



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
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Legistar History Report

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In Control: Planning & Development Committee

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File Name: Burger King / 1775 N. Farnsworth Avenue / Final Plat

Final Action:

Title: A Resolution Approving the Final Plat for Burger King Aurora Subdivision, being Vacant Land, located at 1775 N. Farnsworth Avenue being east of Farnsworth Avenue and south of Molitor Road (Agree Realty Corporation/Burger King - 18-0012 / AU12/1-17.047-Fsd/V - JM - Ward 1)

Notes:

Agenda Date: 03/01/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Final Plat - 2018-02-13 - 2017.047.pdf, Property Reasearch Sheet - ID 69747-69749 - 2017-03-20 - 2017.047.pdf, Land Use Petition and Supporting Documents - 2018-01-03 - 2017.047.pdf, Plat of Survey - 2018-01-03 - 2017.047.pdf, Legistar History Report (Final Plat) - 2018-02-13 - 2017.047.pdf

Enactment Number:

Planning Case #: AU12/1-17.047-Fsd/V

Hearing Date:

Drafter: jmorgan@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	01/09/2018	referred to	DST Staff Council (Planning Council)			
	Action Text: This Petition was referred to to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	01/16/2018					
	Notes: <i>Representatives Present: Craig Willian and Stoyan Kolev</i>						
	<i>I'm Craig Willian with Agree Development, 70 E. Long Lake, Bloomfield Hills, Michigan 48304. I do represent Agree Development for the application for a Burger King. We are a, briefly just a publicly rated (inaudible) that specializes in single tenant net retail development. This is something that we are used to doing in a lot of municipalities in terms of a prototypical Burger King site. It is just over 2,100 square feet. The parcel is just under an acre at ¾ of an acre. Then I have with me Stoyan from</i>						

Manhard as well, the Consultant Engineer on the project.

Mr. Sieben said do you want to go over the prototype Burger King, how many seats you have, how much parking and then describe the drive-thru and then the reason for the setback regarding the restrictions of the lot?

Mr. Willian said there are actually 2 buildings that we will prototypically put on a site, one being 2,500 square feet, one being 2,100 square feet. A lot of that has to do with the engineering of the kitchen and the dining room area. So as things have changed in the business where they're driving more business for drive-thrus and less dining, Burger King Corporate has elected to do a smaller prototype and will try to roll those out over the coming 2 years. Having said that, we looked at the site.

Mr. Sieben said and what's the square footage of this one?

Mr. Willian said this one is 2,140 and so this is actually their smaller prototype, smaller dining room.

Mr. Sieben said what's the seating?

Mr. Willian said I can't recall off the top of my head. The plan probably will tell us.

Mr. Kolev said I believe it was 40. Does that sound about right?

Mr. Willian said some will be 42, some will be 48, and some are 53 even though the square footage of the building may change again. It is sort of the change in the kitchen. The point I bring that up is that there is a flood plain that is here to the east of the parcel. As you can see in the image there, it is pinching off the drive-thru. What we've done is a couple of things. We looked at doing the larger prototype here because we felt given the nature of the residents and the neighborhood that there would be a larger dining presence here, although it was difficult to squeeze in and shoehorn they elected to go with the smaller prototype and try to essentially pull the building forward out of the flood plain, which it sort of naturally then pushes not only the parking but then the drive-thrus also out of that flood plain. That's somewhat the genesis of the plan that you see here. Obviously, it also speaks to the variance request that we are looking for, which we trying to get that building as far out of the flood plain and the parking and then the drive-thru as well.

Mr. Sieben said your building, I think, is 13 feet off the right-of-way.

Mr. Willian said it is 13 feet from the edge of sidewalk, the east side of the sidewalk from Farnsworth.

Mr. Feltman said so that hash mark that's in the back by where the flood plain is, is that you're building the flood plain?

Mr. Kolev said well the plan you are seeing is specific to the landscaping, so that hash is probably some kind of landscaping. So the retaining wall on the right there is represented by a line with little triangles, so that's essentially the edge of where we're going to be filling up to and that retaining wall is to help provide the structural for the rest of the site that's going to be up higher than that.

