



City of Aurora

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

Legistar History Report

File Number: 17-00106

File ID: 17-00106	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: Mike Setork / Preliminary Plan & Plat / south side of New York Street, west of Welsh Drive		File Created: 02/07/2017
		Final Action:

Title: A Resolution Approving a Preliminary Plan and Plat for the Fox Valley Square Subdivision Being Vacant Land located on the south side of New York Street, west of Welsh Drive (Fox Valley Property Services, LLC 1900 E New York - 17-00106 / AU24/4-16.080-PD/R/Ppn/Psd - TV - Ward 7)

Notes:

Agenda Date: 04/13/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A-1" Preliminary Plan - 2017-03-31 - 2016.080.pdf, Exhibit "A-2" Preliminary Plat - 2017-03-22 - 2016.080.pdf, Fire Access - 2017-03-22 - 2016.080.pdf, Address Plat - 2017-03-22 - 2016.080.pdf, Property Research Sheet - 2016-09-02 - 2016.080.pdf, Land Use Petition and Supporting Documents - 2017-02-07 - 2016.080.pdf, Plat of Survey - 2017-02-07 - 2016.080.pdf, Legistar History Report (Preliminary Plan and Plat) - 2017-04-06 - 2016.080.pdf

Enactment Number:

Planning Case #: AU24/4-16.080-PD/R/Ppn/Psd

Hearing Date:

Drafter: tvacek@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	02/14/2017	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)	02/21/2017					
	Notes:	<i>Representatives Present: David Rawlings, John Duggan, and Mike Setork</i>					

Mr. Rawlings said this is a 14 acre property on E. New York Street, just east of the old Ace Hardware. What you are seeing there are 5 acres of developable acreage. Behind it is 9 acres of semi-wetlands,

which are not really developable. The thought is that we will donate that to the Park District, I believe, right?

Mr. Sieben said the Kane County Forest Preserve.

Mr. Rawlings said the Kane County Forest Preserve, which is adjoining this property and is connected to the Oakhurst Lake, is it?

Mr. Sieben said the Oakhurst Forest Preserve.

Mr. Rawlings said the stormwater flow feeds to that lake. That lake was originally built to accommodate some stormwater detention for this property, which we intend to utilize. What we're thinking here is a commercial, retail, office and self-storage complex. The small building to the east is used auto sales. Mike has owned several used car lots in the area over the years. The larger building to the west of that is a speculative building. It has parking adequate for retail as you dictate. That little metal building is a self-storage unit with parking on site. There are 3 parking spaces right there. There is a considerable amount of topography. There is a sanitary easement that runs along the back and along the west side. We will tap into that. It is a pretty standard retail development. The back portion is difficult in that it has no street exposure, so we were looking for some kind of use that would fit the condition. We've got about 26,000 square feet of mini-storage, 14,000 square feet of spec and 4,380 of auto sales.

Mr. Wiet said do you know what phases you are doing and what you are going to do first?

Mr. Rawlings said auto sales would go first and maybe the spec next. It depends on who comes along showing interest. But the auto sales goes up for sure.

Mrs. Vacek said I just started reviewing this, so I'll be getting you comments probably in the next week or so. In know that in the Plan Description you are looking for some waivers from the Subdivision Control Ordinance, so we will be looking at that. I think that with that being said, we will also be asking for Lot 4 to be required to be dedicated to the Forest Preserve in order to allow those waivers. We'll kind of reword that just to make sure that that all kind of states that in the Plan Description. A couple of things that I've noticed is the retaining walls, it doesn't tell us what kind of pipe there is in those retaining walls.

Mr. Rawlings said I don't think we are at that point yet of knowing that.

Mrs. Vacek said we require 3 feet and it be stepped every 3 feet, so if they are higher than 3 feet, we will ask that they be stepped.

Mr. Rawlings said tiered.

Mrs. Vacek said tiered. The only other thing that I noticed is the retail for the stacking, the width of the lanes back there don't meet the stacking requirements and a 2 lane drive.

