholds. The size that it is, if you came in and you had a larger tenant, then you could end up going over that threshold. But based on what I understand the tenants are going to be and where you are going to be at with it, it sounds like you are probably not going to run over that. You just need to strategically look at that, so either a fire wall or a fire barrier between the spaces.

Mr. Sieben said this plan is going to change slightly. Do you want to just touch on what the change is going to be to this?

Mr. Perry said the proposal is to instead of 3 tenants, which is what this building shows, to have 2 tenants and with that the square footage of the building would come down. I believe the discussion is 1,800 square feet to be lost.

Mr. Sieben said so you are showing 8,320 on this and I thought you were coming down to about 6,500 square feet. Does that sound right?

Mr. Perry said it is in that ballpark for sure. With that, we are looking at whether or not we would make (inaudible). The initial discussion was just to shrink the building and go west with it and kind of take the whole drive-thru lane and move everything to the west. However, when we were looking at that it didn't really make sense to have what would be like 4 parking spaces behind the building with the trash enclosure back there. That seemed pretty awkward and expensive for just 4 parking spaces and so we are looking at making a maneuver change because of that. Then I know that you had questioned me on the location of the driveway and the proximity to the access point. We haven't made any wholesale changes because of that yet, but I think we maybe have some opportunity now. At a minimum, push the whole thing to the east and then get it a little further away from that access

point. One of the things I brought up to the owner was what about, would it be possible to have an access point off the right-in/right-out? Has that been thrown around at all? You don't like that idea?

Mr. Feltman said no.

Mr. Perry said I know we have it is a lot if instances.

Mr. Feltman said we do, but I'd prefer, well we can talk about it. When I've discussed this driveway in particular in the past with the city Traffic Engineer, he did not want to see a driveway off the (inaudible).

Mr. Sieben said if you are working on the notices, I believe like Steve said, they are due back tomorrow because this was going to go to the June 6th Planning Commission. I think even with the small change, provided we get everything in quickly, that can still work. But, again, we do need to see that and see what you guys are changing.

Mr. Beneke said and it is important to get that in our hands because I really can't look at that without having the new information. Otherwise, I've got to look at it as it is right now. So the sooner I get that in my hands, myself and the Fire Marshall can sit down and look at it, confirm what you are presenting and hopefully be able to sign off on it. It looks like there is nothing major that's a concern other than the questions before about the sprinkler and the FDC.

Mr. Perry said the building would be getting smaller, so I would think that if you are okay with the plan the way it is now that it is only going to get better for you.

Mr. Beneke said well we're not okay with it right now because you've got sprinklers and a FDC hydrant that don't apply, so we need to get the modification.

Mr. Perry said does the current plan that was submitted have a sprinkler system? I thought it did not.

Mr. Beneke said I think it had the FDC and the sprinkler.

Mr. Perry said I know it got changed, or was being discussed to be changed right at the last minute.

Mr. Beneke said get us what you are really looking at. We need to see that. We need to approve what you are trying to do.

Mr. Perry said let's talk, if we could real quick, about what would happen if we do need to sprinkle the building. You want the hydrant within 50 feet to 100 feet.

Mr. Beneke said they need Fire Department Connection, which needs to face the street of address.

Mr. Perry said okay, and then the existing water is behind the center, and so that's what we are concerned with is having a long dead-end line for a hydrant.

Mr. Beneke said right.

Mr. Feltman said what's the longest distance, 150 feet or 100 feet?

Mr. Beneke said for what?

Mr. Feltman said from the FDC.

Mr. Beneke said the hydrant to the FDC is 100 feet maximum.

Mr. Feltman said and when you looked at that, that wasn't going to work.

Mr. Perry said you were going to have like a 300 foot dead-end fire hydrant or something.

Mr. Beneke said but if the whole sprinkler thing goes away then that's not an issue.

Mr. Perry said I agree and it might, but I just want to know what the answer is if we do need it.

Mr. Beneke said it sounds like you may have to loop a main to get it to work then. I don't know how you are going to do it, but unless the Fire Marshall approves locating that somewhere other than what the normal code requirement is, which he might do, but you'd have to present it that way.

Mr. Perry said I can tell you that the CVS and the other stuff around here has the FDC facing internal instead of the road.