Mr. Feltman said is it going to be cast in place or are you looking at block?

Mr. Kolev said we haven't nailed it down completely.

Mr. Willian said is there a preference? There is a cost difference, but is the Council pursuing one that...

Mr. Feltman said as long as it is structurally sound. You're obviously going to have wheel loads right up against the wall. How tall is it going to be?

Mr. Kolev said the tallest point is roughly 2½ feet, so we are definitely going to have someone take a look at it, understanding too that that area is going to see quite a bit of inundation as well, so being

able to stand that as well.

Mr. Feltman said okay.

Mr. Sieben said one of the things we talked about at DST was there are residential homes to the east here with the flood plain. Do you want to just describe how the drainage is working and there shouldn't be any additional impact on the neighbors to the east?

Mr. Kolev said the current site is being drained by an existing 18 inch pipe opening that's on the east side in the central area there. We're maintaining that 18 inch pipe and then because right now there is now impervious area, what we are planning on doing is oversizing our onsite pipes to 18 inches and dropping them to the bottoms, providing enough slope to meet the minimum flow velocity required for storm sewer, but this allows us to gain detention within those pipes below the elevations that would normally see the area or the water expanding away from our site. What we are trying to do is account for extra impervious area that we are creating by detaining it within these larger 18 inch pipes and that eventually all of it drains back to that existing sewer, so we are maintaining the same drainage pattern and eventually it goes into a larger storm sewer underneath Farnsworth. All of our storm sewer and our inlets are sized to handle the 100 year flooding event. That's the basic design and idea behind it.

Mr. Sieben said traffic pattern is a one-way loop as you are showing on this plan. You have the traffic directions, including the southern parking lot?

Mr. Willian said correct, to sort of drive to the drive-thru. You enter at the south edge, either maneuver in front of the building or maneuver back out.

Mr. Sieben said and you have full circulation around the drive-thru, which is good, so if that lot is full they can circle up to the spaces up at the north end.

Mr. Willian said right.

Mr. Frankino said as far as the District is concerned, we would only have 2. It would be a connection to the existing main and it would be a 1,500 gallon exterior grease trap. I see you are showing an exterior, but I believe pretreatment would size that accordingly.

Mr. Feltman said when we were going through DST, I did talk to the city Traffic Engineer about your access and we were agreeable to that access. It seemed to make sense. We'll have to look at the drainage. I'm still a little concerned about having your storm sewer connected up with that back area, but we'll just have to work through that. Unfortunately, you are going to have to cross Farnsworth to get your water service since it's on the other side. That's the worst part about Farnsworth, but it is just the way the utilities work out. But overall, we just have to look at the grading plan. I can't tell because I'm just looking at this for the first time, but I'm assuming that you've sloped the site so that it would go out to Farnsworth on your overland flood route.

Mr. Kolev said so in the above 100 year event, some of it will be going up Farnsworth. We are trying to use (inaudible) at the south of the site there to drain that area with a swale that's routed toward the back. Once you take a closer look, if you think that maybe we need to remove those and not utilize kind of that southern swale area. We are trying to also kind of look at it from providing a little bit of water quality just so it kind of drains through.

Mr. Feltman said well you know, obviously, the area to the east has severe flooding problems. I think the more that we can get the site to go out to Farnsworth and not go back the better. These are active neighbors too, so they are going to ask questions. We'll get detailed comments out to you.

Mr. Beneke said did you answer how many seats we have on this?

Mr. Sieben said the parking requirement is 1 per 3 seats, so you've, I think, 16 spaces.

Mr. Willian said I'll get you that answer. I think it was part of our submission.

Mr. Beneke said as far as Building is concerned, it looks like you've submitted for building permit. We are in review already on that. Everything else looks fine. We are good with it.

Mr. Cross said for the Fire side, we reviewed it. I think I sent back that we had one confirmation. We got that e-mail that we attached to it, so now we've got all those questions answered, so we are signing off on it as far as Fire.

