



City of Aurora

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Aurora, Illinois 60505
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Legistar History Report

File Number: 21-0757

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**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 09/20/2021

File Name: Panattoni Development Company, Inc. / 2120 Sullivan
Road / Rezoning

Final Action:

Title: An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone Property located at 2120 Sullivan Road from O(C) Office District with a Conditional Use to ORI(C) Office, Research, Light Industrial with a Conditional Use (Panattoni Development Company - 21-0757 / AU07/4-21.284-Rz/Fsd/Fpn - JS - Ward 5) (PUBLIC HEARING)

Notes:

Agenda Date: 11/10/2021

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Land Use Petition and Supporting Documents -
2021-09-20 - 2021.284, Plat of Survey - 2021-09-20 -
2021.284, Exhibit "A" - Legal Description, Findings of
Fact Sheet - Rezoning, Findings of Fact Sheet -
Conditional Use

Enactment Number:

Planning Case #: AU07/4-21.284-Rz/Fsd/Fpn

Hearing Date:

Drafter: sodaroj@aurora.il.us

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	11/03/2021	Forwarded	Building, Zoning, and Economic Development Committee	11/10/2021		Pass
Action Text: A motion was made by Mr. Chambers, seconded by Mr. Kahn, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 11/10/2021. The motion carried.							
Notes: See Attachment for Items 21-0757, 21-0758 and 21-0729.							

Aye: 5 Fox Valley Park District Representative Chambers, At Large Gonzales, At
Large Owusu-Safo, At Large Choudhury and At Large Kahn

Attachment for Items 21-0757, 21-0758 and 21-0759:

21-0757 An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone property located at 2120 Sullivan Road from O(C) Office District with a Conditional Use to ORI(C) Office, Research, Light Industrial with a Conditional Use (Panattoni Development Company – 21-0757 / AU07/4-21.284-Rz/Fsd/Fpn – JS – Ward 5) (PUBLIC HEARING)

Mr. Sodaro said so what we are looking at today is a rezoning of a currently vacant property from Office District with a Conditional Use for a Planned Development to Office, Research, and Light Industrial with a Conditional Use for a Planned Development. This property was actually annexed in 2001 to the ORI district. In 2005, it was rezoned after an office park was platted and planned to Office District. What we are doing here today is just going to be putting that back into the zone that it was originally planned for. When it was originally planned and annexed, there was a proposal for a warehouse development. It never really happened so the developer and the owners went along with an office park. Concurrently with the proposal, the Petitioner is requesting approval of a Final Plat. When the office park was originally planned in 2005, a series of smaller lots were created in order to account for individual buildings, different detention basins and the parking, so what this is going to be doing is vacating all easements, getting rid of all those lots and creating one large lot that the site and the detention basins will be resting on. The main portion of this development is the Final Plan Petition. What it's going to be doing is creating roughly a 357,000 square foot warehouse. At the time, no tenant is proposed for the building. Two access points are proposed for the development. They will both be tying into existing. One will be tying in an existing drive. The other one will be creating a new drive off of Sullivan Road, a new access point. Originally when the office park was created, it was planned that there would be access where the Aurora Christian School has access to. We wanted to keep the truck traffic and passenger traffic away from that as much as possible, so we had them move the access point into Sullivan Road on the bend there. The developer will also be closing off the originally planned access point as you can see there. They will be curbing that off and creating a sidewalk, connecting that sidewalk along where that access point would have been. Let me go back to the landscape plan then. As you can see, we have had the developers put heavy landscaping in between the residential subdivision to the east and to the proposed warehouse on the site. We also have them extending that landscaping along the southern property lines and along the detention basins, which will be bordering the Vaughn Aquatic Center. Currently 138 trailer spaces are proposed. That's all going to be taking place on the southeastern/southern portion of the property with the passenger parking taking place on the western, northern and eastern portions. Again, all these are to be screened from residential developments and from the Park District property with heavy landscaping. I'll quickly touch on the photometric plan as well, as I feel as that would be important. There are no current light fixtures proposed to be in the parking lots. All light fixtures will be on the building itself, none lighting up the trailer parking. As you can see here, we have light level of zero on the entire border of the property line. The landscaping will also help buffer any additional lights on the fixtures on the warehouse itself. I believe that is all I have. If you have any questions for staff, I'd be happy to answer; otherwise, we do have a member of the Petitioners here.