Mr. Beneke said I understand, but I can't answer for the Fire Marshall.

Mr. Feltman said is there something extra that can be done like a light, a strobe or an alarm?

Mr. Beneke said that's all required. This is all about their being able to drop their hoses, make their connections and everything and the distance between that hydrant to the Fire Department Connection. It really has to be within that distance, but they have at times allowed somebody to move it under certain circumstances. It's got to be presented to him if you are going to go that way. I honestly think your better answer is to just go the way you talked about. It doesn't sound like it needs to be sprinklered. It sound like it is small enough.

Mr. Perry said tell me the thresholds again.

Mr. Beneke said so I believe the threshold for a mercantile space is 12,000 square feet, 12,000 is our max. Restaurants are 5,000 square feet.

Mr. Sieben said what does that mean? The restaurant in this case...

Mr. Beneke said if you do separate fire areas, it is a fire area requirement, so if you create a 2 hour wall between the spaces then you're less than, you've just got to build it right, and you are less than the 5,000 square feet, you don't have to be sprinklered. I don't think the uses you are talking about are going to be that large.

Mr. Perry said so as long as a restaurant, Jersey Mike's in this case, is less than 5,000 square feet of that building...

Mr. Beneke said and you put a fire barrier in there...

Mr. Perry said and you put a fire wall up then you are fine.

Mr. Beneke said you'll be fine.

Mr. Sieben said so Bill do you think this will be ready for June 6th? Are we going to get something here in the next week because it sounds like there are a lot of issues left? I'm a little surprised that there are this many. We're trying to move you guys along. It sounds like you guys are really thinking of changing this whole thing. I'm a little concerned. Do you know where Brian is at? Is he doing the notices?

Mr. Perry said I do not know.

Mr. Beneke said did you not modify these plans already?

Mr. Perry said no.

Mr. Sieben said so we are all commenting on something we don't see, can't see.

Mr. Beneke said either that or we stay with this and we talk about it in that fashion.

Mr. Sieben said I'm a little hesitant. I don't know where you guys are at since Brian's not here. Could you have Brian contact us today so we can find that out? I don't know if he's already done the notices or not. Are they due back to us tomorrow?

Mr. Broadwell said yes.

Mr. Sieben said so if you could find out, if either he or you could call us today. I don't have problem if we need to hold this a couple of weeks until the next one in June until we get this worked out. That's fine. We were already to go on this.

Mr. Beneke said and honestly for me the same answer is true. If this building is 8,320 square feet and you have fire barriers and you are still under the 5,000 for a restaurant, you are still okay. But I've got to know what direction. I've been told that you are changing direction, so if we are going with this, if we get that criteria and we still keep it in a non-sprinklered I think we are still okay. We just need have a direction on where you are going.

Mr. Frankino said you know about the requirement for a grease inceptor outside, but in the spirit of what we were just talking about, there has to be an internal under floor grease line to within 10 feet of north and south in case the future areas could become some sort of food service. That way they've got access to that inceptor.

Alderman Franco said I do have a question. So if you plan on taking this from 8,320 square feet down to 6,700 and you are going to keep it at the east end where the east end is, what are you going to do with the extra space on the west side? Just green space?

Mr. Perry said yes.

Mr. Beneke said could the answer also be that this is an expansion area?

Mr. Perry said the way they have been talking about it is it is not set up to be an expansion area.

Alderman Franco said so my question is, and I seem to be very optimistic in this area that people are going to want to come to this area, so if you built a 3 unit as opposed to a 2 unit, I've got maybe chances of filling that unit in 6 months to a year, which would be pretty good, so why not build it right away? I can't comment on cost and stuff like that, but it seemed the prudent thing to do initially.

Mr. Perry said I don't disagree with you at all. I'm not the broker and that's the reason and what we're being told by the brokerage community is that that's what we should do.

Mr. Sieben said so if you guys could please get back to us this afternoon and we'll figure out where we are at status-wise. Again, I would just reiterate the comments of Alderman Franco. It would nice if they could re-think it and move forward with this. We are already to go and, again, the more retail here the better. It is a nice project.

1 Planning Council 05/22/2018

Notes: Mr. Broadwell said there are still revisions to the site plan being made.

