



City of Aurora

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

Legistar History Report

File Number: 14-00808

File ID: 14-00808

Type: Petition

Status: Draft

Version: 1

General Ledger #:

In Control: Planning Commission

File Created: 09/19/2014

File Name: CIMA Developers Inc. - Annexation

Final Action:

Title: Requesting approval of an Annexation Petition pursuant to an Annexation Agreement on 1.81 acres located at 33W991 and 34W015 Butterfield Road (CIMA Developers, Inc. - 14-00808 / BA36/3-13.217-PA/A - TV/MG - Ward 1)

Pending as of 3/3/2015 and will be closed as of 4/28/2015 if still inactive

Notes:

Agenda Date: 05/20/2015

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Land Use Petition - 2014-09-17 - 2013.217.pdf, Qualifying Statement - 2014-09-17 - 2013.217.pdf, Authorization Letter - Annexation - 2014-09-17 - 2013.217.pdf, Legal Description, Parcel 1 and 3 - 2014-09-17 - 2013.217.pdf, ALTA Survey - Butterfield Road - 2014-09-17 - 2013.217.pdf, Plat of Annexation - 2015-03-31 - 2013.217.pdf, Land Use Opinion Application - 2014-09-17 - 2013.217.pdf, Endangered Species Consultation Agency Action Report - 2014-09-17 - 2013.217.pdf

Enactment Number:

Planning Case #: BA36/3-13.217-PA/A

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	09/23/2014	Forward to Planning Council	DST Staff Council (Planning Council)	09/30/2014		
	Action Text: This Request and Referral was referred to the Planning Council and Planning Commission.						
1	DST Staff Council (Planning Council)	09/30/2014					
	Notes: Mrs. Vacek said so 3 of the properties, I believe, are outside the city limits and then the other 2 are inside, so they would be rezoning the entire property to B-2 Special Use.						
	Representatives Present: Dan Soltis, Dave Johnson, Phil Brasse						

I'm Phil Brasse. I work for CIMA Developers. I'm the Asset Manager and so I acquired this parcel and now I'm handing it over to Dan to review the plan.

I'm Dan Soltis. I'm with CIMA Developers as well. I represent ownership of the property. We're proposing a 10,000 square foot retail building as well as a 1,900 square foot stand-alone quick service restaurant with drive-thru. We have a signed release for the stand-alone restaurant with Jimmy Johns Sandwiches. Right now we are working with some potential tenants for the retail center. We don't have those locked down. We are talking to Burger King. We are talking to another one of our current tenants that we have in one of our other centers in St. Charles, but we don't quite have that confirmed yet, but we are working toward that. We are also working with a car auto parts store for the vacant outlot that does not show the current setback.

Mr. Sieben said do you want to give a little history Dan? You guys recently purchased the B-2 properties so you run that too.

Mr. Soltis said correct. The dealer was in bankruptcy and so we were able to help him out of this one site. We bought this one and Atlas bought the other site that he had.

Mr. Sieben said and do you want to explain the upgrade you did to that current site?

Mr. Johnson said we did full brick and stone façade on the convenient store. We've done a full brick and stone façade car wash building as well as new car wash equipment inside the car wash building. We've done brick and stone façade improvements on the canopy columns. We have asphalt, new dispensers. We have the quick service restaurant, and our proprietary urban counter restaurant offer as well, which just opened last month. It is doing very well without any advertising. Interior-wise, we did a complete full remodel interior, flooring, LED lighting, countertops, restaurant equipment, cabinetry, so really a remodel inside as well.

Mr. Sieben said so you are looking at doing similar higher end features on the new buildings, correct?

Mr. Johnson said correct. Both new buildings are going to have the same architectural features, stone, brick façade. I did provide those. I don't have those with me, but staff does have those current elevations. Every (inaudible) location that we do own we do take quite a bit of pride in them. Obviously we are going to own and operate that site for a long time. We are going to own and operate the development as well. As you mentioned, we made quite a bit of improvements to this so we just want to continue that offer.

