



# City of Aurora

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

## Legistar History Report

**File Number: 20-0368**

<b>File ID:</b> 20-0368	<b>Type:</b> Petition	<b>Status:</b> Draft
<b>Version:</b> 2	<b>General Ledger #:</b>	<b>In Control:</b> Building, Zoning, and Economic Development Committee
<b>File Name:</b> Lindsay Windows Illinois / 55 S. Constitution / Final Plan Revision		<b>File Created:</b> 07/07/2020
		<b>Final Action:</b>

**Title:** A Resolution Approving a Revision to the Final Plan on Lot 1 of the West Reimers Subdivision, located at 55 South Constitution Drive for a Retail Sales or Services (2100) Use, Business and Professional, Office (2400) Use, and a Processing, Finishing and Assembly (3140) Use with Accessory Outdoor Storage (Lindsay Window & Door. - 20-0368 / AU19/1-20.096-SUPD/R/Fpn/R - SB - Ward 5)

**Notes:**

**Agenda Date:** 07/29/2020

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A-1" Final Plan - 2020-07-20 - 2020.096, Exhibit "A-2" Landscape Plan - 2020-07-20 - 2020.096, Exhibit "A-3" Building and Signage Elevations - 2020-07-20 - 2020.096, Average Truck Traffic - 2020-06-25 - 2020.096, Land Use Petition - 2020-06-25 - 2020.096, Qualifying Statement - 2020-07-20 - 2020.096, Property Research Sheet - 2019-10-14 - 2019.203

**Enactment Number:**

**Planning Case #:** AU19/1-20.096-SUPD/R/Fpn/R

**Hearing Date:**

**Drafter:** sbroadwell@aurora-il.org

**Effective Date:**

**Related Files:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning and Zoning Commission	07/22/2020	Forwarded	Building, Zoning, and Economic Development Committee	07/29/2020		Pass

**Action Text:** A motion was made by Mrs. Owusu-Safo, seconded by Mrs. Head, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 7/29/2020. The motion carried.

**Notes:** See attachment for Items 20-0367 and 20-0368.

Aye: 11 At Large Anderson, At Large Cameron, Fox Valley Park District Representative Chambers, Fox Metro Representative Divine, SD 204 Representative Duncan, At Large Elsbree, At Large Gonzales, SD 129 Representative Head, SD 131 Representative Hull, At Large Owusu-Safo and At Large Tidwell

---

Attachment for Items 20-0367 and 20-0368:

20-0367      An Ordinance approving a Revision to the Reimers Plan Description on 9.46 acres for the property located at 55 S. Constitution Drive (Lindsay Window & Door – 20-0367 / AU19/1-20.096-SUPD/R/Fpn/R – SB – Ward 5) (PUBLIC HEARING)

Mr. Broadwell said I'm going to give you a little bit of background for the project. Ed is going to show you the Final Plan while I'm giving some background here. This is the Special Use Plan Description Revision for the property at 55 S. Constitution. Many of you will know this property as the former Cub Foods store. It is approximately 63,000 square feet, the existing building. The site is approximately 9.46 acres. We have a number of members of the Petitioner's group here. You'll hear from them in a little bit. As far as the Plan Description Revision is concerned, what they are doing is going through this approval to allow for up to 2 lots, additional permitted uses and a Special Sign District. You'll see on the Final Plan, Parcel A, which is where the Cub Foods is. They are allowing for the processing, finishing and assembly (3140) use with accessory outdoor storage as a permitted use on the north side of the building there. Parcel B, which is closer to S. Constitution Drive, will be developed in the future for a 10,000 square foot retail building, multi-tenant, I believe. There is also in the Plan Description Revision a Special Sign District which will allow for a new 50 square foot, 8 foot tall sign there near the northern access point on Constitution Drive. That's the Plan Description Revision. Then you will also later see the Final Plan Revision. So they are doing on Lot 1, which is where the Cub Foods is in the back behind the restaurants off of Constitution, that's the Cub Foods. They will have in there the processing and finishing assembly facility, the office and then some new truck docks and some outdoor storage that will be fully screened and then the construction of a new approximately 28,700 square foot addition for more office and indoor storage space. The Petitioner can talk about this more, but they are anticipating constructing the addition within 3 to 5 years and then the outdoor storage will be an accessory to the 3140 use on Parcel A, or Lot 1. Then for Lot 2 again, that's closer to Constitution Drive, which is Lot B in the Plan Description. That will be approximately 1 acre with the 10,000 square foot building in front of the Cub Foods. That will be completed in a second phase of this development. Then you can also see it also has the landscape plan and some of the elevations. As you can see, they are doing a pretty excellent redevelopment of the existing site.