Mr. Gonzales said I have a question for you. I don't know if maybe the Petitioner would answer this or not, but on the eastern border of that, it backs up to residential. You're talking about the landscaping that would go there. Are we talking about a berm? If it is a berm, do we have an elevation height on that?

Mr. Sodaro said no berm is currently proposed. What we do have is a line of evergreen and canopy trees lining both the property line and the parking lot and that's continued from the street all the way wrapping around there and as well as along the parking isle.

Vice Chairman Owusu-Safo said what is the distance between basically the buffer between...

Mr. Sodaro said the buffer, it is well over 150 feet.

The Petitioner was sworn in.

My name is John Pagliari. I'm with Panattoni Development Company. We are located in Rosemont, Illinois, 6250 N. River Road, Rosemont, 60018. This is our third building that Panattoni has built in the City of Aurora. We've actually purchased over 5 other buildings in Aurora, so we are well versed with industrial in the I-88 corridor. We're very positive of the speculative nature of the building. It is a spec building, as we call it, so we build it and try to lease it to 1, 2, or 3 separate tenants potentially. One thing staff mentioned, and they've been great to work with by the way, was the area to the east, there is a 100 foot buffer next to the residences over there. One of our initial plans basically had the eastern drive isle connected at the existing intersection there, but we would have come into that buffer, to the 100 foot buffer, and they really told us not to do that, so we shifted it closer to the middle of the property and it seemed to work out for everybody, but we really took great care in staying away from those townhouses east of our project. Really, there was a traffic study done also from KLOA, which is a reputable firm and I think the previous Petitioner used also. For the most part, the majority of the traffic will come from the west. People will be coming and going off I-88 at Orchard Road just west of the property. We see that entrance more utilized, the eastern entrance not quite as much, but we need both of them to make the project flexible and traffic flow properly. Again, this is a state of art building, probably what would be a \$40 or \$50 million dollar project for us, so we're pretty excited to be here. Thanks for having us.

The public input portion of the public hearing was opened. The witnesses were sworn in.

My name is Sven Moravec, 1498 Elder Drive, Aurora, Illinois 60506. I only had prepared remarks until I saw the presentation. I was wondering if I could ask the presenter some questions.

Mrs. Vacek said you can ask the Commissioners and they'll get back to them.

Mr. Moravec said I have 5 questions that he brought up. The first question I have for this property is what is the egress of the trucks on the property? Will they only have access on the west side of the building or will it be both east and west? My next question is, is the parking lot on the east side of the building part of the 150 foot stated buffer zone? My next question, they mentioned trees to plant as

part of the buffer. What size trees will they be purchasing to start and how long until they are mature trees to be able to actually block light and noise? I did not hear the height of the building mentioned. I was wondering what the height of the building was to be able to block our view from our houses. Those are the questions I got raised from the presentation because I had not seen any of the information for the proposed building before.

Vice Chairman Owusu-Safo said I wrote 4 down. Are you sure you had 5?

Mr. Moravec said well the other one I'm not sure it really stands. It is hours of loading and which way do the lights point. Even though you don't point them at the houses, it still creates light pollution toward our house. I believe that was covered by the trees. Now for my prepared remarks. Good evening ladies and gentlemen of the Board, staff and guests. Thank you for allowing me time to speak. My name is Sven Moravec and live in Fox Croft with my wife and 7 year old son. I'm not here to speak only for my family, but for my neighbors as well. There are 66 family units that reside on Elder Drive on both sides of the street, which is located on the east side of the property in question. 35 of those have bedroom windows that open feet from the property in question. They all face west. I have spoken to 25 of the 35 family units in question. 24 oppose this project and approved my prepared remarks. We are against this zoning change for two main reasons; our property values and noise, air and visual pollution. It is fairly well established that living next to a commercial zone does decrease property value due to degradation such as traffic congestion, air pollution, noise pollution and visual pollution. It is easily concluded that light industry type buildings such as the proposed warehouse, distribution and storage would have a higher rate of set degradations than an office zoning, which it currently is. These degradations would result in diminished appeal for prospective buyers. As for quality of life for residents, we already live near this type of a business with a large buffer. 35 families with bedrooms facing west currently have about a ½ mile buffer, which is the empty field. We still hear the further warehouses everyday at 4:00 a.m. starting with garbage trucks banging dumpsters, beeping trucks and dropping trailers. Changing the zoning district will decrease that ½ mile buffer to about 40 feet to the property line. We would be able to experience the full experience of the business. Noises would be much louder, the shaking of the ground more pronounced, and we would also be able to smell the entering and exiting and idling trucks. We would not be able to enjoy a nice summer day with windows opening more nor sleep with them open without being woken earlier than needed. We could speculate on health concerns all of these issues could bring to light, but knowing that there could be problems is enough. So as residents of our community and of this city that we love, please do not allow this nuisance to be built on our back porch. There are also two side notes that pertain to this property. The furthest east and south corner of the property directly behind my house at 1498 Elder is perpetually holding water and is not the retention pond. I hope that if this project continues with all the added cement, paved lots cement, they build enough retention ponds to handle all the watershed properly because it currently does not seem adequate. The other side note is that the current sewer systems have dozens of missing covers that people could fall into and get hurt. That is all I have to say on this subject for the moment.

