



City of Aurora

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

Legistar History Report

File Number: 16-00871

File ID: 16-00871

Type: Ordinance

Status: ATS Review

Version: 3

**General
Ledger #:**

In Control: Planning &
Development
Committee

File Created: 09/08/2016

File Name: O'Reilly Automotive / 1435 E. New York Street /
Special Use PD / Rezoning

Final Action:

Title: An Ordinance Establishing a Special Use Planned Development, Approving the O'Reilly Auto Parts Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue

Notes:

Agenda Date: 12/15/2016

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit A - Legal Description.pdf, Exhibit B - Plan Description - 2016-12-07 - 2012.402.pdf, Plat of Survey - 2016-09-08 - 2021.402.PDF, Property Research Sheet - 2015-06-16 - 2012-402.pdf, Land Use Petition and Supporting Documents - 2016-09-08 - 2012.402.pdf, Legistar History Report (Special Use Planned Development) - 2016-11-30 - 2012.402.pdf

Enactment Number:

Planning Case #: AU24/3-12.402-Rz/Su/Fsd/Fpn

Hearing Date:

Drafter: sbroadwell@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	09/13/2016	referred to	DST Staff Council (Planning Council)			
	Action Text: This Petition was referred to to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	09/20/2016					
	Notes: Mr. Sieben said do you want to touch on the proposed development? Also, as part of that, could you tell use the status of the demolition of the current building? This came up yesterday at a meeting with city staff, so if you could go over that too, that would be great.						

Representatives Present: Thom Lundberg, Bobby Deitz, Bernard Bauer

Mr. Lundberg said basically again, it is a retail of auto parts. O'Reilly is purely retail. It is a new development that is basically splitting, and Bernie can talk about the platting a little more, but it deals with a platting issue, splitting the lot into 2 portions, if you will. One is for the actual development and one is really used for detention. It's got a large detention basin on a little less than half the lot as you can see on the plans. Again, adding the new building, new parking lot, demoing the buildings. I don't have detail information yet. O'Reilly is handling the demo of the buildings themselves.

Mr. Sieben said Herman, do you know the status of that? We talked about it yesterday.

Mr. Beneke said I don't. But I believe that it is still being held up by, my understanding was that you bid it and didn't accept the prices and are rebidding it. I think that Engineering is still waiting for a contract.

Mr. Feltman said yes. I believe that was the case.

Mr. Sieben said I know it is in the pipeline. We'd just like to see it, obviously, down ASAP. It is a Property Standards issue.

Mr. Deitz said I believe the traffic control plan...

Mr. Lundberg said but that was primarily for the curb cut and the tap to the water main for the domestic.

Mr. Beneke said that sounds familiar that they were looking for some things there too. Just work directly with Dan Goewey in Engineering.

Mr. Lundberg said I'll make sure I send out O'Reilly's wanting to demo. It is just a matter of getting the contractor scheduled and all that.

Mr. Sieben said do you want to add any more on the new construction then?

Mr. Deitz said the entrance is close to the existing, but we are changing location. We're lining up with that one across the street. We just have the one entrance. We have parking on 2 sides of the building. We have customer egress at the front of the building and then we've got employee egress on the west side along with a dealer door for deliveries. All the deliveries are usually made after hours. In regard to that detention basin, to our knowledge, it adheres to all the stormwater ordinance for the city and that area to the north is a flat area. I'm not sure what that will ever be used for. Probably nothing. Because of the setbacks and what not, I don't think there could ever be anything developed on that.

Mr. Sieben said do you want to talk about the building elevations a little bit?

Mr. Lundberg said it is a painted split faced block. You can see it has a band of darker at the bottom with lighter on top. There is kind of what they call a portal around the entry that defines the entry area. That's kind of one of the things they like to throughout the country, try to keep that unified look, just a little bit of a trademark, if you will, showing that that's the entry. For the most part, it is a pretty clean and straightforward building design.

Mr. Wiet said is that your kind of a prototype, the split faced?

Mr. Lundberg said pretty much. If they could do anything they want, they would put a metal building on it. So this is the next step up from what they would typically do.