Mr. Rawlings said the width is 12 feet.

Mrs. Vacek said the width for the stacking is 12 feet, but then you don't have enough. I think it is 24 feet in all. You need 24 feet just for the drive isle to have it 2 way and then another 12 feet for the stacking lane. So you are going to need to kind of look at that and work on that.

Mr. Rawlings said he is showing way too much stacking there.

Mrs. Vacek said he is not. He's actually showing the requirement because from the menu board it has to be 5 from the menu board.

Mr. Rawlings said I don't know where that menu board came from frankly. We're thinking pharmacy here, but the menu board was something you had mentioned along the way so we threw it in there.

Mrs. Vacek said to tell you the truth, I don't want to limit you guys. I would prefer you guys to show the menu board even if it ends up not being a menu board. We don't want to limit the uses on this property. We want to make sure you have the ability to do as many uses as possible.

Mr. Rawlings said so we are going to be shuffling the property line back a little bit.

Mr. Sieben said I think you need a couple, a few more feet.

Mr. Rawlings said out of self-storage.

Mrs. Vacek said that will be one of my comments. I think that is mainly about it so far. I'll get you a redline of the Plan Description and everything.

Mr. Rawlings said I don't know if you've had a chance to start looking at signage, but we're proposing 1 sign for the complex instead of the 2 that is allowed.

Mrs. Vacek said there are actually 3 that are allowed. There is an overall sign.

Mr. Rawlings said we don't want to clutter up the site with a bunch of signs, so we are hoping we can do a larger non-compliant sign.

Mrs. Vacek said you were looking for 18 feet. I'm not sure that we want to go up to 18 feet, but we can definitely look at something if it is only going to be 1 sign. We can definitely look at something.

Mr. Rawlings said we want it off the ground enough so that the cars don't block the view and enough square footage so that we can post the number of tenants. So take a look at that please.

Mrs. Vacek said we will take a look at that. So you are just requesting 1 sign and it just be larger?

Mr. Rawlings said yes.

Mrs. Vacek said so you wouldn't have signs for the 2 properties along the front?

Mr. Rawlings said no.

Mrs. Vacek said let me take a look at it and we can see what we can come up with.

Mr. Rawlings said have you seen the sign elevation?

Mrs. Vacek said I have not.

Mr. Rawlings said it was on my drawings of the building plans.

Mrs. Vacek said we don't really look at building elevations yet, but if you want to forward it to me just for informational purposes, I can throw it in there.

Mr. Rawlings said it was on the CD.

Mrs. Vacek said okay. If it is in the CD I'll just grab it then.

Mr. Feltman said we are in review. Like Tracey said, we'll have to look at what you're asking for exceptions. One thing that kind of came to light is this retaining wall around Lot 3. I'm not sure how the driveway is going to interact with those elevations.

Mr Rawlings said the access drive?

Mr. Feltman said yes. I mean I don't know how far you're dropping.

Mr. Rawlings said well the site has a considerable amount of topo there and the idea is to find an intermediate balance for the whole side. We are going to sink the northeast a little bit and we have to raise the southwest and finding the balance is the task of the civil engineer. But obviously, the main drive isle in and to that rear lot is going to be acceptable. Are you talking about the main drive isle into the self-storage?

Mr. Feltman said yes. You are showing a retaining wall on either side of that drive isle and it looks like it is dropping in elevation, so I'm not sure how that transition is going to work. I think we just need a little more detail of how that's going to work.

Mr. Rawlings said well this is preliminary.

Mr. Feltman said I understand. The main thing with preliminary from Engineering is we just don't want the lots to be changing as we go into final.

Mr. Rawlings said nor do we.

Mr. Feltman said but as far as utilities, I think it is pretty straightforward. You touched upon the Oakhurst Lake agreement that was struck in, I think, the 70's, which we provided you the fee that's associated with that construction. The access is already worked out in our Phase 1 to be full as you are showing it and you are aligned with the access to the north.