Hi. My name is Holly Strossner. My address is 1984 Bayview Lane, Aurora, Illinois 60506. I just have to say Sven covered almost all the questions and comments that I had written down. I don't want to repeat anything, but my questions were going to be how tall is this industrial building going to be? How

is it going to affect the townhomes that are built there already? What view are they going to have? They've been there for years with just a view of open land and now they are going to be looking at a tall building. As far as property values, what is that going to do all the property values of the townhomes that are surrounding? Then I do have a big concern about the stormwater and drainage around our area. Behind where I live, I live on the south side of Bayview Lane, we have the Fox Croft Lake. That overflows across Elder Drive into those retention ponds. They are really full now. They are actually overflowing, as Sven has said, by his property at 1498 Elder, there is water pooling there. How is this going to affect when a big industrial building is built? Where is all this water going to go to? So that's one of my big concerns. Also, the trucks making noise 24/7. We hear like at 4 o'clock in the morning they start and it is constant. You hear the beeping, the slamming. It gets to you after a while, especially in the summertime when we're outside. I think that's about all.

Vice Chairman Owusu-Safo said can the Petitioner come up and maybe answer some of these questions? The first question he had was egress of the trucks. Basically, what do the movements look like?

Mr. Pagliari said well the movements will be on both the east and west side of the property, so they'll typically come in from the west and head out east. I'm guessing. Again, most of the movements will be on the west side because they are going to go back to Orchard Road and I-88. I'd say the majority of the traffic report indicated the majority will come and go from the west side, just because it is I-88 access. They will, occasionally come on the east side too.

Vice Chairman Owusu-Safo said the next question was is the parking included in the buffer, the 150 foot buffer?

Mr. Pagliari said the buffer is actually 100 foot. There is a 100 foot setback. I think staff mentioned 150 foot. The 150 foot is actually to the building to the building corner, so there is not a building within 150 feet of the property, but the buffer, correct me if I'm wrong, I think the actual green space buffer is 100 feet.

Mr. Sieben said the standard zoning requires a minimum of 100 feet. We just measured it. Actually the minimum is 120 feet to the parking lot that's near the south end of the development. It actually averages about 220 feet to the parking lot from the townhome property line.

Mr. Pagliari said with a couple of new detention ponds on the east side of the property, which will certainly help alleviate the existing flooding problem now, those will be good looking ponds on that east side of the property.

Vice Chairman Owusu-Safo said can you highlight which ones are the existing ponds and how much wider are we making the proposed ponds?

Mr. Pagliari said they are existing in the area currently, but these are larger. They are being enlarged north and south on the east side, and on the south side. Really all the ponds are inadequate currently for what we are proposing so we will certainly make them larger.

Vice Chairman Owusu-Safo said maybe this is a question for staff. I know a little bit about detention pond design, so this basically takes consideration of current conditions and the proposed impervious areas that's going to be added and then whatever the required storage is going to be, right?

Mr. Pagliari said correct.

Vice Chairman Owusu-Safo said so this current flooding, that's already being taken into account for the proposed conditions?

Mr. Pagliari said correct.

Vice Chairman Owusu-Safo said the next question was tree sizes along the buffer. Basically, what is the starting tree size that you're looking at and then based on the type of trees that are chosen, how tall would they be? How long would it take?

