



# City of Aurora

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

## Legistar History Report

**File Number: 17-00384**

**File ID:** 17-00384

**Type:** Petition

**Status:** Draft

**Version:** 2

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 04/27/2017

**File Name:** Too Scoops / 538 S. Broadway / Rezoning to NC

**Final Action:**

**Title:** An Ordinance Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by Rezoning Property located at 538 S. Broadway being the southeast corner of S. Broadway and Seminary Avenue from R-3 One Family Dwelling to NC Neighborhood Commercial (Michael Bader - 17-00384 / AU28/2-17.041-Rz - JM - Ward 4) (PUBLIC HEARING).

**Notes:**

**Agenda Date:** 06/15/2017

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit A Legal Description - 2017-06-01 - 2017.041.pdf, Site Plan - 2017-05-31 - 2017.041.pdf, Land Use Petition and Supporting Documents - 2017-04-26 - 2017.041.pdf, Property Research Sheet - ID #9354-41242 - 2017-03-09 - 2017.041.pdf, Plat of Survey - 2017-04-26 - 2017.041.pdf, Legistar History Report - 2017-05-31 - 2017.041.pdf, Findings of Facts - 2017-06-01 - 2017.041.pdf

**Enactment Number:**

**Planning Case #:** AU28/2-17.041-Rz

**Hearing Date:**

**Drafter:** jmorgan@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	05/02/2017	Forwarded to the Planning Commission	DST Staff Council (Planning Council)	05/08/2017		
<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)	05/09/2017	<b>Notes:</b> Mr. Sieben said Mike Bader is the owner and the Petitioner and then Irma is here. You are the proposed tenant that wants to operate the ice cream shop there. Just a little background, this is the old Miller's Pride Laundromat that had been there for a number of years. The laundromat went vacant, I think, a couple of years ago, so the property lost its legal non-conforming status as a commercial				

property. The request is for Neighborhood Commercial. This does meet the Neighborhood Commercial and then the first floor would be converted from the laundromat to an ice cream shop and then there is an existing rented out apartment on the upper floor. When the site plan comes up you'll see it, but I believe there are about 8 or 10 parking spaces in the parking lot.

Representative Present: Irma Aguirre

I'm Irma Aguirre. So we signed the lease for this hoping to open a local community ice cream shop.

Mr. Sieben said so there are, it looks like, 8 spaces. They have an access off Broadway and Seminary. You see the two story building there. So you would operate the small ice cream shop, correct?

Ms. Aguirre said yes, that's correct.

Mr. Sieben said it meets all the objectives of our Neighborhood Commercial, especially the fact that it does have already a parking lot.

Mr. Feltman said you'll probably need a grease trap would be my guess.

Ms. Aguirre said we put that in our initial plan.

Mr. Sieben said so that is in your plans?

Ms. Aguirre said yes. Before we started this, I spoke with Jamie, I think, from Fox Metro and she recommend 125 based on the menu I gave her. Actually she recommended smaller. We bumped it to 125 just to give us a leeway if there are changes to the menu. She did give the recommendations that she thought based on what food we were going to have, but we are sticking to just a local corner store. We don't really want to carry food. I don't like cooking personally, so I definitely wouldn't be doing the cooking, but we did bump it up to, I believe, 125 is what our plumber suggested just to be on the safe side.

Mr. Frankino said well if you talked to Jamie then you've got ahead of the game and that's a good job.

Mr. Beneke said did she say if it was going to be an exterior or an interior?

Ms. Aguirre said because we have access to the basement, she said as long as the plumber okays how he will do it, she said she'll possibly okay it based on the basement.

Mr. Beneke said as far as Building and Permits, we are going to need a permit so whenever you are ready you can come in and apply for one. I'd also suggest, if you haven't already, to talk to the Health Department.

Ms. Aguirre said yes, we did have them go over to the location.

Mr. Beneke said so anytime you are at a point where the architects put together plans or whatever, just bring them in and we can start the review process.

Mr. Feltman said I'm from Engineering. The only other thing I could think of would be your service lines. I don't know if they are adequate or if they are lead. If they are lead, typically with remodels we want to try to see that get converted to copper. I don't know the history behind that building.

Mr. Beneke said well actually it was a laundromat.

