



# City of Aurora

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

## Legistar History Report

**File Number: 15-00748**

<b>File ID:</b> 15-00748	<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> CIMA Developers, Inc. / Final Plat and Plan / SWC of Butterfield and Farnsworth		<b>File Created:</b> 08/13/2015
		<b>Final Action:</b>

**Title:** A Resolution Approving the Final Plat and Plan for the PAS Plaza Subdivision for property located at the southwest corner of Butterfield Road and Farnsworth Avenue, Aurora, Illinois (CIMA Developers, Inc. - L15-00748 / BA36/3-15.148-Fsd/Fpn - TV - Ward 1)

**Notes:**

**Agenda Date:** 03/24/2016

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A-1" Final Plat - 2016-02-18 - 2015.148.pdf, Exhibit "A-2" Final Plan - 2016-02-11 - 2015.148.pdf, Exhibit "A-3" Landscape Plan - 2016-02-18 - 2015.148.pdf, Landscape Material Worksheets - Lot 2-5 - 2016-02-19 - 2015.149.pdf, Exhibit "A-4" Fire Plan - 2016-02-18 - 2015.148.PDF, Exhibit "A-5" Building and Signage Elevations - 2016-02-11 - 2015.148.pdf, Land Use Petition and Supporting Documents - 2015.08-12 - 2015.148.pdf, Property Research Sheet 45947-5188-61631-61638-61640-70299.pdf, Address Plan - 2016-02-11 - 2015.148.pdf, Plats of Survey - 2015-08-12 - 2015.148.PDF, Legistar History Report - 2016-03-11 - 2015.148.pdf

**Enactment Number:**

**Planning Case #:** BA35//3-15.148-Fsd/Fpn

**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	Committee of the Whole	08/18/2015	Forward to Planning Council	DST Staff Council (Planning Council)			
<b>Action Text:</b> This Petition was Forwarded to the Planning Commission to the DST Staff Council (Planning Council)							
1	DST Staff Council (Planning Council)	08/25/2015					

Notes: Representative Present: Dan Soltis

*My name is Dan Soltis. I'm with CIMA Developers. CIMA Developers is the real estate development arm of Angel Associates, the owner and operator of the pride of Aurora, the BP, the current BP. Angel Associates purchased that property 3 years ago, updated it, upgraded it, and now we'd like to add to that with the addition of our 5 acre development adjacent to it. Right now we have a freestanding, a 1,900 square foot Jimmy Johns Restaurant to the south of the BP along Farnsworth Avenue. We have them lined up. We have them under lease agreements. They check in with me probably every 2 weeks to see how everything is going and I've kept them updated. They are anxious for a delivery date on that building and we are anxious to provide that. We also show a 10,000 square foot retail center fronting Butterfield. We have been talking with quite a few users. We don't have anything locked down yet, but we are getting closer on some users. We see restaurant use on the east endcap for sure because of the drive thru on the east endcap. We have a patio layout on the west endcap as well, so we do see more of a kind of a breakfast or restaurant use there. On the far west building outlot, we show it as a 7,400 square foot building. We don't have a use locked down there, but we did want to show what we anticipate to go there.*

*Mr. Sieben said I'm not sure if you submitted it right away, but we asked you to give us like a typical elevation for that. As of you now, you don't know what's going to be there, just something to match the architecture of the other building. Was that something that you were going to get us?*

*Mr. Soltis said you know, I was just waiting to see if that's something that you guys did need or did require.*

*Mr. Sieben said yes. That way you don't necessarily have to come back for that, so if you want to show like a typical and then obviously it could be tweaked, depending on the user that eventually comes in there, so something in keeping with the same style and materials.*

*Mr. Soltis said okay.*

*Mr. Sieben said do you want to touch on the elevations?*

*Mr. Soltis said sure. The building architecture will match the current BP architecture with the Cheyenne brick, as well as the Buechel stone. The roof will be the same Champaign metal roof that's also on the BP as well. We will have wood pergola awnings as accent features as well on the building. Like I said, we wanted to keep it in unity with the BP as kind of an overall look. The Jimmy Johns will also have the Cheyenne brick and stone to match with the wood pergola awning entrance as well. Our intent is to keep along the same architectural aesthetic look.*

*Mrs. Vacek said I will probably be reviewing this by probably the end of next week, so I should be getting comments out and then hopefully we can get this set.*