Mr. Sieben said Dan, do you want to touch on engineering then?

Mr. Feltman said obviously we want to verify that the access drive is lining up with the other one. I don't know if this came up in our DST meetings. It has been a little while since we first initially met, but the detention basin is basically a berm and typically when we have basins like that we want to have a geotechnical design and then also have certification with you that it was built to that design because it is a berm. The rest of it is pretty straightforward. Utilities are all available.

Mr. Sieben said you guys are showing, I think, the proposed right-of-way dedication that we had talked about due to future improvements to New York Street here. This will be the next phase. We are rezoning to B-2(S), so that will allow for some variations of the setback after the right-of-way dedication. Then you guys are vacating a public utility easement that goes through the property.

Mr. Sieben said does Fox Metro have any comments at this time?

Mr. Frankino said we were wondering what that existing building was and whether or not it was on sewer. That service would have to be dealt with.

Mr. Deitz said I believe that is on sewer.

Mr. Sieben said that was originally a restaurant years ago.

Mr. Frankino said we would just want to deal with the abandonment of that sewer. We'll deal with that on the review.

Mr. Feltman said I guess with that said, were you going to reuse any of the services?

Mr. Deitz said it will be new taps into the existing. Basically we typically won't use existing lines. We'll make a new tap out to the main.

Mr. Feltman said so do you want to abandon those services as part of the demo permit, or do you want to abandon the services as part of this construction.

Mr. Lundberg said probably really as part of the construction.

Mr. Feltman said because typically we want it as the demo, and the reason being is we want to make sure that those are removed. That would be our preference knowing that you are not reusing any of them just so we know that they are getting done as part of the demo just in case there is lag. People forget that it is in there.

Mr. Lundberg said that shouldn't be a problem.

Mr. Feltman said so we'll deal with that as part of the demo. They are in for building permit right now.

Mr. Frankino said if that's the case, that's a different permit, a no charge permit, but it would be specified, the demo side would specified strictly on there and we would have to know what contractor was doing it.

Mr. Deitz said is that typically shown on a plan? The abandonment of those?

Mr. Frankino said through the demo or on the construction side. It is fine with use. It just depends on what way you want to go with.

Mr Deitz said we have a site utilities plan that talks about all that, so it will be shown on that sheet.

Mr. Feltman said but like I said, you have a permit in place right now to do the demo and then, like I said, typically we want that disconnection done as part of that. I think that was the direction that Dan was giving to your contractor.

Mr. Lundberg said do we show that on the demo plan? Is there a demo plan and we have to show those services on the plan, or just a note that all existing services are to be abandoned.

Mr. Feltman said you mean on your engineering plans for the site?

Ms. Phiifer said for the demo.

Mr. Feltman said for the demo, whatever documentation we already have.

Mr. Frankino said there is a detail we would want to see. I can get that to you.

Mr. Feltman said I think we have a detail as well, a disconnection detail that we have.

Ms. Phifer said so what is the timing on the project with regard to the new construction?

Mr. Lundberg said we just have to go through the building permit process and once they get approved then O'Reilly will schedule a contractor to go from there. Coming up with the weather here in the near future, it is going to be a little cooler, so they may have to hold off a little while, but it just kind of depends on how fast we can get through the permitting process.

Mr. Beneke said you can apply for the building permits at any time so we can work through the process concurrently. If you are ready, just submit them and we can start reviewing them.

Mr. Cross said we had a number of comments on the fire side in regard to the fire hydrant location to make sure they were located within 5 feet of the fire lane. There is a supply hydrant that is on the northeast corner of the building and where it is at will not satisfy that condition, so that needs to be relocated. Then direct access with approved walkway from the apparatus access road to the sprinkler room.

Mr. Deitz said we are showing a door that goes into that fire riser right there in the northeast corner. What was the 5 foot?

Mr. Cross said so the fire hydrant needs to be within 5 feet of the fire lane. I think you have a proposed location for a hydrant there on that side.

Mr. Deitz said we moved that fire hydrant a couple of times.

Mr. Cross said where it was located on the submittal didn't satisfy those terms of conditions, as well as that fire hydrant making sure that it is between 50 and 100 feet from the building as well, or from the FDC.