Mr. Sieben said before we get into the site, do you want to just give a little background of that outlot, the house property there to the west of the detention? We first started talking about this about a year ago.

Mr. Soltis said after we bought the property, we contacted that person at the house and he's not very friendly. I don't know if he is going to return my call. I called the other day. He called me back and I don't know if he is going to call me back anymore. We offered him \$80,000 for his home. I thought we would negotiate from there. He informed me that he was offered \$220,000 the year before and he'd be dammed if he would take any less than that. We don't think it is worth anywhere near...

Mr. Wiet said did he turn that down, the \$220,000?

Mr. Soltis said yes he did turn that down. We don't know where to go with him at this point. He is not very friendly. We've ask him to move onto the easement that he has for access. We said we would actually move him to the other parcel and give him the easement there because there is already a roadway on that and we wouldn't have to build one on the easement area that he actually holds. He told me no he wouldn't do that. He'd rather build his own road then deal with us. So he said he would build his own new road. I am calling him again and why I called him most recently is I still would like to move him over. I've told him I'll asphalt his new driveway if he'll move over to the easement as we do this project and he hasn't returned my call yet.

Mr. Sieben said if that house stays, you will need to show their driveway connection up to your east/west driveway.

Mr. Soltis said he doesn't actually have an easement where that driveway is today. He utilizes the parcel across the street, the house that was built originally. It was 2 easements, each 2 residents, 33

feet in width for both of them. Our plan with him is just to have the driveway wherever it ends up being come up to a "T" at that new street that we will put in and then you need to either go right or left and get out to Butterfield or up to Church.

Mr. Sieben said so you are proposing those old drives that were there, those would be removed and then you are proposing the one right-in/right-out on the west side of the retail building.

Mr. Soltis said yes.

Mr. Sieben said and then you would make a cross connection to the West Suburban Bank commercial facility. They have cross access to this site.

Mr. Soltis said right.

Mrs. Vacek said I just have a few questions. The Jimmy Johns, do you know how many seats are actually going to be provided in there or do you have a rough estimate? How did you guys come up with your parking because it is per seats?

Mr. Soltis said I've done many Jimmy Johns. I don't ever see more than 3 or 4 cars parked because most people don't eat there. They seem to pick up and go, but I don't know how they calculated that.

Mrs. Vacek said then as we probably mentioned before, I think that we want to see a preliminary of how that last layout is going to be on that undeveloped area. That will be one of my comments. We'll be taking a look at that. I'll be finishing up my review and I'll be getting it out shortly to you.

Mr. Feltman said as far as Engineering, I think we've sent out comments. The biggest concern really is revolved around the detention basin. There are a few items and obviously there is a detailed review comment letter that went out, but in general it looks like it is undersized right now based on our modified rational method calculation sheet. In addition, where the retaining wall is in relation to the existing grades, we are going to have to really look at that pretty close because it doesn't appear that there is enough transitional grading from the top of the wall down to the existing grade. We just really need to spend a little more time making sure that that footprint is correct. The detention basin is really the biggest issue. There was another issue with the detention basin in relation to the high water level. What you were proposing actually is higher than the existing gas station elevation, so we're not really sure how that's all going to work, so we just need to really look and make sure because from an Engineering standpoint we don't want the footprint of the basin to be moving around in final. We'd rather have it be kind of at least relatively locked down in the preliminary so we all have a very good feel and understanding from what is developable and what the building pads will look like as far developed pads.

Mr. Sieben said and like Dan said, I know this is preliminary, but that detention is really going to potentially drive some movements of some lines here. The other comment, just a real quick comment I made when you submitted, we would most likely be looking at meeting the required setbacks for the Jimmy Johns on Farnsworth as that is a new green grass development. I know you are lining up with the gas station, but that's pre-existing and then the right-of-way has been kind of expanded over the time and I think you've got room to do that, so we'll just have to take a look at that.