*Mr. Soltis said I'm just waiting on our Mylar for the Annexation Plat, so we will get that executed and I'll bring that in as soon as I have that. I'm just waiting for our engineer.*

*Mrs. Vacek said okay, so once we get that, and then did you pay the fees also?*

*Mr. Soltis said yes, I have them right here as well.*

*Mr. Feltman said I think we sent out comments.*

*Mr. Soltis said we did receive the comments. Mr. Johnson is working on those now.*

*Mr. Feltman said I don't think there is anything of anything major. I think it was just a few things that we saw.*

*Mr. Soltis said that was his take as well. He felt confident that he was going to be able to get those completed in short order.*

*Mr. Feltman said we had a pretty thorough review during the preliminary, so I think it is going to be a fairly quick turnaround for us at least.*

*Mrs. Vacek said we see that you've moved the road down, or the access down, so I think that was one of our bigger things on preliminary.*

*Mr. Feltman said my question is maybe, and I don't mean to put you on the spot, I think they are showing grease traps for the more rectangular space, but they are not showing anything on the 7,400 square foot.*

*Mr. Soltis said correct. We didn't see it as a restaurant use. We said as more of an automotive, a Tuffy's. Obviously some of the uses we were chasing are going across the street, but we didn't see it as a restaurant use.*

*Mr. Frankino said the way we would view it is obviously the tenant building, there is unknown whether or not there is food service or not. That would require that secondary grease line with an exterior trap when the time comes, but the other building, sure we wouldn't make a determination until later. If you suddenly split it in two and didn't know who it was going to be then we'd talk to you about at least maybe a grease line at the time, leave the trap out, but we'll cross the bridge when we come to it.*

*Mr. Feltman said that's probably a good idea just because then you're not cutting through your slab later on. It is just set and it is ready to go just in case you get maybe a freestanding restaurant that comes in and remodels or wants to come in.*

*Mr. Soltis said I'll make note of that.*

*Mr. Frankino said I want to check on Fox Metro boundaries out here. I think you are good.*

*Mrs. Vacek said I think you may need to annex. I know that you may need to annex into, you should contact the Park District because I believe that you do need to annex into the Park District.*

*Mr. Soltis said yes, I did have that on the list as well.*

*Mr. Krientz said I've got a couple of comments to send out, but nothing major. The Butterfield entrance needs to be 20 foot or mountable curb there, so that's something we'll need to address there on Butterfield. There are a couple of minor things. I'll send them. There is a staging area that is too small on the proposed 10,000 square foot building above that staging area by the hydrant needs to be enlarged a little bit.*

*Mr. Soltis said did we address that? I thought we had addressed that on the fire plan.*

*Mr. Krientz said I didn't send you comments on it, but I reviewed the plan and it didn't look like it met the specs.*

*Mr. Soltis said is that the 40 foot staging area.*

*Mr. Krientz said the 26 by 40. It was too narrow right there, but really nothing else. That was the only comments that I will be generating to you and I'll get that out to you pretty quickly here.*

1 DST Staff Council 09/01/2015  
(Planning Council)

**Notes:** *Mrs. Vacek said I need to review this.*

*Mr. Feltman said we sent out comments.*

*Mr. Krientz said I sent a few comments as well. I haven't heard back from them yet though.*

1 DST Staff Council 09/08/2015  
(Planning Council)

**Notes:** *Mrs. Vacek said I'm finishing up my review on this. I just need to finish up my landscaping comments and then I will be sending that out.*

*Mr. Krientz said I have a comment on them. I still haven't gotten anything back. It was pretty minor.*

*Mrs. Vacek said I'll be setting up a Street Name Committee meeting shortly on this one, not that they have any street names, but they will be addressing.*

1 DST Staff Council 09/15/2015  
(Planning Council)

**Notes:** *Mr. Sieben said Tracey is working on this this week. I don't remember if she sent out comments yet or*

not.

Mr. Feltman said Engineering sent out comments.

- 1 DST Staff Council 09/22/2015  
(Planning Council)

**Notes:** Mrs. Vacek said I set out comments a while back. I'm just waiting for revisions. I did a phone conversation with the landscape architect to make sure that he knew what I wanted.

Mr. Feltman said Engineering sent out comments and we are waiting for revisions as well.

- 1 DST Staff Council 09/29/2015  
(Planning Council)

**Notes:** Mrs. Vacek said I have not received a resubmittal. Once I receive it, I will be looking at it.

Mr. Feltman said neither has Engineering.