Mr. Feltman said Engineering will be reviewing and getting back to them.

1 Planning Council 05/29/2018

Notes: Mr. Broadwell said it sounds like the Petitioner is still working on updating their plans.

Mr. Sieben said do we have the new plan in here?

Mr. Broadwell said we do not. We haven't received any revisions yet. There was some e-mail correspondence last week. It sounded like they were still working on coordinating the site plans and the elevations and engineering plans. They should be back soon if they want to get to the June 20th

Planning Commission.

Mr. Sieben said so they need to get it into us probably this week though?

Mr. Broadwell said yes. I'll check in with the Petitioner and see where they are.

1 Planning Council 06/05/2018

Notes: Mr. Broadwell said I spoke with the Project Manager last week and they are still waiting for the owner to review the revised site plan. It sounds like there are still changes coming.

Mr. Sieben said but it sounded like they may be in soon and they are going to shoot for a July public hearing date?

Mr. Broadwell said yes.

Mr. Beneke said we haven't received any revisions yet. We talked about it this morning. We are going to go ahead and put notes in there based on as if the one that we received is the adequate one and then we'll send them off something saying it needs whatever revisions and then they can provide us a new one.

Mr. Sieben said or just wait until we get the revisions. I don't know that it's going to be a major change, but you can just wait if you want.

Mr. Beneke said well what we have was with the 3 tenants. I know they said they are going to do that, but we haven't seen or heard anything.

Mr. Sieben said obviously we're just waiting until we get the revisions.

Mr. Beneke said I get it. I just want to get something in the books.

1 Planning Council 06/12/2018

Notes: Mr. Broadwell said we are still waiting for the revised site plans to come back from the architect.

1 Planning Council 06/19/2018

Notes: Mr. Broadwell said I spoke with the Project Manager. It's been on hold for a few weeks now. They are reducing the size of the building on the lot. The Project Manager said that the owner is still waiting to approve the drafts of the site plan before they send it to us. I reminded him that we were shooting for the July 18th Planning Commission and he said they were still waiting.

Mr. Sieben said we may want to eventually put this to Pending if they are not going to move this forward, but we'll see within the next week.

1 Planning Council 06/26/2018 placed on pending

Pass

Action Text: A motion was made by Mrs. Vacek, seconded by Mr. Broadwell, that this agenda item be placed on pending. The motion carried by voice vote.

Notes: Mr. Broadwell said I just spoke with the Project Manager this morning. They are still waiting for the owner of the property to approve the revised site plan.

Mr. Sieben said I think we should make a motion to put this to Pending until they resubmit the revision. Mrs. Vacek said so moved. Mr. Broadwell seconded the motion. The motion carried unanimously.

1 Planning Council 07/03/2018

1 Planning Council 07/10/2018

1 Planning Council 07/17/2018

1 Planning Council 07/24/2018

Notes: Mr. Broadwell said I actually spoke with the Project Manager from the developer and it sounds like they might have some new plans coming in.

Mr. Sieben said shortly?

Mr. Broadwell said yes, he said within a week or so.

Mr. Sieben said once they do come in, we can move this back up to active.

Mr. Broadwell said but that's just based on a phone conversation.

- 1 Planning Council 07/31/2018
- 1 Planning Council 08/07/2018
- 1 Planning Council 08/14/2018
- 1 Planning Council 08/21/2018
- 1 Planning Council 08/28/2018
- 1 Planning Council 09/04/2018

Notes: Mr. Broadwell said this has been pending for a few months. The Petitioner resubmitted on August 31, so we are just starting the review process to get it going again.

Mr. Sieben said okay, so those will be moved up to active then?

Mr. Broadwell said yes.

Mr. Vacek made a motion to move this back up to active. Mr. Broadwell seconded the motion. The motion carried unanimously.

- 1 Planning Council 09/11/2018

Notes: Mr. Broadwell said this was on hold. There were some changes with ownership going through. So what we have here is the Final Plan. So it is a 3 tenant building. They are going to build 2 of the 3 tenants pretty soon.

Mr. Sieben said it is a 2 tenant building. It changed, correct?

Mr. Broadwell said right, but I spoke with the Petitioner yesterday afternoon and so they are going to on the plan add like a future footprint of the building expansion, so right now it is just 2 units.