Mr. Sieben said if I can just finish on what Steve said. Let me give a little bit of perspective. North is to the right, so north is up here. Galena Boulevard, which runs east/west, is right here and this is Constitution Drive. This site plan actually shows beyond their property. Their property actually ends right here. This is the north edge of it. On the corner there is a BP Gas Station. There is a KFC fast food here and then the Mother's Pancake House right here, just for perspective. The property does extend to these drives to Galena. That is part of the property. There is a right-in/right-out on the west side of Mother's. There is a right-in/right-out between the Mother's and the KFC and then there is an east/west drive right here. So this is the Cub Foods existing building here, about 63,000 square feet. This, which I'm circling, is a future addition, which would be an office and kind of showroom addition off the front of the building, which would be the east side about 28,000 square feet. Then part of what we asked them to do is, because this originally was a retail site, is there is some space left over, all this parking is not needed anymore because this is not a grocery store, for a potential retail building about 9,000 or 10,000 square feet. It could be retail. It could be office. It could be medical. It would just have to fall under the B-2. So they are setting that aside. Let me give, real brief, a little bit more background. This was a former grocery store, which has been gone for about 13 years. This was Cub Foods, which was built back in the early 90's. It went out of business back in the mid-2000's. St. Paul Lutheran

Church, which is adjacent to the south, acquired the property a few years later. They were granted a Special Use to use the building for ministry purposes. They never did fully utilize the building and they have been working with the city for a number of years to market it for a commercial user. If you recall, approximately 4 years ago, there was a fitness and storage use proposed for the building, but it was withdrawn kind of at the last minute by the Petitioner. Staff does feel the use will provide a new activity for a property that has been vacant for a while, and had become a little bit of an eyesore, with revised site and building and new landscaping as shown on the landscape plan. They are going to supplement landscaping along Constitution and along the south side where that berm is. In addition, in keeping with the original zoning for the property, they will create an outlot, which will be set aside for future B-2 uses. In addition, as the Petitioner can describe shortly, truck traffic and noise should be minimal per the submitted narrative. That's all Steve and I had unless there are any questions right now for staff.

The Petitioners were sworn in.

Good evening. My name is Kathleen West with the law firm of Dommermuth, Cobine, West, Gensler, et al. Our address is 111 E. Jefferson Avenue in Naperville. Our law firm represents Lindsay Windows, the contract purchaser of the property located at 55 S. Constitution Drive. As Ed and Steve both mentioned, this is the site of the old Cub Foods property, which has been vacant for many years. Lindsay Windows proposes to renovate the property and the building and convert it into a facility for its window and door manufacturing business. Lindsay Windows also proposes to construct a multi-tenant building, a retail commercial building, along Constitution Drive. With me this evening are Geoff Roise, the owner of Lindsay Windows and Jon Biertiz and Dave Altosino, the architects for the project. Geoff is going to begin by introducing you to Lindsay Windows and to its operations.