- 1 DST Staff Council 10/06/2015  
(Planning Council)

**Notes:** I have not received any revisions to my comments, so I'm waiting for that.

Mr. Seiben said is Engineering waiting for comments on CIMA?

Mr. Feltman said yes.

- 1 DST Staff Council 10/13/2015  
(Planning Council)

**Notes:** Ms. Phifer said I believe they have gotten comments back to us, but I don't think Tracey has had a chance to review them.

Mr. Feltman said I think you got a submittal back, but Engineering did not.

Mr. Krientz said I have a comment out too that I haven't gotten anything back on yet.

- 1 DST Staff Council 10/20/2015  
(Planning Council)

**Notes:** Mrs. Vacek said I received a resubmittal for my stuff. However, Engineering did not receive a submittal, so we are going to put this down to Pending until such time that we get a full submittal of everything.

Mr. Beneke said Fire did not get anything.

Mr. Krientz said I still have some comments out on this too and have not heard back.

Mrs. Vacek said I will double check my stuff to make sure that they didn't submit it with my stuff and you just didn't get a copy.

- 1 DST Staff Council 10/27/2015  
(Planning Council)

**Notes:** No report.

- 1 DST Staff Council 11/03/2015  
(Planning Council)

**Notes:** No report.

- 1 DST Staff Council 11/10/2015  
(Planning Council)

**Notes:** Mrs. Vacek said I'm going to maybe look at this next week. Engineering has not been submitted yet.

- 1 DST Staff Council 11/17/2015  
(Planning Council)

**Notes:** No report.

- 1 DST Staff Council 11/24/2015  
(Planning Council)

**Notes:** Mrs. Vacek said we still have not received Final Engineering, so this will continue on Pending.

Ms. Phifer said what is our date?

*Mrs. Vacek said I believe January 27th.*

1 DST Staff Council 12/01/2015  
(Planning Council)

**Notes:** *Mrs. Vacek said they still have not submitted Final Engineering.*

1 DST Staff Council 12/08/2015  
(Planning Council)

**Notes:** *Mrs. Vacek said we have not received Final Engineering yet.*

1 DST Staff Council 12/15/2015  
(Planning Council)

**Notes:** *No report.*

1 DST Staff Council 01/05/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said Engineering did get a resubmittal for engineering. I'll let you talk to how good or bad it was. I did review my comments and sent them out on Christmas Eve, so they do have some comments on landscaping, so we are just waiting to hear back on that.*

*Mr. Sieben said so this needs to be moved up to active.*

*Mrs. Vacek said yes. This will need to be moved up to active next week.*

*Mr. Feltman said Engineering is still in review.*

*Mr. Seiben said any initial comments?*

*Mr. Feltman said it appears that it is not a complete submittal, but we'll have to take a look at it. What we've been getting in the past is the same plans sent back to us.*

1 DST Staff Council 01/12/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said I sent out comments a couple of weeks ago. I did meet with the engineer yesterday to go over some of my comments. I am waiting for revisions to them.*

*Mr. Feltman said Engineering sent out comments as well. We still have some concerns about the stormwater management.*

1 DST Staff Council 01/19/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said I sent out comments last week. I'm just waiting to hear back from them.*

*Mr. Feltman said we had sent out comments last week as well. Many of the comments were repeats of the previous review, so many of the comments were not addressed. I think the way we were going to approach this was we were going to wait for the resubmittal to see if the comments are actually addressed prior to voting this out.*

*Mrs. Vacek said that is correct.*

*Mr. Beneke said I believe the Fire Marshall also sent out comments on this.*

*Mrs. Vacek said and that was from the 2 times ago, so you have not received a resubmittal?*

*Mr. Beneke said no.*

1 DST Staff Council 01/26/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said I'm just waiting for revisions.*

*Mr. Feltman said we are waiting for a resubmittal.*

1 DST Staff Council 02/02/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said I'm still waiting for revisions to the comments I sent out at least 3 weeks ago.*

*Mr. Feltman said the same with Engineering. We have not received a resubmittal based on our comments.*

1 DST Staff Council 02/09/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said I'm still waiting for comments. I'm actually going to put this down on pending this week and send them a letter. This will be down on pending next week.*

*Mr. Feltman said Engineering sent out comments and has not received a resubmittal.*