Mr. Sieben said do you want to talk about the sidewalk or bike path, or are you still thinking about that?

Mr. Feltman said I don't think we are all in agreement. We are in Phase 1. We are going into Phase 2 for New York Street roadway improvements. The bike path currently toward the east is on the south side of New York, so there was some discussion of whether we'd ask you to install the bike in lieu of the sidewalk.

Mr. Rawlings said is that asphalt?

Mr. Feltman said yes.

Mr. Rawlings said I don't think that's a major issue for us. You just need to decide I guess.

Mr. Cross said in the data table, it appears as though most of the data that is in there refers to the one building, but not the larger of the two buildings as far as what the square footage is, and then some additional detail on the fire separation.

Mr. Beneke said you were mentioning that you were going to possibly break it out.

Mr. Rawlings said I think it actually shows on there. Those 2 lines that are roughly third points.

Mr. Beneke said we need that documentation on the Fire Plan. We saw the dashed line.

Mr. Rawlings said you saw the compensation too. You'll get that on the next go around.

Mr. Beneke said yes, right. That's what we are saying. Just get it clarified so we know if that's what direction you are heading as long as you know it is under 5,000 square feet. Otherwise, you have to sprinkle the building.

Mr. Rawlings said we are trying to avoid it.

Mr. Beneke said either way it is fine with us. We just have to know for sure how you run it. Then there was also that hydrant.

Mr. Cross said so the hydrant there that's on the southwest corner there of the lot, that hydrant is obstructed by those parking spaces. It has to be unobstructed. It has to be within 5 feet of the fire lane.

Mr. Rawlings said I would put it on that island that you see just to the southeast of that.

Mr. Beneke said if you kick it over there right in the corner it works.

Mr. Cross said those were our 3 comments and those have all been sent out to you already.

Mr. Beneke said if you do decide to sprinkle it, then obviously we have Fire Department Connection questions and supply hydrants. Otherwise, if you do the separation like you are talking about then just make sure you've got the hydrant coverage and thing appropriately. It looks like the lanes and everything are okay. Now if you end up moving that property line, just be careful you don't squeeze down your lanes too small in the storage area.

Mr. Rawlings said well we'll lose square footage is what's going to happen. I don't know how many feet we are talking about. It's 5 maybe.

Mr. Frankino said it in the district. I'll confirm that, but it doesn't look like annexation is going to be needed to us. Other than that, just your standard parallel sewer lines, one being grease, one being domestic discharged out to a common, to be determined, size later. Probably a 1,000 or 1,500. I assume that will be multi-tenant.

Mr. Rawlings said the sanitary is on the west. You see that little pie shape on the southwest of that corner, that's where I would put the grease trap. You're not thinking any connection from the auto sales to that line are you?

Mr. Frankino said you mean to a grease line?

Mr. Rawlings said yes.

Mr. Frankino said no. If you pull a car in that building, are you talking auto parts?

Mr. Rawlings said the little building to the east, the northeast on that site, is auto sales.

Mr. Frankino said I would assume maintenance. That would need like an oil/water trickle basin and that would be it on that one. That's all we have.

Mr. Feltman said does Zoning care about maintenance?

Mr. Sieben said do you want to just touch on the operations? Is this going to be similar to when you had New York Auto Sales?

Mr. Setork said yes.

Mr. Sieben said you'll just do some basic maintenance on the cars in the building?

Mr. Setork said yes.

Mr. Sieben said no body and paint?

Mr. Setork said no.

Mr. Sieben said so it would be minor auto repairs for your vehicles only that you are going to sell.

Mr. Beneke said so you will need the oil and gas separators in the bays.

Mr. Sieben said just for the record. Thanks Dan.

Mr. Duggan said the waivers that we asked for with respect to the Subdivision Control related to the idea that we would have a commonly maintained ingress and egress circulation and not a dedicated roadway. I don't imagine you would want to maintain it.

Mr. Sieben said a maintenance agreement and all that stuff.