Mr. Deitz said I was thinking we had it this last time. We got the fire lane when you first pull into the site. We got the FDC on the building.

Mr. Beneke said I think you had a hydrant between the sidewalk and the parking spaces and it's got to be within 5 feet of the actual fire lane. You can't be on the wrong side of the sidewalk and if you move it up to the road I think it is going to be over 100 feet from the fire department connection.

Mr. Deitz said it might make us have to put in that island right there where our sign is or something.

Mr. Beneke said the lane itself that it's on has to be 26 feet wide. It has to be a 26 by 40 staging area, so if you move it over to that entry I think that probably works for us. It's just got to be facing that entry though. You just have to make sure it is within that 50 to 100 feet or move the FDC over closer to the hydrant if that's where you are going to put it.

Ms. Phifer said Steve has started his review so hopefully we'll get those comments out to you yet this week. We didn't see anything substantial. The main comments are probably going to be on the landscape plan, but other than that I think we are in pretty good shape.

Mr. Deitz said in regard to engineering, is the design of the berm, is that mostly what you saw on the comments from engineering?

Mr. Feltman said I mean yes. We have to look at the detailed grading plan. We should have comments out probably in about a week or two.

Mr. Bauer said the one thing I'd like to mention on landscaping is that I know we have spoken to you in the past about we're showing a reduced amount of landscaping from the ordinance and mostly because of the large area of the overall lot and, of course, a lot of landscaping will be due to that detention basin, so if you'd consider that when you are looking at the fact that if we were to put in some of the plantings on the street, we kind of double up with what's already around the detention basin so it would basically be screening trees of a screened in basin. So if you can consider that when you are reviewing it, that's one of the things that we proposed. We realize we are proposing less, but just because it is a large lot that becomes a huge amount of plantings. We are trying to meet the intent, but because of the situation we're trying to see if we can get some reduced landscaping.

Mr. Sieben said are you reducing it on both lots?

Mr. Bauer said a little bit on both. Primarily on the detention. That's the bulk of it.

Mr. Sieben said do you have existing material you've identified on that too?

Mr. Bauer said yes. It is shown, you can see it as a dashed line, on the south side. There is one tree and then there is a whole forested area, if you will, on the south. It is just a massive forest of trees on that south side that already screens the whole south.

Mr. Sieben said we'll take a look at it.

- 1 DST Staff Council 09/27/2016
(Planning Council)

Notes: *Mr. Broadwell said I'm working on tightening up the landscape review.*

Mr. Wiet said what's actually coming down for that?

Mr. Sieben said the building that's there, the old restaurant. That's where the detention is going to be. And they have applied for the demo permit. I don't think it's an issue.

Mr. Beneke said no I don't think so either. I think they were still waiting on rebidding it. The Fire Marshall has sent his comments out on this.

Mr. Feltman said we were going to have them pull all the services out as part of the demo permit just in case O'Reilly's doesn't go in a timely manner.

- 1 DST Staff Council 10/04/2016
(Planning Council)

Notes: *Ms. Phifer said we are almost finished with comments. We are hopefully going to get them out in the next day or so.*

Mr. Cross said we've got our comments out. We are still waiting for a fire access plan addressing the issues that we have.

- 1 DST Staff Council 10/11/2016
(Planning Council)

Notes: *Mr. Broadwell said I'm still tightening up the landscape review. It should be sent out soon.*

Mr. Feltman said Engineering is in review.

Mr. Cross said we are still just waiting for the plan to come back addressing the issues that we had.

- 1 DST Staff Council 10/18/2016
(Planning Council)

Notes: *Mr. Broadwell said we sent out comments last week. Still haven't heard anything back. It should be soon.*

Mr. Sieben said I'm going to contact them. We need to get the existing building demoed as soon as possible. Javon, Herman and I were in a meeting yesterday, so this is a potential issue. Last year we had homeless in there starting fires in the building. I'll follow up with them related to this.

Mr. Feltman said they have a building permit that they have applied for. There is nothing stopping them.

