



# City of Aurora

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

## Legistar History Report

**File Number: 18-0845**

<b>File ID:</b> 18-0845	<b>Type:</b> Petition	<b>Status:</b> Draft
<b>Version:</b> 2	<b>General Ledger #:</b>	<b>In Control:</b> Planning & Development Committee
<b>File Name:</b> HZ Props RE, Ltd. / Popeyes / 1382 Butterfield Road/ Plan Description Revision		<b>File Created:</b> 09/13/2018
		<b>Final Action:</b>

**Title:** An Ordinance Approving a Revision to the Savannah Crossing (TMK Aurora Venture, LLC) Plan Description on 1.04 Acres for Property located at 1382 Butterfield Road being north of Butterfield Road and east of Church Road (Woolpert/Popeyes - 18-0845 / BA35/4-17.220-SUPD/R/Fpn - JM - Ward 1) (PUBLIC HEARING)

**Notes:**

**Agenda Date:** 11/15/2018

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit A - Legal Description - 2018-11-01 - 2017.220.pdf, Exhibit B - Plan Description Revision - 2018-11-01 - 2017.220.pdf, Property Research Sheet ID #69098 - 2017-03-06 - 2017.220.pdf, Land Use Petition and Supporting Documents - 2018-09-11 - 2017.220.pdf, Legistar History Report (Final Plan) - 2018-10-30 - 2017.220.pdf, Findings of Facts - 2018-10-30 - 2017.220.pdf

**Enactment Number:**

**Planning Case #:** BA35/4-17.220-SUPD/R/Fpn

**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	Committee of the Whole	09/18/2018	Forward to Planning Council	Planning Council			
	<b>Action Text:</b> This Petition was Forward to Planning Council to the Planning Council						
1	Planning Council	09/25/2018					
	<b>Notes:</b> <i>Representatives Present: Ryan Walter and Ani Tipnis</i>						
	<i>I'm Ryan Walter with Woolpert Engineering, the Civil Engineers on the project on behalf of Z and H Homes.</i>						

*I'm Ani Tipnis. I represent AKA Architects. We are based in Chicago.*

*Mr. Sieben said do you want to go ahead and go over the proposal and what it is?*

*Mr. Walter said so it is the last lot of Savannah Crossing Subdivision, Lot 10. As you can see, there is the Burger King just to the west, which I believe is under construction. We've kind of designed our entrances to match their entrances, both alignment and grading. There are 3 points of ingress and egress to the site, 1 off the east Wal-Mart ring road and 2 going east/west into the Burger King lot. There is no direct access off of Butterfield Road. The site is a little over an acre. Basic circulation is kind of east to west, the drive-thru going south to north. We do have a one-way going eastbound for the south drive lane to kind of discourage through traffic to the Burger King site. The building itself is approximately 2,700 square feet. We are providing 72 seats. We are providing, I believe, 26 parking stalls, with 2 ADA. The general topography is south to north. The site drops about 4 feet with existing conditions. Stormwater detention is provided for. There is a regional basin just north of the access road to the north, so we've got a direct tie in to that storm sewer. There is sanitary and water along the north access road that we are tying into. That's pretty much it.*

*Mr. Sieben said I can pull up the elevations.*

*Mr. Tipnis said the majority of the elevations are going to be EIFS, but just accents of stone. The top, the parapet, the coping on the parapet would be metal. Those green windows you see there are just fake windows. It is just their typical Popeye's standard window details. It is basically an EIFS building. The colors are standard Popeye's colors. I believe the stone is based on back and forth with Aurora that we had gone through. They wanted to have stone incorporated.*

*Mrs. Vacek said does the stone match the other that's in the subdivision?*

*Mr. Tipnis said I don't think so, no. The stone itself doesn't. We introduced stone or brick to make it a solid building rather than everything EIFS.*

*Mr. Sieben said Jill Morgan is the Planner on this.*

*Mrs. Morgan said so I will be getting out comments hopefully within the next couple of days. I think Engineering is getting out comments in the next couple of days as well. We are putting you for the November 7th Planning Commission just because you do have to do public notices. From there it will go to 3 other meetings. It goes to what we call P&D, which is a 3 member board of 3 Aldermen. Then it goes to Committee of the Whole, which is like a working session of City Council and then it finally goes to City Council. Often it might be on Consent at City Council.*