Mr. Duggan said we would have a parking lot basically.

Mr. Sieben said right, we do not want that a public road.

Mrs. Vacek said so we'll take a look at what you're requesting.

Mr. Duggan said we just tried to list the ones that would relate to a public dedication since we are going to maintain them privately.

Mr. Sieben said Dan, who is your Engineer on this?

Mr. Feltman said Mary Garza.

Mr. Sieben said so Mary Garza and then Tracey are your two points of contact. Obviously, Fire has already sent the comments.

- 1 DST Staff Council 02/28/2017
(Planning Council)
Notes: *Mrs. Vacek said I'm in the middle of reviewing this, so I will be getting comments out this week.*
- Mr. Feltman said Engineering is in review right now too. We'll probably get comments out this week as well.*
- Mr. Cross said we already sent out Fire comments.*
- Mr. Frankino said we are still waiting for a submittal on this, but they will have to have that grease trap we talked about for the multi-tenant building.*
- 1 DST Staff Council 03/07/2017
(Planning Council)
Notes: *Mr. Sieben said Tracey will be sending her comments out tomorrow.*
- Mr. Thavong said Engineering has sent out comments today. It looks like they have addressed a lot of the comments and we are waiting on resubmittals.*
- Mr. Cross said I think we already sent our stuff out on this one.*
- 1 DST Staff Council 03/14/2017
(Planning Council)
Notes: *Mrs. Vacek said I sent out comments last week, so I'm just waiting for revisions. This is set for the April 5th Planning Commission.*
- Mr. Thavong said Engineering also sent out review comments. We have not received a resubmittal.*
- Mr. Cross said we still have outstanding comments as well.*
- Mr. Frankino said the District has yet to receive plans on this one.*
- 1 DST Staff Council 03/21/2017
(Planning Council)
Notes: *Mrs. Vacek said I have sent out comments on this one. I'm just waiting for a resubmittal on these. I believe that Engineering also sent out comments and is waiting for a resubmittal.*
- Mr. Beneke said Fire still has comments on it, so they need to resubmit.*
- Mrs. Vacek said they told me that they were going to try to get everything in by the end of the week, so I'm assuming that they would resubmit the fire at the same time.*
- 1 DST Staff Council 03/28/2017 Forwarded Planning 04/05/2017 Pass
(Planning Council) Commission
- Action Text:** A motion was made by Mrs. Vacek, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 4/5/2017. The motion carried by voice vote.
- Notes:** *Representative Present: John Duggan*
- Mrs. Vacek said we did get a resubmittal last week. I did also send you the Plan Description. It has the changes that we made for that subdivision control one.*
- Mr. Sieben said and for the record, you guys did make a change on the retail building. You eliminated the drive-thru on the end cap.*
- Mr. Duggan said that's what we were instructed to do.*
- Mrs. Vacek said I will be looking at everything else just to make sure that everything else is in line with what we had asked for. I took a really quick look and it looked like everything seemed fine. We will have at least one condition and that will be that Lot 4, that back lot, will be dedicated to the Kane County Forest Preserve.*
- Mr. Duggan said we have been advised to make contact with the Forest Preserve and we will do that before the meeting.*
- Mr. Sieben said do we have any other comments before we vote on this?*

Mr. Feltman said well the only thing would be if the Forest Preserve does not take that back lot then all the subdivision control ordinances will then be full in effect on that lot.

Mrs. Vacek said and that's what the Plan Description does state. So I do make a motion to move this out to the April 5th Planning Commission. Mr. Minnella seconded the motion. The motion carried unanimously.

2	Planning Commission	04/05/2017	Forwarded	Planning & Development Committee	04/13/2017	Pass
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Action Text: A motion was made by Mrs. Cole, seconded by Mr. Chambers, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/13/2017. The motion carried.