Mr. Sieben said so the westerly unit, which is at the top there, that will not be built at this time?

Mr. Broadwell said yes. Then they will put the footprint in there and also with the 20 parking lots on the south side. I think that is really the big change.

Mr. Sieben said everything else is the same layout. So what they are doing is they're phasing in some of the parking so this parking field is right behind the building and then these will be done with the second phase. They are going to build the 2 units. This will be Jersey Mike's Subs with the drive-thru and then ATI and then on the west side of ATI would be the future additional unit. If you look at the bottom elevation, that's the west elevation, they are kind of finishing out the ATI side, which will make it look like a complete building. However, that will have to be modified if they ever come in with the third unit. We should probably have the Petitioner come to explain what's going on. What happened with the ownership change then too?

Mr. Broadwell said so as far as I understand, they just sold it to a new owner.

Mr. Sieben said I would have someone representing them to come next week so we can talk about it.

Mr. Broadwell said I'll reach out to them.

Mr. Feltman said Engineering just got our submittal and it is in review.

Mr. Beneke said I need to sit down with Javan and talk about it, but I think we are going to be in pretty

good shape.

1 Planning Council 09/18/2018 Forwarded Planning Commission 10/03/2018 Pass

Action Text: A motion was made by Mr. Broadwell, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 10/3/2018. The motion carried by voice vote.

Notes: *Representative Present: Brian Gallego*

Mr. Sieben said if you could give us an update on ownership because this used to be Mid-America.

My name is Brian Gallego with DXU Architects. Previously we had Mid-America as the owner for this project and then it was sold. This actually started way back in 2015 and it has been taking a while. So we talked to our client and said we better move here or just close the project. Someone came in. Spiro Angelos is now the new owner. He has this company here. It is called JRG West Aurora, LLC. They are the new ownership. We were able to get those 2 signed tenants, Jersey Mike's and ATI. So once those were signed, we said let's keep rolling. Now we are here. We also submitted our building permit concurrently to this process. That's the ownership.

Mr. Sieben said so the ownership just picked up where Mid-America left off, correct?

Mr. Gallego said that is correct.

Mr. Sieben said they have the same 2 tenants?

Mr. Gallego said that is correct.

Mr. Sieben said I think what you've done here is great. You worked with Steve. In the hashed area is the area that you are getting pre-approval now, but will not build that. That would be a Phase 2. That would be the third unit on the west side of the proposed building. That would be to add a third unit of about 2,700 square feet. Then also you see the additional 20 parking spaces, 6 to the west of the isle and then 14 to the south of the building that would be put in when the third unit was built. You've also submitted elevations. I think you have very nice elevations. You are actually having 2 windows and a finished elevation on the west side of the ATI. However, that obviously would need to be modified when that third unit comes in. I guess the question everyone has is why not just build that third unit now? It just seems like a of effort and extra cost to go ahead and build that at a later date. Could you explain that?

Mr. Gallego said the honest answer to that is that is because of our client. Us being the designers, we gave them all the options and told them that if you've got the money why not do this. Our client, Spiro, doesn't want to build anything unless he's got someone leasing the space. He doesn't want his space being vacant for 1, 2 or 3 months. He doesn't like that idea. Five Guys would probably go here. That's the next in line here. So Five Guys are now studying the area. They are doing some marketing research to see if they could actually make money in this area. The projection is that third space will be Five Guys. It's just him. No matter what we say, it is not going to happen. We, as architects, gave him all our suggestions. My opinion is building this all at one time is going to be cheaper than waiting for 1 or 2 years and building it.

Mr. Curley said especially something that small.

Mr. Gallego said exactly. That's what we are saying. Well, we are not the ones spending the money so we didn't get the chance to get it approved.

Mr. Sieben said there's no sort of restriction or anything because what's happening here is ATI is going to have a west elevation with some windows and signage. There are no restrictions on timing of that third unit is there? In other words, once ATI goes in there they are not going to complain or prohibit a third unit from going in there.

Mr. Gallego said they are not. There is no restriction. The head honcho of ATI is actually the best friend of this new owner. It is all agreed there will be no restrictions.

Mr. Sieben said is there any chance, even though you are in for building permit right now with what you are showing, that the lease for the third space could happen very quick that you would modify that before construction?