Mr. Soltis said that parcel actually is part of the service station lot and has nothing to do with the back property, so that has to come up to the standard...

Mr. Sieben said but right now it is green grass, so you are developing kind of a green grass portion of it.

Mr. Perez said and as far as the Fire Plan, we need to locate the sprinkler room, the Fire Department connection. There is a hydrant there. It is showing distance from the building, so I imagine that's what you were trying to show, but we need to locate the exterior door to both sprinkler rooms.

Mr. Sieben said so Zoning will be getting out our comments soon.

1 DST Staff Council 10/07/2014
(Planning Council)

Notes: Mrs. Vacek said I am preparing the Annexation Agreement. I've reviewed the other things, so I would assume that comments would be going out later this week. We are tentatively setting it for the November 19th Planning Commission.

Mr. Wiet said is Dan working on the Engineering issues?

Mr. Sieben said Mary actually sent some comments on the detention area that it appeared to be insufficient so they are going to have to still work on that.

1 DST Staff Council 10/14/2014
(Planning Council)

Notes: *Mrs. Vacek said I'm finishing up my review comments today, so they will be going out today. We will be looking for revisions.*

Ms. Phifer said we are tentatively looking at sending this to public hearing in November, so if anybody has comments or concerns with that, let us know.

Mr. Feltman said we have significant concerns about the sizing of the detention basin, just even the calculations that they provided shows that it is short, but I think they spent a lot of time looking at the transition grading or how this will actually fit with all the retaining walls and the existing grade, so we're concerned that the basin's size is going to change.

Ms. Phifer said so right now we are kind of targeting the second one in November, but that's only if they can address all of the comments from both Engineering and Planning and Zoning because we have a number of comments as well. Does Fire have any?

Mr. Perez said there were some minor things, but we'll forward you those also.

1 DST Staff Council 10/21/2014
(Planning Council)

Notes: *Mrs. Vacek said I have a meeting set up on Wednesday at 3:00 p.m. just to go over some formatting changes with the engineer.*

Mr. Feltman said we have not heard anything.

Mrs. Vacek said well I just sent my comments out late last week, so that's probably why you haven't heard anything because they were probably waiting for my comments. I know he just basically told me he wanted formatting, or he wanted to go over some formatting things.

Mr. Feltman said well the detention basin is going to change from what they have shown now.

Mrs. Vacek said yes, understood.

1 DST Staff Council 10/28/2014
(Planning Council)

Notes: *Mrs. Vacek said I did send out comments a week and a half ago, so I'm just waiting to hear back.*

Mr. Feltman said we have some significant comments on the stormwater management and we're just waiting for a resubmittal.

1 DST Staff Council 11/04/2014
(Planning Council)

Notes: *Mr. Sieben said comments have gone out from Planning and Zoning and, I believe, Engineering and we are waiting for revisions back.*

Mr. Feltman said we had significant comments on the stormwater management and we would like to see a resubmittal that addresses our comments because it could change the site plan.

Mr. Sieben said so this is on hold until we get that back with that assurance.

1 DST Staff Council 11/18/2014
(Planning Council)

Notes: *Mrs. Vacek said we sent out review comments a while back. They've made changes. They are going to meet with us on Wednesday to go over those. I don't know if you want to be there or not.*

Mr. Feltman said yes.

Mrs. Vacek said it is at 3:00 o'clock in our office. I'm assuming that they are not doing all the things that we asked them to do because they would like to meet with us.