Notes: Mrs. Vacek said the subject property is currently a vacant lot with B-3(S) Business and Wholesale zoning with a Special Use Planned Development on the property, which was done in the 1970's. The Petitioner is before you tonight for approval of the establishment of a new Special Use Planned Development and to change the underlying zoning to B-2 Business District General Retail and P Park Recreational District. The Plan Description that is being proposed includes some modifications to the standard B-2 regulations, which include the addition of up to one of each of the following uses as permitted uses:

1. Used car dealership with major auto repair when it would be accessory to the used car dealership.
2. Retail sales and services with a drive-thru.
3. Financial institutions with a drive-thru.
4. Restaurant with a drive-thru.
5. Mini-Storage.

Each one of those would be allowed. One would be a permitted use. The Plan Description also established the parking regulations for vehicles and mini-storage. It also establishes the standard prohibited uses. The Plan Description allows for an 18 foot development sign along New York Street, which is comparable to all the other signs that are out along New York Street in that area. Lastly, the Plan Description also includes the ability to waive certain sections of the Aurora Subdivision Control Ordinance. Parcel 4, which is in the back of the lot, is actually anticipated to be dedicated to the Kane County Forest Preserve. In addition, the Petitioner is requesting a Preliminary Plan and Plat for the Fox Valley Square Subdivision, which includes a 4 lot subdivision with dedication of 5 feet of right-of-way and dedication of a 15 foot city easement along New York Street. The proposed Lot 1 is anticipated to be developed as a 4,380 square foot used car dealership with 3 bays. There is a total of 58 parking spaces proposed on the lot, of which 43 can be used for auto sales display. For the proposed Lot 2, it is anticipated to be developed as a 14,000 square foot retail strip center with 80 parking spaces on the lot. Proposed Lot 3, which is located in the rear of the development, is proposed to be developed with about 25,000 square feet of mini-storage buildings and a total of 3 parking spaces. There is one full access that will be off of New York Street, being a shared drive along Lot 3. The access aligns with the private drive of TT Technologies, which is across the street from New York Street. As I said before, Lot 4 is anticipated to be dedicated to the Kane County Forest Preserve.

Mrs. Cole said I have a question. I drove by there the other day and maybe someone can refresh my memory. When we have heavy rains, how far does the water come up in that vacant area there? It seems like I can remember it coming pretty, well it seems like it would cover where they are going to put their mini-storage.

Mrs. Vacek said I can have the developers speak to that. I did forget to tell you one other thing. Back in the 1970's when the Plan Description was established the first time around, there were provisions in there that they could pay a fee in lieu of the construction of Oakhurst Lake, so they are basically buying some detention from that lake that they built in the 1970's. There were provisions that laid out that they were able to do that, so instead of doing detention on this property, they would actually be paying for a portion of that construction when it happened. Does that make sense?

Mrs. Cole said no, it doesn't. I believe I've seen a lot of water on that piece of property since 1970.

Mrs. Vacek said I'll let them talk about the water and everything. That pond was an overall detention pond for that whole area.

Mrs. Cole said I understand the premise on that.

Mrs. Vacek said I'll let them talk about the engineering and how they are all going to make it work.

The Petitioners were sworn in.

Good evening ladies and gentlemen. My name is John Duggan and I'm the attorney for Mike Setork, who is one of the managers of the company that owns this property and is proposing this development. First we'd like to thank the city staff, the Engineering Department and the entire Planning Department, for all the assistance they've had. They've had a long series of meetings and conferences and submittals and numerous versions of the project, which we think has improved it quite a bit and we are very appreciative of the effort that the staff has put into this. As far as the land use, this is basically comparable to the plan and the use and we feel it is appropriate for this purpose. The used car lot is being built by the owner for his own use. They previously operated a comparable business that I think was very well run and very presentable on Aucutt Road, east of Route 31 in Montgomery. They have been in that business for many years and have done that business properly and honorably. You had the question about the detention plan and, again, as Tracey mentioned this is part of a regional detention area and it is one of the tributaries of the regional pond that was built and we have a cash in lieu agreement with the city that the Engineering staff has approved and provides for the detention to be off-site. We are donating the southerly 9 acres, approximately, to the Forest Preserve District. That area is going to be preserved as open space as part of the plan. Ed Seifert is here and he can discuss the civil engineering conclusions, which have been approved and then demonstrated to the city staff as part of their recommendation.

