



# City of Aurora

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

## Legistar History Report

**File Number: 17-00781**

<b>File ID:</b> 17-00781	<b>Type:</b> Ordinance	<b>Status:</b> ATS Review
<b>Version:</b> 3	<b>General Ledger #:</b>	<b>In Control:</b> Planning & Development Committee
<b>File Name:</b> St. Paul Lutheran School / Special Use Extension / 85 S. Constitution Drive		<b>File Created:</b> 09/28/2017
		<b>Final Action:</b>

**Title:** An Ordinance Granting a Special Use Permit for a six (6) Modular Classroom Units in effect until September 2018 on the property located at 85 S. Constitution Drive being west of Constitution Drive, south of Galena Boulevard.

**Notes:**

**Agenda Date:** 10/12/2017

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Legal Description.pdf, Property Research Sheet Location Id 47997 - 2016-06-07 - 2016.092.pdf, Land Use Petition and Supporting Documents - 2017-08-14 - 2016.092.pdf, Plat of Survey - 2017-08-14 - 2016.092.pdf, Legistar History Report (Special Use Revision) - 2017-10-02 - 2016.092.pdf

**Enactment Number:**

**Planning Case #:** AU19/1-16.092-Fpn/R-Su/R

**Hearing Date:**

**Drafter:** aminnella@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	08/22/2017	referred to	DST Staff Council (Planning Council)			
	<b>Action Text:</b>	This Petition was referred to to the DST Staff Council (Planning Council)					
1	DST Staff Council (Planning Council)	08/29/2017					
	<b>Notes:</b>	<i>Representatives Present: Monica Hawk and Terry Oppermann</i>					
		<i>I'm Terry Oppermann with Oppermann Architects and this is Monica Hawk with Engineering Resource Associates and we are representing St. Paul Lutheran Church and School.</i>					
		<i>Mr. Sieben said maybe you can talk about timing and where you are at timing-wise.</i>					

Mr. Oppermann said as you know, this has been kind of a long time in coming and we appreciate the extensions that we have gotten on the portable classrooms. In an effort to replace those, we finally developed the plan that gets them where they need to be in the near future with a school addition, which has 3 classrooms per floor. It is 2 floors, so it is 6 classrooms. The western addition. That is the addition to the school. Then there is a Fellowship Hall addition to the northeast there for primarily church use, fellowship functions.

Mr. Sieben said the building currently is a combination of church and school in the building.

Mr. Oppermann said yes.

Mr. Sieben said but the western addition is for 6 additional classrooms, 2 story and then the east side is some additional fellowship space for the church.

Mr. Oppermann said yes, single story. Then there is a small little entrance canopy for a covered walkway off of the primary drop-off into the church. The goal right now is we are working on the building plans to hopefully get a building permit and get through this process as quickly as possible this fall so they can start construction on the classroom addition. It looks like they have the money in place to get going on it. The Fellowship Hall will follow shortly thereafter. Probably not this fall, but probably next spring or thereafter. At which time they get the classrooms built then they will remove the portable classrooms.

Mr. Sieben said I think you are asking for a 1 year extension on the portables to get you through next August or September and then the goals would be next fall moving into the new addition.

Mr. Oppermann said it is tight, so we need to get rolling on it.

Mr. Sieben said do you know what their student count is or what they are looking at?

Mr. Oppermann said I did. I'm just guessing, I don't know, but it is approximately 15 to 20 per classroom.

Mr. Sieben said and they do Pre-School through 8?

Mr. Oppermann said right. Unfortunately, the church representative wasn't able to be with us today. In order to get the classroom addition on, we are adjusting the fire lane and turnabout from the circular cul-de-sac to a hammerhead configuration, which I think was directly out of your guidelines.

Mr. Sieben said do you want to touch on Engineering? There was some question on how the engineering plays into this with stormwater. Do you want to touch on that?

Ms. Hawk said what we know is that there is flood plain adjacent to the property and this building addition. Even though it is located outside of the flood plain limits, what we were asked to do for the building addition itself is to provide building protection standards. The finished floor elevation is not 2 feet above the flood plain. We are actually matching the current elevation, which is above the BFE, but just not 2 feet for the flood protection elevations. So what we've done is the top of foundation, it is almost like the top of foundation is higher than the finished floor elevation, so the top of foundation is going to be that 2 feet flood protection elevation around. Most recently what we needed to do was to add some new doors to the building addition and these doors are going to be out the north side of the west addition. What we are proposing to do is almost build a retaining wall around it because we are going to step out to grade below the flood protection elevation and then we are going to have retaining walls around there and step that up so that the adjacent grade around the retaining walls and up around the building itself is up at that 2 feet flood protection height. So hopefully that makes sense.

Mr. Feltman said so there will be stairs going up then?