Mr. Gallego said no it's not. Five Guys will be coming in next year, so they are going to start talking about it next year. They wanted to make a study first to see if they are going to make some money here. But they are the ones who are interested in the space.

Mr. Sieben said but hopefully if that were to come to fruition right after this gets built you may begin for the third unit maybe.

Mr. Gallego said that is very true. Our client is very adamant in starting this project ASAP. That's why he instructed us to submit the building permit as well. In fact, I was going to ask if it is possible for our client, or for us, to have a foundation permit get approved because of the weather.

Mr. Curley said are you going to ask for foundation for the third unit as well?

Mr. Gallego said no because we don't want to risk it. If we ask for that then the plans are just going to change.

Mr. Curley said well just to directly answer your question, yes we will split the permit up so you can get it in the ground faster. You've got to get through this process before the permit can be issued, but as you stated, you are already in for permit anyway. Basically, when you are getting close enough to the completion of this process, just ask for a foundation only permit. We should be able to issue it almost over the counter at that time.

Mr. Gallego said thank you so much. We appreciate it.

Mr. Sieben said so the timing on this, as Steve has mentioned, this will go to the October 3rd Planning Commission, but then you wouldn't have final approval by City Council until October 23. After that date, so the 24th we could issue whatever permits are ready.

Mr. Curley said so just keep both trains on track. Be response to what the Building Department has been asking for and then within a week of that timeframe ask for a foundation only. What we'll end up asking you for is just prepared documents for what is just being asked for. The other possibility would be, obviously, if you get a full permit, you could just do the foundation only. If for whatever reason there are so many questions that are going on at that time, you could also ask for a shell and just pull a shell permit. When you get closer to that date with like a week to go, come down to the Building Department and we will sort out what we think we can give you and make it as simple as we can so you can get in the ground.

Mr. Gallego said thank you so much. We appreciate it.

Mr. Feltman said Engineering sent out a review letter and it was very minor.

Mr. Sieben said the other question we had was, and I do appreciate what you sent in regarding the 2 phases, I believe all the landscape you guys can put in immediately because your future building and parking expansion does not impact that landscaping. Is that correct?

Mr. Gallego said that is correct. We are going to do that.

Mr. Sieben said I just want to reiterate staff is very supportive of this. Two out of three isn't bad.

Mr. Curley said with the foundation, I'm really surprised that you are not, but I've been in your shoes before.

Mr. Sieben said we are actually going to vote this out today to move it forward to the October 3rd

Planning Commission. I believe notices have already been done.

Mr. Curley said Dan, were you going to talk about grading?

Mr. Feltman said if there is a comfort level, and it would be at your risk, but we could approve the site plan with the engineering and you could start doing the site work because that's not going to affect the building.

Mr. Sieben said it is just that the Special Use is for the drive-thru, that's the only thing. That's really the main thing.

Mr. Gallego said I don't think it is going to be an issue.

Mr. Feltman said in looking through the comments it is super minor.

Mr. Sieben said we've looked at this for a long time. We are all good to go with it.

Mr. Frankino said just a reminder about the under floor grease line. If this was the building in its completion, we would ask it to be taken to the far end within about 10 feet of the wall, but since there is going to be a tenant to the west, we would strongly suggest that both lines be stubbed to a point where you don't disrupt the ATI tenant so that it could be then taken into Five Guys and accessible. That's something that we'll just look for and I know you're thinking of that too.

Mr. Gallego said yes.

Mr. Curley said you might be able to get you interceptor on the east end of the property. I haven't looked at the utility plan. I assume it is going straight to Indian Trail.

Mr. Feltman said no. I think it is going back to the...

Mr. Frankino said if there is a main on the south edge of the property that would be our preference to not tap into the 30 inch, but utilize the onsite main. I think the east side would make the most sense. I couldn't imagine everything going underground, even under where the future tenant will be to an inceptor in the west side of the building.

Mr. Curley said is this building sprinklered as well?

Mr. Gallego said no it is not. It is not required by code. This is demised. Everything is demised and it is separated, but the entire building itself is not required to be sprinklered.

Mr. Curley said make sure because you are going to be probably over 100 occupants if we have the pleasure of bringing Five Guys onto the site I assume.