Mrs. Morgan said Planning is still under review. We are hoping to get out comments in the next couple of days. We have tentatively scheduled this for the February 21st Planning Commission and Zoning Board of Appeals. Since you have the variance, that goes to the Zoning Board of Appeals. The Final Plat will go to Planning Commission. The variance has to go all the way to City Council. There will be public notification required, so I'll get out a letter about how to do the notifications and what you need to get back to us on that.

Mr. Sieben said just in recapping, just for the record, this property previously had a parking variance for a 10 foot setback back in 2006. There was a proposed small retail strip center here. That, obviously, never got built. This development is meeting the 10 foot parking setback as shown. I think it is about 10½, but now the building needs to come up closer than the 30 foot due to the flood plain. Obviously staff is supportive of that based on the unique characteristics of the property. I just think the main thing here we just have to watch for the drainage of the neighbors.

Mr. Willian said there are 39 seats here.

Mr. Sieben said 39, okay, for the record.

1 DST Staff Council 01/23/2018
(Planning Council)

Notes: Mrs. Morgan said Planning sent out comments on Friday. There were some issues regarding whether their parking meets our requirements, so there might have to be some adjustments for that.

Mr. Sieben said was that the length of the northern stalls?

Mrs. Morgan said the length of the northern stalls.

Mr. Feltman said those were angled, right?

Mrs. Morgan said they were angled, yes.

Mr. Sieben said but it looked like all they had to do was just restripe them a little longer. They had room and still meet the isle, so it was just really that.

Mrs. Morgan said they are showing 18 for the isle.

Mr. Feltman said Engineering is in review. We have some drainage comments.

Mr. Sieben said do you want to be specific on that?

Mr. Feltman said when we were in DST I indicated that it would best to have the flood plain drainage on the west side be separate from their storm sewer system and they did not do that.

Mr. Sieben said yes, and we did make it very clear that we don't want to exasperate any potential flooding with the neighbors that live on Gary Avenue right behind this. That's what you are trying to accomplish.

Mr. Feltman said correct.

Mr. Beneke said I believe we signed off on the Fire Plan already.

Mr. Frankino said I think we covered the need for a grease removal system as well as a specific connection to the existing main. That's all we had for them.

1 DST Staff Council 01/30/2018
(Planning Council)

Notes: Mrs. Morgan said Planning send comments to the Petitioner. We haven't received revised plans. The main thing was they don't meet parking. They are not meeting currently the parking dimensions for their angled parking.

Mr. Sieben said so they do meet count, just the dimensions were slightly off.

Mrs. Morgan said yes. We think they will be able to adjust for it. They don't meet the setback for their sign. That's something else that they can adjust for. We had other comments mostly formatting and landscaping, but other than that we don't see anything major. They are going to advertise for the February 21st Planning Commission meeting.

Mr. Feltman said we are in review. I think probably the biggest comment that we are going to have is we want them to install a separate storm sewer to drain the back flood plain area separate from their storm sewer system, which they are currently showing combined and we don't think that is a good idea.

Mr. Beneke said I believe that we have signed off on this one.

1 DST Staff Council 02/06/2018
(Planning Council)

Notes: Mrs. Morgan said Planning sent out comments a couple of weeks ago. The consultants are working on getting us revisions. At the latest, we should have them by next Monday.

Mr. Feltman said we sent out comments and there are some drainage issues that we are still trying to work through. It seems to be a little bit of an impasse at this point, but we'll see where it goes. They need to resubmit back to us.

Mrs. Morgan said the public notices did go out and everything and has been advertised.

1 DST Staff Council 02/13/2018 Forwarded Planning 02/21/2018 Pass
(Planning Council) Commission

Action Text: A motion was made by Mrs. Morgan, seconded by Mr. Beneke, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/21/2018. The motion carried by voice vote.

Notes: Mrs. Morgan said Planning sent out comments. We are in the midst of getting a resubmittal. With the e-mails being down, we have not received it yet, but we should be getting it today. This does need to be voted out because it is going to the February 21st Planning Commission. We have some conditions, but before I vote it out, is there anything Engineering wants to add on the record?

Mr. Feltman said yes. We have some drainage concerns with the adjoining properties. There is existing storm sewer and drainage that needs to be resolved.