Mr. Pagliari said those trees are called out in the landscape plan. A landscape plan has been submitted and they are varying sizes and species along that eastern border, across the whole site, but they are varying sizes and species through the property. You'd have to locate each one individually to determine size of each, but we took care to increase the size and amount of landscaping on the east side just because of the residential area to the east.

Mr. Sieben said if I could just add onto that. We actually, Jake and I, worked with Panattoni, we actually added well beyond the minimum landscape requirement on the east side because of Fox Croft. Typically a canopy tree, which is a shade tree, is put in at a 2½ inch caliper and then an evergreen tree is usually 6 to 8 feet tall, so we did a mix of canopy trees and a lot of evergreen trees so you get year around cover there. There is an existing tree line right on the property line and some of that will be preserved. You are actually going to get a new double row of new landscaping. You're going to get one that's closest to the east property line right behind the townhomes. You have a large new detention area and then on the west side of the detention area closest to the parking area, you'll have another row of landscaping, so it will be kind of double row, plus saving some of the existing trees on the property line.

Vice Chairman Owusu-Safo said then the next question he had was the proposed height of the building.

Mr. Pagliari said the inside of the structure is 36 feet clear, we call it. The outside perimeter wall will be about 40 feet in height.

Vice Chairman Owusu-Safo said and your typical basically 2 story townhome is...

Mr. Pagliari said probably 35.

Vice Chairman Owusu-Safo so you have 40 feet plus or minus?

Mr. Pagliari said correct.

Vice Chairman Owusu-Safo said then hours of operation?

Mr. Pagliari said 24/7 we're assuming.

Vice Chairman Owusu-Safo said another concern he had was light pollution. I know you shared the lighting plan and closer toward the street it was pretty much so no light pollution.

Mr. Pagliari said right. I think Jacob showed a zero foot candle on the perimeter, which is obviously low. I see their points. We certainly want to help. Those are the things that we've been doing, trying to eliminate the light, really beef up that landscaping, get rid of that eastern access point that lined up perfectly with an already called for intersection, an already built intersection, but we came way west of that toward the middle of the site and tried to do all these things to alleviate the pressures on the townhomes next door.

Vice Chairman Owusu-Safo said I think you answered the next question. I don't know if there are really sanitary sewer issues there.

Mr. Sieben said I think he mentioned there are some manholes in your field that maybe had covers off.

Mr. Moravec said there are more than 2 dozen manhole covers that are off of an existing sewer line, which is about a 5 or 6 foot drop and there are a lot of them missing. It is dangerous.

Mr. Pagliari said it is not our property yet. We're under contract to purchase this site from a nearby church and they had some big plans to do an office development and they put in a lot of infrastructure. There was actually a lot of manhole covers and sewer and water all over the site that we're going to end up ripping out and starting all new with new utility. It's only 5 or 10 year old, but we do things right and we come in and clean it all up and it will be much better than what's out there now for sure.

Mr. Sieben said could I just add a little bit? I think Jacob touched on it in the staff report, but this property was actually annexed and zoned ORI, which is the typical warehouse/distribution/light industrial back in 2001, kind of like what's to the west of it where you have the former Kraft, I think now it is DHL next door. So this was all ORI immediately going to the west of Fox Croft. Fox Croft was kind of the townhome transition and then you went into the non-residential as you go to the west toward Orchard Road. We actually had a real similar plan. It was just slightly oriented a little bit different back in 2001 for a warehouse/distribution. I was actually here then. They actually ended up not building and what happened was a developer came in to do a multi-building office park back in 2005. It was actually a Helmut Jahn design, the famous architect who, unfortunately passed away last year in Kane County, but it was an architecturally designed office campus there. With the great recession, that went away. It was never activated. They actually put in a lot of the utilities. What the gentleman and lady said about some of the storm sewers and things like that, that was put in, I think, some of the hydrants and stuff, so that will actually have to be taken out and reconfigured and new stuff put in. This has always been shown as non-residential to the west of Fox Croft. Unfortunately, there just is no office market now. We would love to see an office market here. There is just no new office market really pretty much

anywhere. So the reason for the request then is to really go back to what the original zoning and plan was for this area. The first thing we said when John came in with his group was that we really, really wanted to respect and buffer the Fox Croft townhomes. They've been there since, I think, the late 70's or 80's and that's what we've been trying to do. John has done a few other developments in Aurora and has really followed through on what we went over.