Mr. Gallego said well if we take the occupancy load per tenant, the Five Guys will have about 50 occupants. They limit their occupant load to 50. ATI is very limited, about 23. Then the occupant load with Jersey Mike's is only about 40 to 50 as well. If you are looking at every tenant space, they are less than 100 occupant load.

Mr. Curley said the simplest way to do it is make sure the west wall can be done, a fire separation.

Mr. Gallego said everything is going to be fire rated and separated.

Mr. Broadwell said I think as far as Zoning is concerned, there are just a few comments for the elevations. I'm going to finish those up today and have them to you as soon as possible. Also, we have the public notice sign, so I'll hand that off to you.

Mr. Gallego said I will post that right away.

Mr. Curley said the designation, or the delineation, between the stacking in the drive-thru and the bypass lane is just the striping, right?

Mr. Gallego said a striping, yes. It is only striping.

Mr. Curley said we have to consider that a fire lane too.

Mr. Gallego said yes. We did study the fire truck going around. It is just a bypass.

Mr. Broadwell said I make a motion to vote this out of Planning Council to the October 3rd Planning Commission. Mrs. Morgan seconded the motion. The motion carried unanimously.

2	Planning Commission	10/03/2018	Forwarded	Planning & Development Committee	10/11/2018	Pass
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Action Text: A motion was made by Mr. Pilmer, seconded by Mr. Reynolds, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 10/11/2018. The motion carried.

Notes: See Attachment for Items 18-0400 and 18-0401.

Aye: 9 At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, Fox Valley Park District Representative Chambers, SD 131 Representative Hull and At Large Tidwell

Attachment for Items 18-0400 and 18-0401:

Mr. Broadwell said this is at 2340 W. Indian Trail. The subject property currently is vacant. It is about 1.33 acres. It is zoned B-2 General Retail with a Special Use Planned Development. It is in the Greenfield Commons 2nd Resubdivision. The adjacent properties are similar commercial and retail uses. There is also some industrial across the street across Indian Trail. You can see more in the Legislative History and the Property Research Sheet. The Petitioner is requesting approval of a Special Use for a restaurant with a drive through facility use. Some details of the request include the development of the subject property in compliance with the Aurora Zoning Ordinance's standards, which requires a Special Use for any new business within 1,000 feet of a public intersection that is non-residential on all four corners and also contains at least two or more drive through establishments also within 1,000 feet of the intersection. Concurrently with this request, the Petitioner is requesting approval of a Final Plan for a multi-tenant building. You can see the Final Plan in your packet there. This is a multi-tenant building with a drive through fast food restaurant. The building will be developed in 2 phases, both of which you can see in the Final Plan, similar to the neighboring businesses to the east and west. Access to the property will be from the private parking lot to south. The first phase of the development includes 2 tenants. The first tenant is approximately 1,900 square feet. This is the fast food drive through restaurant, which will be a Jersey Mike's Subs Restaurant. The second tenant is approximately 3,500 square feet for a personal services use and that will be ATI Physical Therapy. Then one thing you'll see in your Final Plans is that the third tenant is a future building expansion, which will be 2,700 square feet. The anticipated use here will be a restaurant. The total first phase of the development will be 5,400 square feet. Upon completion of the second phase of development, the total building will be 8,100 square feet. You can see the parking is there and it is showing parking also in phases that meets the minimum parking requirement for both phases. Landscaping is also indicated around there. That will be put in so that's not disturbed when the second phase of the building is developed. Then you can also see elevations in your packet that shows the first phase of the building and then also the second phase of the building.

The Petitioners were sworn in.

I'm Eric Styer, 412 S. Wells, Chicago.

I'm Bill Perry with Watermark Engineering.

I'm Brian Gallego, 412 S. Wells, Chicago, DXU.

Mr. Styer said the staff description was pretty comprehensive so we are here basically just to answer any questions.

Mrs. Cole said I have a question regarding the drive through. Is there only one window? You pay and pick up at the same window?

Mr. Styer said correct.

Mrs. Cole said okay, thank you. I kept looking for a second window.

Mr. Styer said no. With this particular concept it is a single drive through window.

Chairman Truax said so what percentage of business is drive through and what's sit down?