Mr. Roise said good evening everyone. Like I said before, greetings from Minnesota. I'm one of the owners of Lindsay Windows Illinois. Before I get started and talking about Lindsay Windows, my address currently is 1995 Commerce Lane in Mankato, Minnesota 56003 and I really want to just say thanks to the City of Aurora. There are several individuals that really have gone above and beyond to get us to this point, including Dave Dibo and Trevor Dick. John Curley, Ed Sieben and Herman and Steve have done just a great job of going through this process. A big shout out to Bryan Gay with Invest Aurora. Alderman Carl Franco, I'm not sure if he is on this meeting or not, but he not only came and visited us at 55 S. Constitution, but then went a step further and visited our existing facility in North Aurora and just provided a great perspective to us. That's to Alderman Carl Franco. Mike Baum and Bob French have done a great job with the church. We've had a lot of questions. I want to give a huge shout out to JB Architects, Jon and Dave, for doing a great job and coming up with this site plan and working with the city. There is a lot that went into this. There are hundreds of hours both by the city, by us and the architects, so thanks everyone for doing that. You didn't ask me to come and talk about thanking people, so I'll give you a quick rundown of the Lindsay Windows history. Lindsay Windows was actually started in 1947 as a wood sash manufacturing company in North Mankato, Minnesota. Long story short, my parents ended up buying Lindsay Windows when I was a senior in high school back in 1989. My wife and I then moved to Missouri in 2001 where we started our Lindsay Windows Missouri location. We moved back to Minnesota in 2004. In 2010 we started talking to a couple of guys in the Chicago area who had a long history of windows, so they are our General Manager and VP of Sales in Illinois and they are owners with us. They are owners with my dad and I in the Lindsay Windows Illinois location. So we have local ownership in that area and they just have done a great job. They are great guys. They are hands on. They are very communicative with our customers, suppliers and with our team members and community. Matt and his wife Marnie live in Aurora and Sentil and his wife Christina, who also is our Customer Service team lead, live nearby. I'm speaking from Minnesota. If this had been an in-person

meeting I guarantee you I would be down there. The Illinois location has done a great job. They started, like I said, in 2011. Last year they became our second largest manufacturing facility, so they have really grown. If you visit our facility in North Aurora, you are going to find that we are busting at the seams. There is stuff all over the place, which is why we are asking for us to move forward in the purchase of the former Cub Foods building. We started out in Warrenville, just east of the Lifetime Fitness. We moved to North Aurora a few years later for more space and now that we've outgrown that 40,000 square feet, we believe that this is a great facility for us for the long term. So we would move into the existing building. We would renovate it, add outside storage and then the goal, like was mentioned before, is to add on to the facility to provide even more space for us to have offices and manufacture and store windows. That would represent close to or just over 90,000 square feet. Each of our manufacturing facilities is a separate LLC, so the name for our operation there is Lindsay Windows Illinois, LLC. Currently we employ, or have on our team, roughly 25 full-time people and about 50 temps that are all local, close to the Aurora area. I know there are some questions about like what our hours of operation are and about our trucks. Great questions. Our first shift, which is where we have the majority of our team, starts at 5:00 a.m. and generally ends right around 3:00 p.m. Our second shift, which is about 10 to 15 people currently, and we are doing that mostly because of space and getting windows out, they start roughly around 3:00 p.m. and they end just shy of midnight. Our production equipment is fairly light. We have saws, welders, pretty easy to move with a forklift, so we're not talking any super heavy industrial equipment. We deliver our product on our own trucks, just common for a vinyl window manufacturer, so we have a few 53 foot tractor trailers. We have a handful of straight trucks, like 24 to 26 foot box straight trucks. They typically leave our location before 7:00 a.m. They come back mid-afternoon, sometimes later in the evening. It is much different than a typical retail or grocery store that was there before. Our normal days of operation are Monday through Friday. We do work an occasional Saturday. We might work one or two Sundays a year. The employee traffic is fairly low. On the deliveries, we receive things in 53 foot trailers from common carriers and then with normal FedEx and UPS. It is a very, I would say, it is different than the normal traffic. I'm not saying you won't see a truck of ours on the road, but for example the other day I left work here at 6:30 or quarter to 7:00 at night and I met one of our semis coming back here in Minnesota, which is fairly common. So why this property? It has been vacant for several years. Like I mentioned before, several of our team members are near that location. It is great access to 88, as most of you can attest to. We need to convert it to a light manufacturing zoning and we believe that we can do that cost effectively and do that in a way that converts the building from a current non-real estate taxable status to a taxable status and then there are portions of what we sell that are subject to the Illinois sales tax, so we bring that to the city as well. We like the property because we think we can make it look better, employ people, do an addition and then like was mentioned earlier separate out roughly an acre of land for a future office/retail/professional building on Constitution there. That's really a little bit about who we are and where we're going. We intend to grow in that facility and be a great neighbor to the existing neighbors to the church. We want to be a valued partner of the City of Aurora and all of you. Is there anything else, Kathy, that I should talk about?

Ms. West said I think that's it, unless the Plan Commission members have any questions of you.