Mr. Feltman said right, so you probably have a pretty decent size service, but I don't know whether it was lead or not. That building's been there for a while hasn't it?

Mr. Beneke said yes, quite a while. They had a full service laundromat on this first floor a while back, so I imagine that they have plenty of capacity, but I couldn't tell you whether it is lead or not.

Mr. Feltman said that would be the only thing that I could think of. That is more of a policy than it is. If it gets all knotted up and it is a really bad situation as far as trying to convert everything, we can work with you. We are trying to eliminate all lead services.

*Mr. Sieben said this will be a public hearing process. Jill Morgan is the Planner who is assigned to it. She is off today, but she will be getting back to you and Mike regarding notices. We'll look at a date sometime in the near future for Planning Commission. She will work with you on letting you know what the timeframes are for that.*

1 DST Staff Council 05/16/2017  
(Planning Council)

**Notes:** *Mrs. Morgan said this is moving forward. I got all the information out for the public notice. Hopefully they will get that back to us and we will be moving forward for the public hearing.*

*Mr. Sieben said do we have a date?*

*Mrs. Morgan said the June 7th Planning Commission.*

1 DST Staff Council 05/23/2017  
(Planning Council)

**Notes:** *Mrs. Morgan said the applicant has noticed for a public hearing on June 7th. There were just minor parking changes for handicapped. It was staff's only comment.*

*Mr. Beneke said and you got our notes about the handicapped space?*

*Mrs. Morgan said yes, I sent that.*

*Mr. Beneke said just move it across because it can't be that parallel.*

*Mrs. Morgan said and that's what I recommended him to do.*

*Mr. Beneke said and they only need the 1 with less than 25 spaces.*

1 DST Staff Council 05/30/2017 Forwarded Planning 06/07/2017 Pass  
(Planning Council) Commission

**Action Text:** *A motion was made by Mr. Minnella, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 6/7/2017. The motion carried by voice vote.*

**Notes:** *Mrs. Vacek said I believe this is going to the June 7th Planning Commission.*

*Mr. Minnella made a motion to move this forward to the June 7th Planning Commission. Mrs. Vacek seconded the motion. The motion carried unanimously.*

2 Planning Commission 06/07/2017 Forwarded Planning & 06/15/2017 Pass  
Development Committee

**Action Text:** *A motion was made by Mrs. Cole, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 6/15/2017. The motion carried.*

**Notes:** *Mrs. Morgan said this is a Rezoning Petition from R-3 to NC Neighborhood Commercial District. The property currently has a vacant building on the site. The rezoning would allow commercial on the first story with residential above. The site plan, as you can see, shows basically the restriping that will be done to the exterior, including 1 handicapped space and 9 regular spaces. If you know the history, there was commercial on this property on the first story. It was a legal non-conforming. It lost that back in about 2013 when the commercial property left and it sat vacant for more than 6 month. The owner, who just recently bought the property and has already done some updates and cleaning up the property, would ask to be rezoned to Neighborhood Commercial allowing that commercial use. It kind of just helps the immediate surrounding neighborhood. It is like a local retail commercial use. He currently has someone interested in using the property for an ice cream shop.*

*The Petitioner was sworn in.*

*My name is Michael Bader. I live at 700 Cottage Road in Batavia, Illinois. I purchased the property out of foreclosure. It used to be a laundromat. The building was just in disarray. The laundromat hadn't been opened in some time, at least like Jill said, since 2013. The owner of the laundromat and the building that was foreclosed on lived upstairs in the apartment. When I bought it, I bought it at the end of 2015, late December, like December 28 and allowed him to stay until April of 2016 until he found a new place to go. I then just slowly started to clean it up. It is a good improvement to the neighborhood. We really cleaned up the building, a lot of tuck pointing, power washing, and windows. It is cleaned up and fresh. The ice cream shop, the owner is here. They are ready to invest quite a bit of money, so I think it will be there for a long time.*

*Mrs. Cole said I have a couple of questions. Staff said that you were restriping the parking lot.*

*Mr. Bader said that's correct.*

*Mrs. Cole said there is a large pothole, I don't whether you'd even call it a pothole, a large...*

*Mr. Bader said there are 2.*

*Mrs. Cole said in the parking lot off of Seminary. Are those going to be repaired?*