*Ms. Hawk said yes, a couple of steps.*

*Mr. Feltman said what is the door for? Is it for exiting?*

*Mr. Oppermann said it is for exiting. The common path of egress travel is just over the requirements, so this allows them to have that second egress out of the classrooms.*

*Mr. Beneke said so you'll need an area rescue, obviously, at the stairs at the landing or you're going to have to do a ramp there.*

*Mr. Oppermann said we can talk about that more, but if they are out of the building, how far do they need to be out of the building?*

*Mr. Beneke said they can just be on the stoop, but you've got to rate the wall and the door right at it. Just have it right there.*

*Ms. Hawk said is it a certain dimension that it needs to be?*

*Mr. Beneke said well the wall has to be rated within 10 feet to each side of the area of rescue, but it can be right on that stoop.*

*Mr. Oppermann said it may be simpler to just ramp it actually.*

*Mr. Beneke said yes. If you ramp it then you are good. But that's not a huge deal.*

*Mr. Oppermann said it is somewhat crazy because we are using the existing main entrance door down on the south side of that addition.*

*Mr. Beneke said and that's accessible already, right?*

*Mr. Oppermann said it is accessible, but 2 feet above the flood plain and all the doors going into the gymnasium. I guess those are grandfathered, but we add 2 more then we have to address them that way.*

*Mr. Beneke said in an existing facility you have to have the accessibility somewhere and point to that direction, but if you are doing a step out then you have to do the area. If you do a ramp there then that just makes it accessible all the way around.*

*Ms. Hawk said so if we do the ramp, it would need to meet all the ADA requirements for a ramp; otherwise, we do the steps with the fire assistance.*

*Mr. Beneke said the fire rated wall and door and no windows in there or you have to have them rated and then just a 5 foot area, a 30 by 48 area. It is just kind of set on the side. So whichever way.*

*Ms. Hawk said so there is some increase in impervious area for this site. We are removing some, but we are adding some and the net, I believe, I don't know the exact number, but it is a net increase. So what we've done is we've obtained records from the city for the detention area adjacent to us to the west that got constructed a number of years ago and we looked through all of those reports and we believe that there is some excess volume that we are able to utilize as credit toward this increase in impervious area. In the stormwater water report that we put together, there is a narrative and then also those same backup calculations in that stormwater report.*

*Mr. Feltman the water, that's a service, correct? That's not a water main that you are relocating?*

*Ms. Hawk said that is a service.*

*Mr. Beneke said so a couple of things on our side. The Fire Marshall and I have looked at your Fire Plan. We are approved. It is good what you are showing us. The question I would have for you Terry*

*is are you going to propose to do documents for both of these at the same time or are you going to do separate permits? We can do them at the same time and structure them and you can submit that anytime you are ready at this point. If you want to submit it all at once and do a structure that allows the one to get approved before the other one, that's fine.*

*Mr. Oppermann said at this point, I think we are attacking the school building initially.*

*Mr. Beneke said okay and then do a separate permit later on the other one.*

*Mr. Oppermann said a separate permit later. We've checked the total building area and the construction type and we've got the allowable area to put on both additions without fire walls or anything like that. We've addressed them separately at this point.*

*Mr. Beneke said that's fine, either way. Just if you want to do them both at the same time, we've got a system set up that way and we can sit down separately and talk about how that all works for you.*

*Mr. Sieben said Alderman did you have any comments?*

*Mr. Franco said no. As long as we are good with the stormwater management because, obviously, that area is a little bit delicate with the water. Then the timing on this. We are looking at the classrooms being ready to go next fall because we've had a number of extensions on the portables. We never knew when that was going to end, but the fact that you've got these drawings here now kind of helps me believe that we are actually going to get something done, so that's pretty good.*

*Mr. Sieben said that was the goal when we last met with you guys about a year or so ago. I'm glad they got their budget in order, so that's good.*

*Mr. Franco said my question is though is any of this predicated on any existing sales of any property? Is this still going to go no matter what?*

*Mr. Oppermann said that's my understanding. It is not predicated on the other Cub Foods. They say they've got the money in the bank and they are ready to roll.*

*Mr. Minnella said this is tentatively scheduled for an October 4th public hearing. Notices will be sent out to you and we will be in contact.*

*Mr. Sieben said and I think Alex, I don't think you commented, but they already made revision on the plans?*

*Mr. Minnella said all the revisions have been received and all the comments have been addressed.*

*Mr. Sieben said so it looks like we are pretty good on our end.*

*Mr. Oppermann said the sooner the better.*

1 DST Staff Council 09/05/2017  
(Planning Council)

**Notes:** *Mr. Minnella said this is tentatively scheduled for the October 4th Planning Commission. We have everything on our end.*

*Mr. Sieben said where is everyone else with their status?*

*Mr. Cross said we approved it.*

*Mr. Sieben said so for the record Fire is good?*

*Mr. Cross said yes.*

*Mr. Feltman said Souts said he took a look at it. Stormwater management, apparently there was*

some excess detention on the previous addition that was carved out in Turnstone Lake, so apparently that is taken care of and then they are just relocating the water service, so it is not a big deal.