Mr. Sieben said we just need them to get moving.

- 1 DST Staff Council 10/25/2016
(Planning Council)

Notes: *Mr. Broadwell said we were hoping to get the documents from the Petitioner last Thursday and they are still working on it. They told me this Thursday, so we moved the Commission date back tentatively to December 7th.*

Mr. Feltman said Engineering is still in review.

Mr. Frankino said we've got many items pending and have been for a while, so no movement on this one in quite a while.

Mr. Beneke said we also are waiting for revisions.

- 1 DST Staff Council 11/01/2016
(Planning Council)
Notes: *Mr. Broadwell said we sent them comments previously. On Friday we received their resubmittals. Mostly what we had sent to them was Final Plan and Landscaping. They addressed most of the Final Plan. There is some landscaping stuff to go back through.*

Mr. Sieben said so they are getting closer though?

Mr. Broadwell said they are getting closer. We had set the date for December 7th, I think, for Planning Commission.

Mr. Feltman said Engineering sent out comments. We had quite a few comments. We haven't received a resubmittal back.

Mr. Frankino said the District hasn't received a submittal back either on comment we've made.

Mr. Cross said the same with Fire.
- 1 DST Staff Council 11/08/2016
(Planning Council)
Notes: *Mr. Broadwell said we are finishing up the review comments for the second submittal.*

Mr. Feltman said we sent a first round of comments and we are waiting for a resubmittal.

Mr. Cross said I sent out comments as well. I had a conversation with a few of the members of their team because there was some lack of understanding, I think, of some of the comments, so I kind of walked them through each one of them, so I'm expecting some good things. It is being demolished as we speak. I sent out an email to members of team letting them know that.

Mr. Frankino said we are still out with review too. We're waiting for comments to come back.
- 1 DST Staff Council 11/15/2016
(Planning Council)
Notes: *Mr. Broadwell said we put some conditions on it and sent out the mailing notices.*

Mrs. Vacek said this is going to the December 7th Planning Commission meeting.

Mr. Cross said we still haven't gotten a revision yet from them.

Mr. Feltman said Engineering sent out comments. We haven't received revisions either.

Mr. Frankino said the same with us. We've sent out comments and haven't gotten a response.

Mr. Sieben said hopefully we'll get those before the 7th; otherwise, we'll have to have conditions on it.
- 1 DST Staff Council 11/22/2016
(Planning Council)
Notes: *Mr. Broadwell said we are voting this out with conditions next week.*

Mr. Feltman said we have not received a resubmittal yet.

Mr. Cross said we have not either. I talked to the Project Manager, Bob Deitz, I think is his name. He said he was wanting to put everything in all at the same time. He didn't want to piecemeal it in. He wanted to address everything and then send one set of plans in to take care of everything.

Mr. Sieben said so this will go to the December 7th Planning Commission, so whatever we don't have in we'll have to condition.
- 1 DST Staff Council 11/29/2016 Forwarded Planning 12/07/2016 Pass
(Planning Council) Commission
Action Text: *A motion was made by Mr. Broadwell, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 12/7/2016. The motion carried by voice vote.*
Notes: *Mr. Broadwell said this is going to the Planning Commission on December 7th. I make a motion to move this forward.*

Mrs. Vacek said will there be conditions placed on it?

Mr. Broadwell said yes.

Mr. Beneke said we are waiting for a resubmittal. We've got several thing we need.

Mrs. Vacek said so you need a condition placed on it for Fire comments?

Mr. Beneke said yes, but we have to send them to you.

Mr. Feltman said we sent out comments, but have not received a resubmittal.

Mrs. Vacek said we'll have some landscaping conditions and revisions to the Final Plan.

Mrs. Morgan seconded the motion. The motion carried unanimously.

2	Planning Commission	12/07/2016	Forwarded	Planning & Development Committee	12/15/2016	Pass
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Action Text: A motion was made by Mrs. Anderson, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 12/15/2016. The motion carried.

Notes: See Attachment for Items 16-00869, 16-00871 and 16-00872.