Chairman Pilmer said are there any questions of the Petitioner?

Mr. Cameron said I have a question Don. Are you primarily a cut and assemble and extrusions and done elsewhere?

Mr. Roise said that's an outstanding question Ken. So just a little bit about us. We try and purchase as many materials as we possibly can, first from the United States and then from North America, so our extrusions currently are made in Monroe, Ohio for this facility. We buy our glass from Cardinal Glass in Spring Green, Wisconsin. It is the same glass that you are getting in an Anderson, a Marvin or a Pella window. We assemble and cut the vinyl. We assemble, weld it and put it together and make a window. We currently are buying our insulated glass units from Cardinal and with this building we hope to manufacture those on our own so we can employ a few more people and provide a little bit quicker turnaround to our customers. We think we can do a few more capabilities in that building once we get settled. A great question, but we currently purchase in all our facilities. We don't do any of our own self extrusions. That's done at other facilities.

Mr. Cameron said and are your windows basically an assembled, like most of the manufactures rather than an Anderson welded glass you use the extrusion strips and then seal the perimeters? Is that how you build your windows, or Cardinal does?

Mr. Roise said so we take 16 or 20 foot sections of vinyl. We cut those to within 1/8 of an inch, so everything we make is considered custom. We make every order specific to that order. We don't have any finished wood stock to pull from. All of our vinyl windows are welded frame and welded sashes and so we don't have any wood in the windows. Then we take Cardinal 366 or 270 glass, we buy an insulated glass unit. Sometimes those are dual glazed, sometimes those are triple glazed, insert that insulated glass unit into the window, put glazing beads in and ship it to the customer.

Mr. Cameron said so it is basically low impact assembly?

Mr. Roise said yes.

Mr. Cameron said not with loud noisy equipment particularly?

Mr. Roise said I'll be as transparent as I can, when we get audited by OSHA, there are areas where hearing protection is required because of the cutting of the vinyl, but you can have a normal conversation in 90% of the building, but for the safety and longevity of the employees, everyone wears safety glasses and everyone wears hearing protection.

Mr. Cameron said that's all I've got. Thank you.

Mr. Elsbree said is there any painting, any painting booths, or exhaust? Would there be anything like that?

Mr. Roise said another great question. We do our own coating/painting on the outside of the window. We don't do any dipping. The materials that we use for a coating perspective on the outside is a water base paint that we buy from a company called AquaSurTec. It is water based, so it is very friendly for the person who is putting it on and for the environment. It is a small exhaust. That's really about the only paint we use. When we laminate windows, we have a laminate that we do in our Minnesota location and from one of our suppliers where we put like a wood grain or a black or bronze exterior on the window with a laminate. There is a glue with that and then when we weld it together we do use like a little touchup paint so the white, tan or clay vinyl matches as close in color to the laminate. That's really the only additional colors that we provide.

Mr. Elsbree said any excessive water use?

Mr. Roise said the question is any excessive water use. Right now the answer is absolutely not because we are purchasing our insulated glass units from Cardinal. We do plan on manufacturing our own insulated glass units and we use typically, and I'm not sure of the water content in terms of chemicals in Aurora, but in our other locations we do things like reverse osmosis, we re-filter the water. Here in Minnesota years ago we were given an award for an environmental impact through the Minnesota Chamber of Commerce. So there is some water usage. I wouldn't consider it excessive.

Mrs. Anderson said I have a question. How many people do you employ in your facility? How many people will be in this facility working?

Mr. Roise said I literally right before this meeting I was on the phone with our HR Manager and she said we're right around in terms of full time people that work for Lindsay 25. We currently have roughly 75 temps, so right around 100 people in the facility.

Mrs. Anderson said and I'm sure that with COVID19 you have processes in place to keep your employees safe as well on the job?