*Mr. Sieben said you should have your final vote at the last Tuesday in November if you are going to the November 3rd Planning Commission. It is 3 weeks after Planning Commission.*

*Mr. Tipnis said so we will be able to apply for a building permit in December if we finish our drawings?*

*Mr. Sieben said you can theoretically apply before you have approval. It is just that Zoning cannot sign off on it.*

*Mr. Beneke said you can actually apply right now, so as soon as you are ready go ahead and we can start the process. I do have a couple of questions for you. It is a little confusing on whether you are sprinklering or not sprinklering this building.*

*Mr. Tipnis said I think we are sprinklering.*

*Mr. Beneke said you need to be sprinklered if you are 100 occupants or 5,000 square feet.*

*Mr. Tipnis said we are definitely less than 5,000 square feet.*

Mr. Beneke said you might be under 100, but I'm not sure. If you are sprinklering it, there are some things that we need to get resolved. Basically the issue is that sprinklered or not, if you are sprinklering it, the FDC, the Fire Department Connection, has to face the street of address. You have to have what is called a supply hydrant at least 50 feet and no more than 100 feet from the Fire Department Connection. Any place you have a hydrant, you need a staging area of 26 feet by 40 feet. You also need to show where the sprinkler room is a direct access to the fire lane and making sure that we have access around the site to be able to get in with at least 20 foot lanes. The plan you are showing us, I didn't see the second hydrant, so I need to know where that second hydrant is. Right now you are showing a FDC, but it is on the wrong side of the building. It needs to be down here. I assume there is another hydrant somewhere in this range.

Mr. Tipnis said is there a limitation on how far the hydrants should be from the building?

Mr. Beneke said the typical hydrant needs to encompass a 400 foot radius around the building. The supply hydrant though needs to be within that 50 to 100 feet of the Fire Department Connection if you are sprinklering. If you are not sprinklering it, then you don't have all those criteria. The other thing I did want to make sure you were aware of is that EIFS, we do have a couple of ordinance items in our ordinance if you go to our website on EIFS, but we do allow EIFS. I assume you are going to have a wood frame, so you are going to need drain boards and things to that nature and then special third party inspections and basically a maintenance program. That's really the main thing I have for you. The Fire Marshall will be sending something out, but if you are sprinklering it, definitely you need to get a few more things in here. Make sure you label the lane widths and everything too for me so I know that you are at least 20 feet everywhere.

Mr. Walter said but if we're not sprinklering then we are okay because we are 100 feet pursuant from the building. Would we need an extra hydrant?

Mr. Beneke said you need 2 hydrants always.

Mr. Walter said even if we are not sprinklering?

Mr. Beneke said yes. It is just that the distance is further away with the hydrants than the supply hydrant because of the connection to the Fire Department Connection. I need to make sure that that's all in there and then it's dimensioned and I've got appropriate turn arounds, I've got hose stretch requirements and things like that.

Mr. Tipnis said is there anything more you need from us for the next submittal?

Mr. Beneke said the Fire Marshall will send something out.

Mrs. Morgan said we'll give you our review comments, so then you would just address those and then submit back to us. I'll send out the public hearing requirements and how to do all that and the mailings. I'll send directions for that and the letter template.

Mr. Feltman said so I think we looked at the site plan quite a bit in the beginning and it looks like everything has been addressed. There will probably be a couple of comments. Like I said, we worked through the site plan and it looks like the circulation is what we expected.

Mr. Sieben said so the tentative date is November 7th for Planning Commission. You should be done by the end of the month with full approval provided everything goes smoothly. We are supporting it obviously. We've talked about this for a while.

1 Planning Council 10/02/2018

**Notes:** Mrs. Morgan said staff sent out comments. Nothing major. We are just waiting on some revisions. This will be going to the November 7th Planning Commission as a public hearing, so we'll starting advertising shortly for it.

1 Planning Council 10/09/2018

**Notes:** Mrs. Morgan said staff has sent out comments. They are in the process of making revisions. We sent out the information for them to start notification, so they should get that out this week. We are just waiting for revisions, a resubmittal.