- 1 DST Staff Council 09/12/2017  
(Planning Council)  
**Notes:** *Mr. Minnella said this will go to the October 4th Planning Commission. It doesn't need to be voted out until September 26th.*  
  
*Mr. Feltman said they had submitted into us. Their engineer had looked at the previous additional detention that was provided by St. Paul and they are indicating that there is enough detention to accommodate these new additions. We are still looking through it. It appears that that is the case.*
  
- 1 DST Staff Council 09/19/2017  
(Planning Council)  
**Notes:** *Mr. Minnella said this set for the October 4th Planning Commission. We don't need to vote this out until next week.*
  
- 1 DST Staff Council 09/26/2017 Forwarded Planning 10/04/2017 Pass  
(Planning Council) Commission  
**Action Text:** A motion was made by Mr. Minnella, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 10/4/2017. The motion carried by voice vote.  
**Notes:** *Mr. Minnella said I make a motion to move this forward to the Planning Commission meeting of October 4th. Mrs. Morgan seconded the motion. The motion carried unanimously.*
  
- 2 Planning Commission 10/04/2017 Forwarded Planning & 10/12/2017 Pass  
Development Committee  
**Action Text:** A motion was made by Fox Valley Park District Repre Chambers, seconded by At Large Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 10/12/2017. The motion carried.  
**Notes:** *Mr. Minnella said in your packet you also have history of this Special Use and you will see that in 2009 was when St. Paul Lutheran Church applied for the Special Use, which was extended later on in 2012 for an additional 3 years. In 2015 then, the Special Use was renewed through July 31, 2016. We feel that St. Paul Lutheran Church is close to achieving their goal, but this year this additional year will let them accomplish their goal of a full buildout of the expansion of the school and have more students enrolled. With this being said, should you have any additional questions for staff, I will answer them all.*  
  
*Mr. Cameron said I would just comment that I will support this, but if they are not ready for occupancy the next time around, I would not support it. I understand it is written in, but as you may or may not know, I spent 9 years as the Enforcement Officer for the Regional Office of Education and saw both the plusses and minuses of modulars. Some teachers prefer them because it keeps them away from the Principal.*  
  
*The Petitioner was previously sworn in.*  
  
*Ms. Katz said we are going to be breaking ground and doing a groundbreaking ceremony on November 12th, so we are firm in getting this built this year.*  
  
*Mr. Cameron said it is possible to do. I just want to make sure you have my opinion to keep your feet to the fire on the contractors.*  
  
*Ms. Katz said we're not kidding. We've been promised it for how many years now, so totally I agree with you.*  
  
*Mr. Minnella said and also staff put some conditions just to have the Petitioner on track so we have a condition by August 31, 2018 the construction shall be completed, as well as by August 31, 2018 the classes in the new building addition begin and by September 30th the 6 modular classes shall be removed.*  
  
*The public input portion of the public hearing was opened. No witnesses came forward. The public*

input portion of the public hearing was closed.

Mr. Minnella said staff recommends conditional approval of the Ordinance granting a Special Use for 6 modular classroom units in effect until September 2018 on the property located at 85 S. Constitution Drive being west of Constitution Drive and south of Galena Boulevard with the following conditions:

1. The Petitioner shall meet the following milestones:
  - a. By August 31, 2018 the construction of the school addition be completed.
  - b. By August 31, 2018 that classes in the new building addition begin.
  - c. By September 30, 2018 that the 6 modular classes be removed.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Cameron

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

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. Cameron said it is an extension of a Special Use for a 12 month period of time, so it does meet those requirements.

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. Cole said this is a one year extension of something that's been in place for a good many years and at the end of this year then the permanent structure should be available.

Chairman Truax said and that will certainly be a desirable trend of development.

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?

Mr. Cameron said there should be no change.

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. Owusu-Safo said these are already existing facilities.

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. Cole said as this has been in place for a good many years, there will be no change.*

*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?*

*Mr. Cameron said there should be no effect.*

*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. Owusu-Safo said I believe these are in conformance since it is already an existing facility to date and just an extension of duration as opposed to a new facility.*

*Mr. Minnella said this will next be heard at the Planning and Development Committee on Thursday, October 12, 2017, at 4:00 p.m. on the fifth floor of this building.*

*Aye: 8 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Valley Park District Representative Chambers and At Large Owusu-Safo*

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