*Ms. Phifer said and just to be clear, until we get a resubmittal that actually addresses the comments, we would not be pulling it back up off of pending because we did put this on pending one time before and they gave us a submittal. However, they didn't make any changes that we requested. This time, we are going to make sure that they actually makes the changes before we would pull it off of pending.*

*Mr. Feltman said the majority of the Engineering comments were not addressed.*

*Mr. Krientz said I had outstanding comments that weren't addressed as well.*

*Mr. Feltman said was it affecting hydrant locations?*

*Mr. Krientz said I don't think so.*

*Mr. Beneke said I think it was a mountable curb and the staging area, the 26 by 40 staging area.*

*Mr. Feltman said there is a raised median along Butterfield. I don't know if we really necessarily have to have a raised, like a pork chop at the right-in/right-out. It could just be an access.*

*Mr. Beneke said whatever works for you guys. At least mountable for us so that they can get in.*

*Mr. Feltman said ultimately it is up to IDOT, but usually where there is a median across the front there is really not a whole lot of reasoning to put the pork chop in there.*

*Mr. Krientz said originally the entrance was way too narrow for us to get in. That's why the recommendation went out to them.*

*Mr. Beneke said even if they made it 20 feet wide it would be okay, but we didn't have either. Then the staging area we had commented before that they actually had the staging area overlapping the parking spaces and that's part of our problem.*

*Mr. Feltman said well maybe we'll make the comment just to remove the median at the access. That way you guys don't have any issues.*

*Mr. Beneke said and if they widen that lane just a little bit, at least just at the hydrant location, they should be fine.*

*Mr. Sieben said so this will go to pending until we get full completed responses.*

1 DST Staff Council 02/16/2016  
(Planning Council)

**Notes:** *Mrs. Vacek said CIMA actually resubmitted last week. I sent out comments on Friday. I have very few comments left. That's kind of where we are with it.*

*Mr. Feltman said Engineering received a resubmittal. We are in the process of reviewing it.*

*Mr. Beneke said we were just looking at it this morning also. It looks like they still had the issue with the parking spaces overlapping the staging area, but they resolved the pork chop thing. They made it 20 feet wide for each lane at the pork chop.*

*Mr. Feltman said like we said last week, the pork chop isn't really necessary because there is a median across it. It is up to IDOT. They are going to dictate what that access looks like.*

*Mr. Beneke said either way it works for us, as long we've got the 20 foot lane to be able to get the equipment in I think we are okay. So that portion of it is fine. We've got to look back at our notes and finalize, but I think that the one comment about the, because they've got the drives at 24 feet, so the parking space actually encroaches into that cleared staging area.*

Mrs. Vacek said do you know big the parking is at that location?

Mr. Beneke said I don't. I'd have to look at it.

Mrs. Vacek said because if it is 19 feet, they can go to 17 feet, so that would take care of it right, because you need 26 feet?

Mr. Beneke said yes. It is on the north side of it, so it could possibly fit that criteria.

1 DST Staff Council 02/23/2016  
(Planning Council)

**Notes:** Mrs. Vacek said I'm finishing up my review on this. I think I just have one more thing to kind of look over and I hopefully will talk to Engineering and see where they are and then we can move this forward.

Mr. Andras said I think Mary just got something back recently.

Mrs. Vacek said she said she was in review of it.

1 DST Staff Council 03/01/2016 Forwarded Planning 03/16/2016 Pass  
(Planning Council) Commission

**Action Text:** A motion was made by Mrs. Vacek, seconded by Mr. Beneke, that this agenda item be Forwarded to the Planning Commission, on the agenda for 3/16/2016. The motion carried by voice vote.

**Notes:** Mrs. Vacek said this is actually ready to go. It is going to go on March 16th to Planning Commission. I will make a motion to move this forward. There will be one condition on this that the elevation for Lot 5 match the elements of Lot 3, so I will be putting that into the staff report when I do it.

Mr. Beneke said have you confirmed that the dimensions are okay?

Mrs. Vacek said yes.

Mr. Beneke said okay, then we can sign off.

Mr. Feltman said we are in review, but I think they've addressed generally the comments, so we're good.

Mrs. Vacek said I make a motion to move this to the March 16th Planning Commission. Mr. Beneke seconded the motion. The motion carried unanimously.

2 Planning Commission 03/16/2016 Forwarded Planning & 03/24/2016 Pass  
Development  
Committee

**Action Text:** A motion was made by At Large Engen, seconded by At Large Cole, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 3/24/2016. The motion carried.