*Mr. Bader said yes. There are 2 large ones. There is a valley as you pull in from Broadway that needs to be increased too to make a level surface and then there is a section at the corner off of Seminary that seems to be missing, but both of those have been addressed with the quotes I've got.*

*Mrs. Cole said they are going to be addresses right?*

*Mr. Bader said I've gotten 3 quotes from asphalt people and I've addressed all of it for each quote. It is included. I want a smooth surface so there is no liability.*

*Mr. Sieben said but it is not done yet.*

*Mr. Bader said no it is not done. I needed to wait for approval to do it.*

*Mrs. Cole said there is the mention of lead pipes in the building. Was that a problem?*

*Mr. Bader said I'm not aware of anything.*

*Mrs. Cole said my other question is have you thought about installing a bike rack?*

*Mr. Bader said that's come up.*

*Mrs. Cole said I would think that if they are going to have an ice cream store there that a lot of the customers might be foot traffic and there is a lot of kids in that neighborhood and almost all of them ride bikes. You are also only about 2½ blocks off the bike path.*

*Mr. Bader said that is a valid point.*

*Mrs. Cole said and bike racks aren't that expensive.*

*Mr. Bader said no not at all. There are plenty of spaces around the building we can do that.*

*Mrs. Cole said and I'll see if I can find that about the pipes. I think it was in the Legistar History Report. I think that's where it's at.*

*Mr. Cameron said page 2.*

*Mrs. Cole said I'm still looking for it. Did you find the paragraph?*

*Mr. Cameron said yes.*

*Chairman Truax said Ken is it handy for you to read it?*

*Mr. Cameron said just that "Mr. Feltman said I'm from Engineering and the only other thing I could think of would be your service lines. I don't know if they are adequate or if they are lead. If they are lead, typically with remodels we want to try to see that gets converted to copper. I don't know the history behind the building. Herman said it was a laundromat." I don't think it was resolved, but my guess is before they would allow a hookup to it they would inspect that.*

*Mr. Bader said we are following the Building Department. We are pulling a building permit, so I imagine that would be part of their gamut of things they look.*

*Mrs. Cole said I'm not sure that that would be a real issue if it were a laundromat, but if you were serving food and maybe people are going to ingest the water, that could be an issue.*

*Mrs. Morgan said I'm not sure if it referring to water or other services like sanitary.*

*Mr. Cameron said the only services that would be lead would be water.*

*Mr. Bader said all the pipes exposed in the basement were copper when I got there. As far as the extensions leading into the building I don't know. We did get a new service put in or new connection put in that's brand new, but that's all I know about.*

*Mrs. Cole said the exterior of the building looks much improved.*

*Mr. Bader said thank you. The grass was the hardest part. There is no more weeds. It is all grass.*

*The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.*

*Mrs. Morgan said staff would recommend approval of the Ordinance amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by rezoning property located at 538 S. Broadway, being the southeast corner of S. Broadway and Seminary Avenue, from R-3 One Family Dwelling to NC Neighborhood Commercial .*

*MOTION OF APPROVAL WAS MADE BY: Mrs. Cole*

*MOTION SECONDED BY: Mrs. Anderson*

*AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Garcia, 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?*

*Mrs. Cole said this property for many years was a business. I think it was a laundromat and it went out of business a few years ago and lost its zoning, so it needs to be rezoned in order to be a business again.*

*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?*

*Mr. Reynolds said the proposed use represents the highest and best use of the property.*

*4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?*

*Mr. Chambers said with the property previously being a laundromat, it should not have any adverse effect on that.*

*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?*

*Chairman Truax said I believe they are all in place.*

*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 they have full access from both Broadway and Seminary, so one would hope that this would not be a problem.*

*7a. Is the rezoning a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area?*

*Mrs. Anderson said yes it is.*

*7b. Is the rezoning consistent with the 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. Duncan said it will be a significantly positive development addition to that neighborhood.*

*7c. Will the rezoning permit uses which are more suitable than uses permitted under the existing zoning classification?*

*Chairman Truax said I would think that a Neighborhood Commercial zoning would be the most appropriate zoning to be there.*

*Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, June 15, 2017, at 4:00 p.m. on the fifth floor of this building.*

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

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