- 1 DST Staff Council 11/25/2014
(Planning Council)
Notes: *Mrs. Vacek said we met with them last week and went over our concerns with the proposal that they had. They were going to take it back and take a look at it again.*
- Mr. Sieben said and Mary Garza from Engineering sat in on the meeting. I think as of now the volume is barely there, but there is still a lot of...*
- Mrs. Vacek said grading issues.*
- Mr. Feltman said just so you know how they have it set up right now is there is a retaining wall holding back the water right at the edge of the property. It can't work.*
- Mr. Sieben said Mary did relay that. There is still work that needs to be done. Their Engineer was not at the meeting. It was just the owners.*
- 1 DST Staff Council 12/02/2014
(Planning Council)
Notes: *Mrs. Vacek said we are still waiting for comments. We met with them a couple of weeks ago. I will see when we sent those and we may be putting that down to Pending.*
- 1 DST Staff Council 12/09/2014
(Planning Council)
Notes: *Mrs. Vacek said I have not heard back from them. I sent out comments awhile back. I'll get the exact date of when I sent them out, but we're just waiting to get revisions.*
- Mr. Sieben said has Engineering heard anything back?*
- Mr. Feltman said no.*
- Mr. Sieben said so it is in their court?*
- Mr. Feltman said yes.*
- 1 DST Staff Council 12/16/2014
(Planning Council)
Notes: *Mrs. Vacek said there is no update. I will be sending a Pending letter after the 1st of the year if I have not received a response.*
- 1 DST Staff Council 01/06/2015
(Planning Council)
Notes: *Mrs. Vacek said they sent me a revised Preliminary Plan yesterday. I'm still awaiting the Preliminary Plat and Annexation Plat Revision. I know that Engineering is looking for Engineering comments back.*
- Mr. Feltman said we are looking for a response. This seems a little more reasonable, the plan, but we'll need to see what the detention requirements are. I'd like to see some of these inverts that they are using for the outlets just to make sure that the bottom of the pond is accurate.*
- Mrs. Vacek said I just quickly looked at it. There are a couple of concerns that I have, but I need to fully review it. I'll be reviewing this once I get the other two documents so I can review it all at once.*
- Ms. Phifer said and you are going to reach out to them and let them know that it was not a complete resubmittal and that we are still waiting an update?*
- Mrs. Vacek said yes. He basically sent me an e-mail this morning. I haven't responded because I was waiting to talk it through, but he basically said he doesn't want to finish final engineering until we make sure that the layout is okay, but final engineering is a critical path to what the layout is going to be.*
- Mr. Feltman said well I think we can have some basic information. It doesn't have to be final engineering plans. We need to know that the pond is going to be appropriately sized.*
- Mrs. Vacek said I'll be reaching out to them after this meeting.*
- 1 DST Staff Council 01/13/2015
(Planning Council)
Notes: *Mrs. Vacek said they did resubmit the Preliminary Plan, the Preliminary Plat, and the Annexation Plat,*

so I will be taking a look at those this week. We have maybe a couple of concerns, but it looks much better than it did.

Mr. Feltman said we did not receive any stormwater calculations, so we can't verify that the footprint of the detention basin is appropriate. After we talked internally, we think that the applicant should probably at least touch base with IDOT to make sure that the access drive location is going to be acceptable because it could have an impact on the site plan if IDOT starts making comments that the access has to move.

Mrs. Vacek said and that is for Butterfield Road.

- 1 DST Staff Council 01/20/2015
(Planning Council)

Notes: Mrs. Vacek said I have started reviewing the resubmittal, so I should have comments out this week. There are a couple of concerns that we have with some of the dimensions.

Mr. Feltman said it would be good for us to get a modified rational method calc sheet so that we can check the detention volumes. It appears, based on our preliminary review, they might be a little short of volume.

Ms. Phifer said and who is the review engineer on this?

Mr. Feltman said Mary Garza.

Mrs. Vacek said Matt, did you get the revised plan?

Mr. Perez said yes.

Mrs. Vacek said and you are okay with everything?

Mr. Perez said I believe everything was good.

- 1 DST Staff Council 01/27/2015
(Planning Council)

Notes: Mrs. Vacek said I have reviewed this and I will be sending comments out today. There are still some pretty big issues on this with the back area, the isle area, so I will be sending that out today.

Mr. Feltman said we still need documentation on the stormwater management, but it appears that they are short volume as they currently show it.