Mr. Roise said yes. I'd love to talk about COVID. It is very important to us as a manufacturing facility. Very early on we put into place social distancing. Pretty easy in our environment to spread some people out, so we did that. We have had cases, so again in full transparency, we've had some cases in our Georgia facility and we have had some cases in our Illinois facility. Again, I'm not saying like people can do whatever they want, but as a leader of Lindsay Windows it was really important for me to go and actually visit every single facility. I met with every single person that was in the facility in groups of 10 or 15, making sure people were socially distancing. I literally inspected every, myself, inspected each facility for hand sanitizer, social distancing and masks. I literally had people walk around and show me where all the stations were, made sure that we were doing the best job we possibly could and also explained, you know I'm not here to guarantee that I can prevent someone from getting COVID. I can't. But at the same time I want to make sure that we're doing what we can to help prevent it and keep people safe and there is also responsibility on the people that come to work every day at Lindsay Windows, including myself, to make sure we are doing things like social distancing, making sure that people aren't standing too close together, wearing masks when they are delivering or in service. We are doing the best job we can. I'm not saying that we are perfect. I'm always open to suggestions. I have weekly calls with our General Managers. Our HR Manager does a Microsoft Teams virtual call with a facility every single month and then I am literally going in person and visiting facilities and every time I go there I'm walking the floor and pointing out areas that we can improve, but also giving kudos to people for just doing a great job and thanks for coming to work. Does that answer your question?

Mrs. Anderson said yes, thank you.

Mrs. Head said I have a question. I'm not sure if this is for the Petitioner or staff. I would like to know how the truck traffic is going to come in and how it is going to exit.

Mr. Roise said the incoming truck traffic, the idea is for it to come in off of W. Galena on the western side. That's the route that we would take to get into the facility. The truck traffic would come in there. That would be just west of the restaurant. It would go along that western side and then it would go across the back on the west side of the building to one of the truck docks. So the docks that we are

looking at that we would like to add to the south side of the building, there are 5 docks there. Those would be our outgoing windows. Our receiving would primarily be done on that northwest corner where there is 2 docks shown. Then the truck traffic would proceed south, go around the building and the truck traffic would exit out the east entrance there and obviously take a left to head back towards W. Galena. Does that answer your question?

Mrs. Head said yes, thank you.

Mr. Roise said the city and I had some great conversations about how that could be done in terms of safety especially on S. Constitution there. We want our incoming trucks to come in off of W. Galena there and then exit on S. Constitution toward the north.

Mrs. Head said I'm a little confused. So the loaded trucks are going to head east down the south side of the building and exit on Constitution. Am I correct?

Mr. Roise said yes, that is correct.

Ms. Tidwell said I had just a quick question. Are all of the windows that you make sold under your name?

Mr. Roise said great question. So each one of our facilities is a regional manufacturer, so we do have our own brand names. The brand names that we manufacture in the Illinois facility are for the replacement market and they are under the Pinnacle Window, Healthy Window, Sun View Window and Crown View Window. Those are our major brands on the replacement side. On the distribution side, the primary brand name is Climate Smart and then on the builder and project side it is Dura Pro. We segment our marketing names around the market channels that we're targeting. There are some of our dealers, however, that they have their own brand name, so they do what's called private label, so we'll manufacture a window to their specifications and they'll sell the market and sell and install that product under their brand name, but it typically carries our Lindsay Windows warranty. They're awesome windows. I think Lindsay are the best windows in North America. We consider our suppliers, especially Cardinal Glass, like a relative. It is a great story. It is a great organization. They make great glass. It is used in a huge percentage of the market for residential windows, so we are thankful for that. We use, I would say, Superior Vinyl technology as well. We are very proud of the products that we make. We don't have the national recognition yet that Anderson, Marvin and Pella have, but I keep kidding the executives that I know there that one of my goals is that when Anderson, Marvin and Pella are putting their competitive pie chart up, my goal is that I'll have our own slice of the pie that will say Lindsay instead of being grouped in other. We are hoping to get there.

Mr. Cameron said I have another question. We had a competitor located out on the west side, Mill Guard, and they have since and now they're manufacturing nutrients or something there, but how would you compare your unit, your construction unit, with the Mill Guard unit?

Mr. Roise said Mill Guard is primarily a west coast company. We compete with them in California and Washington and Oregon. I'll tell you the best thing that ever happened to us from Mill Guard is when they shut that facility down, that's how we got started. We consider Mill Guard a very good competitor. I'm not here to say anything bad about their window. I think our window is better built for the Midwest market, but they are a good product. They are a good competitor as well. That's the best thing about consumer choice is there are good products out there. We think we build the best one.