Aye: 8 At Large Bergeron, At Large Cameron, At Large Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Divine, SD 131 Representative Garcia and At Large Owusu-Safo

2	Planning & Development Committee	12/15/2016
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Attachment for Items 16-00869, 16-00871 and 16-00872:

- 16-00869 Requesting approval of a Final Plat for O'Reilly Subdivision located at 1435 E. New York Street generally located on the south side of New York Street, east of Farnsworth Avenue (O'Reilly Automotive Stores, Inc. – 16-00869 / AU24/3-12.402-Rz/Su/Fsd/Fpn – SB – Ward 7)
- 16-00871 Requesting the Establishment of a Special Use Planned Development, and to change the underlying zoning district from B-B Business Boulevard District to B-2(S) General Retail and OS-1 Conservation, Open Space, and Drainage District on the property locate da 1435 E. New York Street, east of Farnsworth Avenue (O'Reilly Automotive Stores, Inc. – 16-00871 / AU24/3-12.402-Rz/Su/Fsd/Fpn – SB – Ward 7) (PUBLIC HEARING)
- 16-00872 Requesting approval of a Final Plan for Lots 1 and 2 of O'Reilly Subdivision located at 1435 E. New York Street generally located on the south side of New York Street, east of Farnsworth Avenue for an Auto Parts and Supplies (2820) Use (O'Reilly Automotive Stores, Inc. – 16-00872 / AU24/3-12.402-Rz/Su/Fsd/Fpn – SB – Ward 7)

Chairman Truax said our next item is actually 3 items and I'm going to read all 3 of them into the record right now. It is a Resolution approving the Final Plat of O'Reilly Subdivision located 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue by O'Reilly Auto Enterprises in Ward 7.

The second related item is an Ordinance establishing a Special Use Planned Development, approving the O'Reilly Auto Parts Plan Description and amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue by O'Reilly Auto Enterprises in Ward 7, and that's a public hearing.

The third related item is a Resolution approving a Final Plan on Lots 1 and 2 of O'Reilly Subdivision located at 1435 E. New York street being south of E. New York Street and east of Farnsworth Avenue for an Auto Parts and Supplies Use by O'Reilly Auto Enterprises in Ward 7.

Mr. Sieben said just to start off, Steve will give a background of what the project is and then we can turn it over to the Petitioner and then I want to come back with just some comments about the nature of the use and saturation and some of the conditions that we're going to place on it.

Mr. Broadwell said so a little bit of background. The Petitioner, O'Reilly Auto Enterprises, LLC, is requesting approval of a Final Plat for O'Reilly Subdivision. Details of the proposal include the consolidation of the existing 20 lots into a 2 lot subdivision. Lot 1 will be a buildable lot with a stormwater control easement established on Lot 2 for a detention facility. There will also be a 22 foot right-of-way dedication for E. New York Street. Concurrently with this proposal the Petitioner is requesting the establishment of a Special Use Planned Development and to change the underlying zoning district from BB Business Boulevard District to B-2 Special Use General Retail and OS-1 Conservation, Open Space, and Drainage District on the property. Details of the request include the establishment of B-2 zoning for Parcel A, Lot 1 and OS-1 zoning for Parcel B, Lot 2. Use regulations for Parcel A include the prohibiting of certain uses, front and rear and interior side yard setback reductions, and monument signage requirements. The Petitioner is also requesting approval of a Final Plan for Lots 1 and 2 of O'Reilly Subdivision for an Auto Parts and Supplies use. Details of the request include the demolition of the existing building and the construction of a new 7,527 square foot retail building, 40 parking spaces and a monument sign on Lot 1. A dry bottom stormwater detention facility will be developed on Lot 2. A landscape plan and building and signage elevations are included in the proposal. The Petitioner is also requesting the vacation of a public utility easement for the property to facilitate the proposed retail.

The Petitioner was sworn in.

Hello. I'm Bernie Bower with HR Greene. I am the professional land surveyor on the project with the responsibility of preparing the final subdivision plat. As Steve had mentioned, it is a 2 lot subdivision consolidating several underlying lots consisting of 2 lots. The buildable lot being 1.787 acres and the second lot to be for the stormwater retention, which is 1.098 acres. There is also a 22 foot dedication along the frontage of the property, which is to be consistent with the future widening of New York Street. There is also a 15 foot city easement that is to be dedicated along the frontage as well, adjacent to the new right-of-way.