Mr. Seifert said this area back in the 1970's and earlier had experienced a tremendous amount of flooding, which was one of the reasons that the Oakhurst Lake was built in 1980 to increase a whole lot of additional storage in the area and to control that flooding. Flooding still does occur on the back portion of this property, but it is confined solely to the area that is going to be given to the Forest Preserve District. It does not intrude upon the area that we are showing for development here at all.

Chairman Truax said Tracey, can you get the map up onto the screen?

Mrs. Vacek said I hope this gives you a little bit better of a perspective. This portion back here is the portion of Lot 4 that actually is anticipated to be dedicated to the Kane County Forest Preserve. So that portion that kind of goes along with that line is where they would be developing then, north of that.

Chairman Truax said so the portion on the map that is tan colored is what we are talking about going to the Forest Preserve?

Mrs. Vacek said correct, and this is all Forest Preserve behind it. It is all part of the Oakhurst Forest Preserve.

Chairman Truax said where's the lake? Where is Oakhurst Lake more or less? Is it straight down from here?

Mrs. Vacek said yes. It is just down a little further.

Chairman Truax said to our left as we look at it, it looks like a line of trees that are maybe a third of the way across that northern portion of the lot. What's going to be there?

Mrs. Vacek said that will be developed. A portion of it will be the used car dealership, Lot 1 and a portion of it will be the storage facility.

Chairman Truax said what is the Petitioner's thoughts about the use of those trees or the demise of those trees? What are we talking about for landscaping?

Mr. Duggan said they have submitted a landscaping plan that complies with the code. I think most of those trees will be removed. I don't believe they are going to be kept.

Mrs. Vacek said let me expand on that. This is just preliminary, so we haven't really got into the landscape plan. We haven't really reviewed that. When they come back, we'll look at what kind landscaping, or what kind of trees, especially since there are a whole bunch of trees out there, what kind of trees they are and if there are any good trees that should be kept. If there are some around the perimeter of each of those lots that we could keep, we will try to keep those.

Mrs. Owusu-Safo said what kind of storage facility is it going to be? It is going to be like a couple of

story buildings with climate control or not climate control if there are some potential flooding concerns there?

Mr. Duggan said the contemplation is naturally that we hope that the buyer of the property will have the best ideas on what market is best at that location. We're believing it would be individual rental storages of a non-climate controlled nature is the conception that we have now. If someone chooses to build a climate controlled building, obviously, they'll have to manage the grades and the civil engineering appropriately.

Mrs. Owusu-Safo said in just looking at the map where they show all the storm sewer lines, is it out-falling directly into the lake or is it through a ditch to get to the lake? How is that discharged?

Mr. Seifert said it outfalls into the depressed area at the back of the property that we are going to be giving to the Forest Preserve District and then that depressed area naturally drains down through a waterway down to the lake from there.

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving a Preliminary Plan and Plat for the Fox Valley Square Subdivision being vacant land located on the south side of New York Street, west of Welsh Drive with the following condition:

1. That the property owner enter into a dedication agreement with the Kane County Forest Preservice for Parcel B, Lot 4 of the Fox Valley Square Subdivision, within 90 days of the approval of this Plan Description.

Chairman Truax said we've heard the staff's recommendation. I don't know if we might want to add another condition about looking carefully at a heavily forested area on this property or someone can make a motion.

Mrs. Cole said I would agree with Margaret's addition there that this area be looked at. We have no idea if these are quality trees or not. It might be a little creative in the development of the site, but I think it is worth adding.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Chambers

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

NAYS: None

Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, April 13, 2017, at 4:00 p.m. on the fifth floor of this building.

Aye: 10 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, Fox Valley Park District Representative Chambers, At Large Owusu-Safo and SD 129 Representative Head