**Notes:** Mrs. Vacek said the subject property is located at the southwest corner of Butterfield and Farnsworth. The property consists of several parcels. It is a total of 5.033 acres. You have seen this before. This did come through for the Annexation, Rezoning, and the Preliminary Plan, so you have seen this before. The Final Plan and Plat does consist of 5 lots. Lot 1 will contain the existing gas station and Lot 2, 3 and 5 will be developed as 3 new retail buildings. Stormwater detention is being provided on Lot 4. Lot 2 would consist of a 1,870 square foot fast food restaurant building with a drive thru. Lot 3 is consisting of a 10,000 square foot retail strip center with a drive thru, and Lot 5 would consist of a 7,440 square foot retail building. Lot 5 and Lot 3 both front on Butterfield and then Lot 2 does front on Farnsworth Avenue. There is a total of 129 parking spaces with an additional 12 parking spaces that will be constructed in the rear of the gas station building on Lot 1. They do meet parking regulations. They also are allowing a 50 square foot monument sign for each retail center on each lot. Lastly, they did submit full landscaping plans to be implemented throughout the subdivision. The building elevations for Lot 2 and 3 consist of brick with stone accents and metal awnings over the doors and the windows. The building elevation for Lot 5 consists of brick only right now. I will turn it over to the Petitioner. He can kind of go into a little bit more detail of this whole project and then I will go ahead and give my recommendation.

Good evening. My name is Dan Soltis. I'm with CIMA Developers. CIMA Developers is representing Angel Associates and the Pride Stores, Inc., owners and operators, as Tracey mentioned, of the current Price of Aurora BP location, which is adjacent to this development on the corner of Butterfield

and Kirk, as she mentioned. Angel Associates and the Pride Stores purchased this property, the BP location, 5 years ago approximately and most of you on the Board may have remembered what that site looked like when we purchased it. We're very proud of the improvements that we've made at the BP location. This development will be an extension of that site. We like to own properties that are adjacent to our current BP locations. The Pride Stores operates 12 locations throughout the Chicagoland area. We have sites in neighboring Batavia, St. Charles, Carol Stream, Villa Park, Lake County, etc. We're looking to get started on this development as soon as possible. We are talking to quite a few potential tenants. That's going to drive, obviously, our construction timing. Ultimately we would like to lock down those tenants prior, but right now we do want to be in position to break ground mid-year based off of, obviously, building final approvals and building permits, etc. I can open it up for questions. I don't know how much more detail you would like, but I can answer any questions.

Chairman Truax said the only question I had, and I think it is for staff and not the Petitioner, this little property in the southwest corner right off there where there is a house, how are they getting in and out of their property?

Mrs. Vacek said they have a cross access, so they will be using the access that will go out onto Butterfield there.

Chairman Truax said okay, and they are okay with that?

Mrs. Vacek said unfortunately development is happening around them and they didn't want to sell.

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving the Final Plat and Plan for PAS Plaza Subdivision for the property located at the southwest corner of Butterfield Road and Farnsworth with the following conditions:

1. That the building elevation of Lot 5 be revised to be consistent with the building elevation for Lot 3.
2. That the Petitioner is required to relocate the existing monument sign along Farnsworth on Lot 1 upon any modification to the sign. At such time, the sidewalk shall be relocated so that it is 1 foot inside the right-of-way line at their expense.

Mrs. Vacek said I can kind of go over Condition #1 just a little bit. At this time, it is my understanding that the Petitioner doesn't have anybody for Lot 5, so right now they are just showing a very plain building. We just want to make sure that it is consistent with the other 2 buildings and so we want to make sure that some of those architectural elements, the stone, some of like the metal that they are showing on the other ones, be very consistent with that. I believe that they are agreeable. They just don't want to revise the plans and then revise them once they have a user.

MOTION OF APPROVAL WAS MADE BY: Mr. Engen

MOTION SECONDED BY: Mrs. Cole

AYES: Mr. Bergeron, Mr. Cameron, Mr Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Engen, Mr. Garcia, Mr. Reynolds

NAYS: None

Mrs. Vacek said this will next be heard at the Planning and Development Committee meeting on Thursday, March 24, 2016, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 9 At Large Bergeron, At Large Cameron, At Large Cole, Aurora Twship Representative Reynolds, At Large Divine, At Large Engen, SD 204 Representative Duncan, SD 131 Representative Garcia and Fox Valley Park District Representative Chambers

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