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

My name is Glen Dahlstrom, 11 Timber Ridge Drive in Yorkville, Illinois. I own the property next door. My concern is not the zoning, but the drainage. I haven't been able to get any of those questions answered. I called the city. I did talk to this gentleman. It's not really his department. He said that would be Engineering, which there is no nobody here or they couldn't make it or something to that degree.

Chairman Truax said so your questions are really how this drainage is going to affect your property?

Mr. Dahlstrom said yes. My business is next door and we already have a problem with drainage in one back corner, which their building is toward that southeast corner of the property that they have. I want to make note that I'm concerned about additional drainage problems because of it. I don't know at what point in the process that gets okayed, you know what they are proposing as far as the retention pond and what not.

Chairman Truax said we'll see if we can get an answer for you either tonight or let you contact the city soon and have them be aware of it.

Mr. Dahlstrom said if this petition is okayed this evening, that means it is going forward, right?

Chairman Truax said right. I understand your concern. We'll see if we can get an answer for you.

Mr Dahlstrom said okay. Thank you.

Mr. Sieben said in response to the gentleman's question, it is in the process of being reviewed by our Engineering Department. It is not complete yet. However, the Engineering Department does believe the area in question set aside for the detention lot is large enough to handle it. It is in review.

Chairman Truax said can this gentleman contact someone in the Engineering Department and get a little more detailed answer?

Mr. Sieben said I'll give him my card.

The public input portion of the public hearing was closed.

Mr. Sieben said I did want to make some additional comments on staff's behalf regarding potential intensification or saturation of automobile intensive uses in this area. The Aurora Zoning Ordinance does take into consideration saturation of automobile intensive uses when we look at the concentration of similar uses within 1,000 feet. However, an auto parts and supply use is looked at in the city's Zoning Ordinance as a retail use. Really no different than any other retail because there is no auto repair or servicing here, so it doesn't fall under that strict definition of an automobile intensive use. So really this would be permitted in any B-2 zoning district. However, we looked at areas of the city where there are really more than one auto part stores. There are really 3 or 4 main auto parts stores. There is O'Reilly Auto Parts. There is Advanced Auto Parts, and Auto Zone. We also have NAPA. As stated in the staff report, there were a few areas in town that did have at least as much concentration within a 2 mile area of auto parts stores as may go here. If this one does get approved at 1435 E. New York Street, the other 2 competitors are within 2 miles. Advanced Auto Parts is at 3 N. Smith,

which is at Smith and New York Street. They bought out Car Quest, so they moved into that site. Then the other is Auto Zone, which is at 1017 E. Galena, just right east of Ohio Street, so not even on New York Street, on a different street. So there are 3 of them, but they are about 2 miles apart. This is real similar to the clustering that currently exists on N. Lake Street on the west side of Aurora. There are these same 3 auto parts retailers are within 1.75 miles on Lake Street between Illinois Avenue and just north of Indian Trail. Staff feels while on a competitive market, a concentration of one particular use could create a non-diverse business environment, having similar uses in close proximity could create a larger available inventory for consumers to choose from and maybe more competitive pricing. One of the things that staff has stressed in the Plan Description is in order to reduce the impact of the use on the surrounding area that there is a provision in there that restates that all activities for this use, even by customers, is to be limited to being strictly conducted indoors. One of the complaints of some of the auto retailers is that people do oil changes and things like that out in the parking lot and it leads to unsightliness and clutter and things like that, so the B-2 already prohibits outdoor uses like that, so we just want to reiterate it in the Plan Description that we're expecting no exterior uses here for the site. I just wanted to throw that out there because it has come up before. I think when Advanced Auto Parts went in further west we did the same thing. I do want to go over the conditions on the Final Plan. I don't know if you want to vote on that one third. I can touch on the conditions we have on that one, but we have no conditions on the first two.

Chairman Truax said and the drainage issue is going to be subsequently discussed with the gentleman?