Mr. Cameron said I wondered because the last 5 or 6 years I was building I used their product and had real good luck with it. That's why I was asking for the comparison.

Mr. Roise said I think that they do a good job in the marketplace as well and I would call them a good competitor.

Mr. Elsbree said are you self-performing this buildout? Are you going to take local bids?

Mr. Roise said that's another great question. Thanks for asking that. The question was are we going to self-do it or take local bids. I'm really good at manufacturing windows and when I get asked the question do I cook, I tell them I cook with Visa and American Express. I like to eat and a similar thing could be said about my building skills. I make a great window. I've got a great team, but we are also locally focused. Our goal is to have as many decisions that impact the customer and the community made at the local level and so with that the only general contractors that I've talked to are based in the Aurora area. All of the architects that we worked with were in the Aurora area, including Jon and Dave at JB. We do our best to support the local community and so we plan on, today I had 3 conversations with GC's for this potential buildout and we plan on absolutely using someone in the local area. Just for the record, Lindsay Windows Illinois is going to be in the building. We separate our real estate, so the real estate will actually be owned by a different LLC. We do as much as we possibly can in the local area.

The public input portion of the public hearing was opened.

Chairman Pilmer said is anyone going to speak?

Mr. Sieben said there were 2 members of the ownership of St. Paul's, Mike Baum and Scott Pfister. I don't know if they have anything to add.

Chairman Pilmer said if so, we would ask them to come forward at this time and Ed will swear you in.

This is Scott. Unless someone has a question for the church we're good.

The public input portion of the public hearing was closed.

Mr. Broadwell said staff would recommend conditional approval of the Ordinance approving a revision to the Reimers Plan Description on 9.46 acres, for the property located at 55 S. Constitution Drive with 3 conditions:

1. The Petitioner will continuously market the outlot for a business or retail use beginning upon the granting of the Special Use.
2. The Petitioner agrees to complete a Final Plat process for the outlot and have the new 2 lot subdivision recorded within one year of first occupancy of the building.
3. The Petitioner agrees to continue to work with the City and the Mayor's Office of Economic Development Division in the final disposition of the outlot with the goal of finding an identified developer or end user for said lot.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Duncan

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, 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?

Mr. Chambers said yes and these are listed in the staff report.

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

Mrs. Anderson said yes it does.

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?

Mrs. Head said it is the 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?

Mrs. Head said the traffic pattern that was stated should not cause any issues with any traffic patterns.

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?

Mr. Cameron said they are either in place or will be provided.

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

Mrs. Head said they are already in place.

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

Mrs. Owusu-Safo said there are no similar uses in the area, so there shouldn't be any saturation.

9b. Is the special use in all other respects in conformance to the applicable regulations in 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?

Mr. Elsbree said yes.

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, July 29, 2020, at 4:00 p.m. which will be held over Zoom.

20-0368      A Resolution approving a Revision to the Final Plan on Lot 1 of the West Reimers Subdivision located at 55 S. Constitution Drive for a Retail Sales or Services (2100) Use, Business and Professional Office (2400) Use and a Processing, Finishing and Assembly (3140) Use with accessory outdoor storage (Lindsay Window & Door – 20-0368 / AU19/2-20.096-SUPD/R/Fpn/R – SB – Ward 5)

Mr. Broadwell said staff would recommend conditional approval of the Resolution approving a revision to the Final Plan on Lot 1 of the West Reimers Subdivision, located at 55 S. Constitution Drive for a Retail Sales or Services Use, Business and Professional, Office Use, and a Processing, Finishing and Assembly Use with Accessory Outdoor Storage, with the following conditions:

1. The Petitioner will continuously market the outlot for a business or retail use beginning upon the granting of the Special Use.
2. The Petitioner agrees to complete a Final Plat process for the outlot and have the new 2 lot subdivision recorded within one year of first occupancy of the building.
3. The Petitioner agrees to continue to work with the City and the Mayor's Office of Economic Development Division in the final disposition of the outlot with the goal of finding an identified developer or end user for said lot

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mrs. Owusu-Safo

MOTION SECONDED BY: Mrs. Head

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Ms. Tidwell

NAYS: None

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, July 29, 2020, at 4:00 p.m. which will be held over Zoom.