- 1 DST Staff Council 02/03/2015
(Planning Council)

Notes: Mr. Sieben said I know Planning and Zoning has sent out comments.

Mr. Feltman said Engineering has reviewed it and sent out comments. It appears that we still need the modified rational of the calculation sheet to verify the stormwater volume. It appears they might be a little short still, so we need verification of that.

- 1 DST Staff Council 02/10/2015
(Planning Council)

Notes: Mrs. Vacek said I sent out comments a couple of weeks ago and I haven't heard anything back.

Mr. Feltman said Engineering still has comments on the stormwater management being less than what's required. We have not received a response to our comments.

- 1 DST Staff Council 02/17/2015
(Planning Council)

Notes: Mrs. Vacek said I sent out comments about a month ago and I have not received anything back. I'm just waiting to hear back.

Ms. Phifer said and at the next meeting we will probably put this on pending.

Mrs. Vacek said probably.

Mr. Feltman said Engineering is waiting for a response as well.

1 DST Staff Council 02/24/2015
(Planning Council)

Notes: *Mrs. Vacek said I have not heard anything back from them, so I will be putting this down to Pending. As of next week, it will be going down to pending.*

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

1 DST Staff Council 03/10/2015
(Planning Council)

Notes: *Mrs. Vacek said I just wanted to bring up that CIMA did resubmit to Planning, but they have not resubmitted the Fire Plan, as well as any Engineering, so it will stay on pending until they resubmit those.*

Ms. Phifer said we need to remind them that if we don't get those other comments by the date, it will still be closed.

1 DST Staff Council 03/17/2015
(Planning Council)

1 DST Staff Council 03/24/2015
(Planning Council)

1 DST Staff Council 03/31/2015
(Planning Council)

1 DST Staff Council 04/07/2015
(Planning Council)

Notes: *Mrs. Vacek said I left this on Pending. We did get a resubmittal of all 4 things. However, they did not make any changes to the Fire Plan at all, so I left this down at Pending because it is not a full resubmittal.*

Ms. Phifer said did they give us engineering?

Mr. Feltman said no.

Mrs. Vacek said they did give you engineering, or at least I saw that there was engineering in there. I'm pretty sure that we sent it over.

Mr. Beneke said like she said, we did not get any changes at all. They made a call to Gary this morning. Gary and I have returned that phone call and he said he took care of all the comments. We told him he didn't and explained what wasn't taken care of. They said they are going to take care of it, including separate taps and all that kind of stuff. We talked about that too. So we've had a conversation with them. We'll see where it goes.

Ms. Phifer said so if we get a resubmittal, maybe we can pull this up next week. We'll have to wait and see.

1 DST Staff Council 04/14/2015
(Planning Council)

1 DST Staff Council 04/21/2015
(Planning Council)

1 DST Staff Council 04/28/2015
(Planning Council)

Notes: *Mrs. Vacek said this is scheduled for the May 20th Planning Commission, so I will be moving these forward. I believe that there will be some conditions on here.*

1 DST Staff Council 05/05/2015
(Planning Council)

Notes: *Mr. Sieben said I believe this is set for the May 20th Planning Commission meeting.*

Ms. Phifer said we will vote this out next week, so if anybody has any conditions, make sure and let us know on the record next week.

Mr. Beneke said I don't think we ever received a resubmittal for fire on this, but I'm not sure. I'd have to look.

1	DST Staff Council (Planning Council)	05/12/2015	Forwarded	Planning Commission	05/20/2015	Pass
---	---	------------	-----------	------------------------	------------	------

Action Text: A motion was made by Mrs Vacek, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 5/20/2015. The motion carried by voice vote.

Notes: *Mrs. Vacek said this is going to the May 20th Planning Commission. I make a motion to move this forward. There will be 2 conditions on this petition:*

1. *That the Butterfield Drive be relocated to the western end of the property where the current access exists.*

2. *That a guardrail be installed along the northern detention pond.*

Mr. Minnella seconded the motion. The motion carried unanimously.