Mr. Sieben said yes. I provided the gentleman with my card. I'll put him in touch with Dan Feltman who is the Development Coordinator in Engineering who is handling it.

Mr. Cameron said I would just comment that with something like that, typically all of the water that has for some time flown off of this site where the development is actually occurring typically will be captured and transferred into that area to the west, this new detention pond. I would expect that the grading and stuff that would occur on that back southeast corner would be to take that water to the west and move it into that detention area and then be released. That's the normal method for doing that and I wouldn't see where the City Engineer would be planning on anything different, would you Ed?

Mr. Sieben said that is correct.

Mr. Cameron said but this will at least make sure that it is noted and it is part of the work. We're just the part that it goes through and it still goes through the legislative functions of the city yet before final approval.

Mr. Dahlstrom said I just want to make sure that the ongoing problem that's been occurring for the last 30 years that I've been operating out of that property is not impacted by this additional drainage. Right now the property is grass. Now it is going to be asphalt. There is going to be a lot more running off and going into an existing ditch that's just been a problem, I think for the city and for me, because they keep having to re-dredge it and it doesn't flow as it is. So I don't know why if there is going to be a pond down a couple hundred of feet it's going to drain any better in that direction than it does now. I'm just very concerned about it. My business is right on that very corner, so where they're building it is like the two corners are going to be about as close as they possibly could be for any building plans.

Mr. Sieben said what's your business?

Mr. Dahlstrom said I'm a used car dealer.

Mr. Sieben said to the east?

Mr. Dahlstrom said yes. I sold O'Reilly the property, so I knew what their intentions were. I have no problem with the zoning. It is just all about the drainage.

Chairman Truax said unfortunately there is no one here tonight that can give you any more detail than we have. Maybe you can connect with the numbers that Ed has given you.

Mr. Sieben said right.

Chairman Truax said we've heard the staff recommendation on the first and second pieces of this issue, so we'll take a vote on the Resolution approving the Final Plat for O'Reilly Subdivision at 1435 E. New York Street, south of E. New York Street and east of Farnsworth in Ward 7.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mrs. Cole

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mr. Divine, Mr. Garcia,
Mrs. Owusu-Safo, Mr. Reynolds

NAYS: None

Chairman Truax said we need a motion on the Ordinance establishing a Special Use Planned Development approving the O'Reilly Auto Parts Plan Description and amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space and Drainage for the property located at 1435 E. New York Street, south of E. New York Street and east of Farnsworth Avenue by O'Reilly Auto Enterprises, in Ward 7.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mr. Divine, Mr. Garcia, Mrs. Owusu-Safo, 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. Garcia said it is, as there are other same types of auto shops in the area.

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 proposal is consistent with the desirable trend of development and it also represents the highest and best use in the area.

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?

Mrs. Anderson said there should be no change in traffic pattern.

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?

Mr. Cameron said they should either be in place or will be provided.

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. Owusu-Safo said at a minimum it provides additional pedestrian facilities that were not there before.

Mr. Cameron said and it also provides a shared driveway to match up with the retail use across the street.

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 it is not greater than we have in other places in the city and the city has testified that that has not seemed to cause a problem in those areas.

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?

Chairman Truax said I believe it is in conformance in other respects.

Chairman Truax said the third item is a Resolution approving a Final Plan on Lots 1 and 2 of O'Reilly Subdivision located at 1435 E. New York Street, south of E. New York Street and east of Farnsworth Avenue for an auto parts and supplies use by O'Reilly Auto Enterprises in Ward 7.