Mr. Styer said actually there's not a lot of data with Jersey Mike's on that yet. We will be submitting the Jersey Mike's as well. We do those concepts too, but they don't have very many drive throughs yet. It is kind of a new concept for them, so I'm not sure if they have data, but typically what we see with others is it is around 60/40.

Ms. Tidwell said 60% drive up?

Mr. Styer said correct.

Ms. Tidwell said it is not clear to me where the cars go once they leave the window. What's the egress?

Mr. Styer said they egress through the front where the parking field is. Then they would turn.

Ms. Tidwell said so the egress on this picture, they egress to the right?

Mr. Styer said no, to the left.

Ms. Tidwell said to the left?

Mr. Styer said correct.

Mr. Pilmer said they exit away from Indian Trail, so there is no direct access onto Indian Trail. There is a street to the west of that that they will exit.

Mr. Styer said they exit in front of the parking field and then out through the same exit that they entered to the ring road that's away from Indian Trail and then out to Indian Trail.

Mrs. Cole said it's referred to in the history report several times, you talk about Five Guys. Is that the restaurant that you are looking at?

Mr. Broadwell said I think she is referring to the minutes from Planning Council when Five Guys was mentioned, I believe.

Mr. Styer said I'm pretty familiar with Five Guys. We are corporate architects for them as well, but I have not heard from them lately of any interest in this particular site.

Chairman Truax said historically was this not being kept aside for a fancier sit down restaurant?

Mr. Sieben said you have a very good memory. In 2004 when this got approved, if you remember this center, about half the center developed with the Lowes. Lowes is long gone. There was a 1 year or 18 month limitation for a sit down restaurant.

Mrs. Vacek said I believe it was 3 years.

Mr. Sieben said or 3 years, but obviously 2007 was a long time ago. That time has long passed and that never developed, so the lot has been vacant about 13 years now, so that's the reason for the request.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mr. Broadwell said staff would recommend approval of the Special Use on Lot 1 of Greenfield Commons 2nd Resubdivision located at 2340 W. Indian Trail for a multi-tenant retail sales or service use with a restaurant and drive through facility use.

Mr. Sieben said and just one clarification for the record, so the Phase 2 expansion, that's also being approved with this, so it would just be necessary for them to come in for building permit when they eventually get to Phase 2. All the landscaping will be done with Phase 1. There is no conflict with the future parking or the future last unit, so it will all be 100% landscaped with Phase 1.

Ms. Tidwell said I have another question for staff. Given my newness on the Commission, I'm going to ask again, is your recommendation consistent with prior recommendations or at least not inconsistent with prior recommendations?

Mr. Sieben said yes, I would say it is.

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mr. Reynolds

AYES: Mrs. Anderson, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Hull, Mr. Pilmer,
Mr. Reynolds, 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?

Mrs. Cole said these are listed in the staff report.

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

Mr. Reynolds said the proposal represents the highest and best use of the property.

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. Reynolds said the proposal is consistent with the desirable trend of development. Again, it represents the highest and best use of the property.

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?

Ms. Tidwell said yes.

Chairman Truax said this is an area where there is not a huge amount of traffic going in and out, especially with the shopping center not having one of its major tenants in it.

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?

Ms. Tidwell said yes.

Chairman Truax said the public services and facilities should be all 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?

Ms. Tidwell said yes.

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

Chairman Truax said there are similar uses in that area, but it doesn't seem like it is a saturation or concentration of those uses.

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

Chairman Truax said I believe it conforms in all other respects.

Mr. Broadwell said this will next be heard at the Planning and Development Committee on Thursday, October 11, 2018, at 4:00 p.m. on the fifth floor of this building.

Mr. Broadwell said staff would recommend approval of the Resolution approving a Final Plan on Lot 1 of Greenfield Commons 2nd Resubdivision at 2340 W. Indian Trail for a multi-tenant retail sales or service use and a restaurant with a drive through facility use.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Cole

AYES: Mrs. Anderson, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Hull, Mr. Pilmer,
Mr. Reynolds, Ms. Tidwell

NAYS: None

Mr. Broadwell said this will next be heard at the Planning and Development Committee on Thursday, October 11, 2018, at 4:00 p.m. on the fifth floor of this building.