Mr. Sieben said I think one other issue we want to look at, and we will be bringing this up to the Petitioner, is we want to make sure that there is sufficient screening from headlights, be it fencing or landscaping. We also want to address trash issues, which has come up before with fast food. We want to make sure there are enough trash containers, at least along the drive-thru. We want to talk a little bit about the volume of the menu board, so we'll be dealing with that and trying to get those questions answered as we move along.

Mr. Beneke said I have a question. Are any of the things we are talking about going to change the current site plan as laid out?

Mr. Sieben said no.

Mr. Beneke said okay because Fire is already approved for what's existing, so I just wanted to make

sure it is not changing.

Mr. Sieben said no.

Mrs. Morgan said I do make a motion to move this forward to the February 21st Planning Commission with the condition that staff comments from the staff memo from January 19th be addressed, as well as Engineering comments be addressed and to address the Engineering staff comments particularly regarding drainage. Mr. Beneke seconded the motion.

Mr. Sieben said obviously those will need to be addressed for this to move beyond Planning Commission. It has been stressed all along the way regarding the drainage issues.

The motion carried unanimously.

2	Planning Commission	02/21/2018	Forwarded	Planning & Development Committee	03/01/2018	Pass
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Action Text: A motion was made by Mrs. Cole, seconded by Mrs. Owusu-Safo, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 3/1/2018. The motion carried.

Notes: Mrs. Morgan said this is for the Final Plat. It is for consolidating the 3 lots into 1 lot because a building is not allowed to go over lot lines, so this would stand for this development or any future development to make it one larger lot. This will continue with the Variance to City Council. Staff's recommendation is for approval of the Final Plat.

Good evening. For the record, my name is Laith Hermiz. I'm the COO of Agree Realty. We are the developer. Thank you for your time. I'm here to answer any questions. It is pretty straightforward. We're asking that you approve the Final Plat, which would be the combination from the 3 lots to the 1 lot. Thank you.

Mrs. Morgan said staff's recommendation is approval for the Final Plat for consolidating 3 lots into 1 lot.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Owusu-Safo

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

NAYS: None

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, March 1, 2018, at 4:00 p.m. on the fifth floor of this building.

Chairman Truax said and the ZBA hearing things that were brought up by people attending that hearing are going along with our motions tonight. Is that right?

Mrs. Morgan said yes. I've already noted some of the concerns already in the staff report that I received previously. If there are any additional ones that weren't noted, I will note that in the staff report and the petition that was given to staff today will be included in the packet for the P&D meeting for the Setback Variance packet.

Mrs. Anderson said well I just have a comment, or a question rather, was there an additional or any kind of traffic study done prior to this?

Mrs. Morgan said no, there wasn't any specific study done on this lot. Farnsworth, in general, was made to handle, like be a major arterial road through the corridor.

Mrs. Anderson said well they haven't done a recent one recently?

Mrs. Morgan said they have not. There has not been one done recently that I'm aware of. We can

confirm with the Traffic Engineer. I don't think they felt like there was a need to do one, but we can confirm that with the Traffic Engineer.

Mr. Pilmer said just a comment. Typically maybe the reason there wasn't one done is because up and down the corridor and the existing zoning in place the street should support this.

Mr. Sieben said right. It was far enough from the intersection. There is a center of double, bi-directional left turn lanes, and there was only one entrance into here, so it was thought that Farnworth and the turn lane was sufficient for the one lot.

Mrs. Anderson said I'm just thinking about the traffic accidents that were commented on tonight.

Mr. Sieben said but the comments were for the intersection, which this is not intersection. That was at Molitor and Farnsworth.

Mr. Cameron said there was a comment made and I didn't follow up on it, but that somehow 43 accidents for the year converted into 2 per week.

Mr. Sieben said I'm sure the Traffic Engineer could get the official numbers for the intersection.

Mr. Cameron said but that would have been 104 accidents.

Chairman Truax said it is a fair number of accidents no matter what the math is.

Aye: 9 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, At Large Owusu-Safo and SD 129 Representative Head