Vice Chairman Owusu-Safo said I think there was one last question and I think it comes up every time there's a commercial property next to residential area and that's property value concerns. Maybe in your line of business, have you noticed anything and have there been any review of impacts of surrounding property values?

Mr. Pagliari said it is hard for me to say and it is certainly just a guess on my part. We are more on the commercial/industrial side than the residential side, but I've got to think that a new shiny building that's almost 300 feet away at a minimum is going to look better than a bunch of manhole covers missing and a field that's got all sorts of dangerous issues for young kids walking around and ponding everywhere. We'll have beautiful landscaping and nice detention basins there to look over. I don't think it will hurt.

Mr. Sieben said and as I stated before, sometimes the townhomes are used as a transition to non-residential areas. There's another Kraft development just to the north of Fox Croft on the north side of Sullivan just on the westside of Edgelawn there and when that came in, that's actually about an 800,000 square foot building, we did a lot of heavy landscaping and things like that to really respect Fox Croft. We know Fox Croft is there and this really is trying to kind of match what we did to the north of Sullivan there. We are trying to do the same thing here.

Vice Chairman Owusu-Safo said from my notes, one last question and that is regarding noise pollution. With 24 hour operation, what are some of the mitigating factors that have been looked into?

Mr. Pagliari said the buildings are fully insulated, so any noise that happens is going to mostly be inside. They are exterior docks, so the trucks back up. We have seals around the docks, so forklifts come in and out of the truck kind of right inside the building. I'm not going to say it is no noise at all, but fairly quiet. You do have the backup signals when a truck goes in reverse. You are going to have that. With the buffer and the landscaping around it, those are the big impacts that keep the noise to a minimum.

The public input portion of the public hearing was closed.

Mr. Sodaro said before we go into the recommendations, staff would like to briefly discuss the Findings of Fact typical for a rezoning petition.

1. Staff believes that the proposal is in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora. With the Final Plan process, we've been able to ensure that they are developing per our codes and ordinances.
2. Staff believes that the proposal represents the logical establishment and 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. The surrounding area consists of several other ORI zones and uses and the subject development sufficiently buffers the neighboring residential uses. As Ed and myself has stated, this was originally planned for ORI as well before making a brief switch to the office.

3. Staff believes that the proposal is 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. Again, it was zoned ORI previously. It is now zoned office and we are switching it back to ORI.
4. Staff believes that the rezoning allows uses which are more suitable than uses that are permitted under the existing zoning classification. The property has sat vacant for roughly 16 years since the rezone to office with a conditional use was made, so we believe that this opens it up to something that is clearly more marketable to developers.
5. Staff believes that the rezoning a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area.

Mr. Sodaro said staff would recommend approval of the Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone property located at 2120 Sullivan Road from O District with a Conditional Use to Office, Research, Light Industrial with a Conditional Use.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Kahn

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

Vice Chairman Owusu-Safo said is there a motion to accept the staff's recommendations on the Findings of Fact?

MOTION OF ACCEPTANCE WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Choudhury

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

Mr. Sodaro said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, November 10th at 4:00 in Council Chambers.

21-0758 A Resolution approving a Final Plat on vacant land located at 2120 Sullivan Road
(Panattoni Development Company – 21-0758 / AU07/4-21.284-Rz/Fsd/Fpn – JS – Ward
5)

Mr. Sodaro said staff would recommend conditional approval of the Resolution approving a Final Plat on vacant land located at 2120 Sullivan Road with the following condition:

1. That the documents be revised to incorporate the Engineering and Zoning and Planning staff comments.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Kahn

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

Mr. Sodaro said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, November 10th at 4:00 in Council Chambers.

21-0759 A Resolution approving a Final Plan for the property located at 2120 Sullivan Road for a Warehouse, Distribution and Storage Services (3300) Use (Panattoni Development Company, Inc. – 21-0759 / AU07/4-21.284-Rz/Fsd/Fpn – JS – Ward 5)

Mr. Sodaro said staff would recommend conditional approval of the Resolution approving a Final Plan for the property located at 2120 Sullivan Road for a Warehouse, Distribution and Storage Services use with the following condition:

1. That the documents be revised to incorporate the Engineering staff comments.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Kahn

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

Mr. Sodaro said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, November 10th at 4:00 in Council Chambers.