Mr. Feltman said if we haven't sent out comments, we are really close to. I think we did.

Mr. Beneke said I'm not sure if Fire sent out comments, but they have a couple of comments too.

Mrs. Morgan said this will be going to Planning Commission on November 7th for a public hearing.

1 Planning Council 10/16/2018

**Notes:** Mrs. Morgan said Planning has sent out comments and is waiting for a resubmittal. They received the Fire Access comments recently, so they should be working on addressing those.

Mr. Feltman said was there anything major with Fire?

Mr. Beneke said well we have to have acknowledgement of whether they are going to sprinkler it or not. Based on what they showed us, it looks like sprinklering, but I don't think they are going to. A lot of our comments are generated based on that. Then we've got to see where the second hydrant is. They didn't show that and they also didn't label the fire lane widths. Those are all kind of things that could affect something. I don't think they will, but it depends on how they respond back.

Mr. Feltman said so they just have to show the second hydrant. That doesn't necessarily mean there is a second hydrant that has to be installed.

Mr. Beneke said if they have one available to them they just have to show it. I don't know that answer until we see that.

Mr. Feltman said Engineering sent out comments and are waiting for a resubmittal.

Mrs. Morgan said this is going to Planning Commission on November 7th for public hearing. They are in the process of notifying for that.

1 Planning Council 10/23/2018

**Notes:** Mrs. Morgan said they have resubmitted. Staff is in the process of looking that over and making sure all comments have been addressed.

Mr. Beneke said did they resubmit a Fire Plan?

Mrs. Morgan said I don't know. We would have sent it to you if they did.

Mr. Beneke said we haven't seen that.

Mr. Feltman said Engineering sent out comments. I'm not sure if they resubmitted. I don't believe they have.

1 Planning Council 10/30/2018 Forwarded Planning Commission 11/07/2018 Pass

**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 11/7/2018. The motion carried by voice vote.

**Notes:** Mrs. Morgan said Planning staff had a few more revisions, but the applicant has addressed those and sent back revisions. They addressed all of our comments. They did the public notifications and posted the sign, so Planning is good to move it forward to the November 7th Planning Commission.

Mr. Thavong said Engineering has sent out review comments. They are just minor comments. We are just waiting for a resubmittal.

Mr. Cross said Fire signed off on it and we are all good.

Mr. Beneke said we are okay, but I do want to make sure Engineering is aware that the building is

going to be sprinklered and there is an additional fire hydrant that was added in the Fire Plan review.

Mr. Thavong said okay. We'll look for it.

Mrs. Morgan said I do make a motion to move this forward to the November 7th Planning Commission. Mr. Beneke seconded the motion. The motion carried unanimously.

2	Planning Commission	11/07/2018	Forwarded	Planning & Development Committee	11/15/2018	Pass
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**Action Text:** A motion was made by Mr. Reynolds, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 11/15/2018. The motion carried.

**Notes:** See Attachment for Items 18-0845 and 18-0846.

Aye: 10 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, SD 129 Representative Head and At Large Tidwell

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Attachment for Items 18-0845 and 18-0846:

Mrs. Morgan said the Petitioner is requesting a Plan Description Revision for the Savannah Crossing Plan Description located at 1382 Butterfield Road. The subject property is currently a vacant lot zoned for commercial use. The details of the request include revising the Plan Description from allowing 4 drive-thru restaurants to allowing 5 drive-thru restaurants, along with allowing an electric reader board monument sign that adheres to the Aurora Sign Ordinance requirements for reader boards. The size of the sign, the height, the setback and square footage would be the same as the other outlots, which is 8 feet tall and 50 square feet, which is our standard for most Plan Descriptions in the area, or in the city as a whole. Concurrently with this proposal, the Petitioner is requesting a Final Plan on a 2,827 square foot restaurant with 72 seats. The staff has worked with the Petitioner, along with the Burger King, which is on the adjacent property being built now, over the past 2 years to create a cohesive plan for the 2 lots in order to coordinate them both being developed with drive-thru restaurants. This included coordinating a cross access between the 2 lots in order to limit the access point on the north interior drive isle to 1 access point. This was to alleviate potential traffic backing up on to Church Road with the 2 drive-thru restaurants. The Petitioner, Popeye's Restaurant, is working to align their drive isle and their parking to meet the Burger King so you have one easy flow around both lots. There are 10 stacking spaces and 26 parking spaces, which meet our requirements. The landscape plan features a mixture of trees along with a hedgerow along the parking spaces facing Butterfield Road. The building elevations depict a building that references Louisiana architecture, including being clad in rusticated stone veneer with portions being on the side being EIFS along with faux architectural elements such as a balcony and windows covered with louvered shutters. This is, I think, a kind of common branding for the Popeye's brand that you can kind of see throughout the area. Just to kind of give a little brief background, when the overall shopping center of Savannah Crossing was planned in 2005, the Plan Description did limit drive-thru restaurants to 2 lots. Over the years, the Plan Description has been revised several times to allow additional drive-thru restaurants on additional lots, but it didn't number the amount. Currently it is 4, so we are asking it be allowed to 5. This property is a 1 acre size lot and with that smaller size, as well as its close association to the Burger King lot, it really created an opportunity for the developers to come in and coordinate 2 similar uses on these lots. The lot has sat vacant for the past 13 years. There hasn't been any interest from other developers to develop on the lot. Therefore, with a coordinated plan to mitigate any traffic concerns, staff does support the Plan Description Revision as staff believes that an additional drive-thru on the lot, this 1 acre lot, would not have any negative impact to the area as a whole. Are there any questions for staff? I'll bring up the Final Plan again. You can see to the left is the Burger King, so you can see how the 2 kind of have a nice access along all of the properties being able to get out both to the north interior drive isle as well as to the east interior drive isle.

Mrs. Cole said I probably should know this, but I don't. What is the parking requirement? 72 seats in a Popeye's restaurant seems like a lot of people eating in a Popeye's.

Mrs. Morgan said our parking requirement is 1 space per 3 seats, which would be 24 required.

Mrs. Cole said I just was curious. It seems like that's a large number of seats, but that's Popeye's concern.

Mrs. Morgan said right. Some of the ones that came in recently, I feel some of the drive-thru restaurants have kind of been backing down on their number of seats and kind of doing some smaller restaurants, but that is really, I guess, just up to the Petitioner on how many seats they want as long as they meet the parking requirement.

The Petitioner was sworn in.

Good evening. My name is Jon Grzywa. I'm with Woolpert, 1815 S. Meyers Road, Oakbrook Terrace, Illinois. We are the Civil Engineer. We are here on behalf of the Petitioner this evening and we would be happy to answer any questions that you may have. Thank you for your time.

Mr. Cameron said I have a question. What kind of a restaurant is Popeye's? I've never been in one.

Mr. Grzywa said it is chicken.

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

Mrs. Morgan said staff would recommend approval of an Ordinance approving a Revision to the Savannah Crossing (TMK Aurora Venture, LLC) Plan Description on 1.04 acres for property located at 1382 Butterfield Road, being north of Butterfield Road and east of Church Road.

MOTION OF APPROVAL WAS MADE BY: Mr. Reynolds

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Head, Mrs. Owusu-Safo, 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 again, the proposal 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?

Chairman Truax said we've heard from the staff that the plan is constructed to mitigate concerns about traffic.

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

Mrs. Cole said these are all in place or will be put 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?

Mr. Cameron said it has been designed to function with the next door neighbor facility to alleviate those kinds of problems.

- 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 well it does have a certain concentration of similar uses, but in this case I think that was part of the planning that went into this.

- 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?

Mrs. Cole said it is.

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, November 15, 2018, at 4:00 p.m. on the fifth floor of this building.

Mrs. Morgan said staff would recommend conditional approval of a Resolution approving a Final Plan on Lot 10 of Savannah Crossing Subdivision located at 1382 Butterfield, being north of Butterfield Road and east of Church Road for a restaurant with a drive-thru facility (2530) use with the following condition:

1. That documentation be provided to the city for a cross access easement with the property to the west, which should be recorded with the County.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Cole

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

NAYS: None

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, November 15, 2018, at 4:00 p.m. on the fifth floor of this building.