Mr. Sieben said this one did have 3 conditions. I just want to real briefly touch on them. I think the Petitioner is in agreement with them. The first one is the staff is requesting that the walkway adjacent to the building be curbed, providing a safer environment for pedestrians, and eliminating the need for bollards or bumpers and allow for more efficient and effective snow removal. That's pretty typical that we get that whole perimeter of the lot there curbed. The second one is regarding the landscaping. We provided the Petitioner some redline revisions of the landscape plan. Overall, it is a good landscape plan. However, the total requirement per our ordinance for canopy tree equivalents on this whole site, that would be both lots, would be 74. They are providing 50 total. Staff feels that due to the smaller nature of the property and the fact that the back of the property backs to the Forest Preserve, almost that entire property behind it is Forest Preserve, there is actually one vacant silver lot that the Forest Preserve doesn't own, but effectively that's Forest Preserve, even though there is right-of-way for Young's Avenue there, the road has been closed off, so staff feels that we could waive 17 of those 74 CTE's to get down to 57, which means we are requesting an additional 7 CTE's be included on the proposed plan. Then we have some other comments regarding moving some material. One of the concerns O'Reilly had from the start was they didn't want too many trees blocking the visibility of the commercial use, which we understand. So we are not asking that any additional trees be placed up in the front of Lot 2, which is where the building is. We are asking that some of the material they are already showing, such as down in the southeast corner of the building, and some other things to be moved over more toward the detention lot and add a little bit more material there and then move around some of the other material, the lower shrubs. We've already provided a redline of that and we feel it meets their objectives and the city's compromise on the total count we feel it meets that too. Then just the real minor third condition was just their signage and elevation data table has a few things missing, so we were just asking for that. Those are the 3 conditions.

Chairman Truax said just looking at the topographical map, there are a lot of trees already on the property. Are all those trees going to be taken down and replaced with those 57?

Mr. Sieben said most of them along the back rear, they are on the edge of the property, some of them are in the Young's right-of-way. I believe, Bernie, is the intent that most of those are going to stay in the far back?

Mr. Bower said I believe so, but I'm not 100% sure.

Mr. Sieben said it is going to be a little hit and miss. I think they are planning on keeping some of those, but I think they may be removing some of the scrub that is on their property.

Chairman Truax said okay, so they're taking down the existing trees and we're suggesting that it is okay if they don't put on as many as they should be putting on?

Mr. Sieben said I think that there is still going to be a tree line along there. We're looking at trying to get some more of the material up front there and around the pond. I believe, if you look on the landscape plan, they are showing the, they kind of have it bubbled in, the existing tree line, which is why they are not adding new trees behind the building. That area will stay. Is that correct Bernie?

Mr. Bower said I have not seen anything that suggests otherwise.

Mr. Sieben said what Bernie just said, their consultant, it is his understanding they are going to keep that existing material behind the building.

Mrs. Owusu-Safo said was the traffic pattern in this area reviewed?

Mr. Sieben said this was reviewed by Engineering and the access point does meet the existing spacing requirements and there is also a plan that will eventually widen and have a median on Farnsworth from where it ends now just west of County Line Road all the way to Farnsworth and this proposed location, if you see, it is right across, you can kind of see it on the plan, there is another driveway right immediately across from it, so this location was approved by Engineering and our Traffic Engineer.

Mrs. Owusu-Safo said I was just looking at the auto turn for the design vehicle that they are using and it just goes completely off, so I was just wondering how that was.

Mr. Sieben said was that on the Fire Plan? Is that what that was?

Mrs. Owusu-Safo said it is on the Final Plan. If you look at the vehicle that is leaving the lot onto New York, they just have it going across the right-of-way line.

Mr. Sieben said I think what they are showing, those lines, if you see the vehicle, that's representing a fire truck.

Mrs. Owusu-Safo said so does that mean that a fire truck can get out of there?

Mr. Sieben said yes. The Fire Marshall did approve the plan.

Mr. Garcia said I have a question. Going back to the gentleman over here, so I'm looking at the drawings here. Is this slope going onto his property or is this at level?

Mr. Bower said currently the topography of the lot is pretty level across where the proposed building is, but then it does slope away toward his property now.

Mr. Garcia said I should have brought this question up before. The reason I'm asking this question is because a similar situation took place at East Aurora High School where they took away the green and once you take off the green there is nothing but asphalt and there is nowhere else for that water to run. I don't see water drains as well. Can you help me understand exactly where the drains would be at, if any?

Mr. Bower said that would be a matter for the site engineer, but it does not appear that there is any grading to occur beyond that southeast corner of the building.

Mr. Garcia said and again helping out the gentleman, I think this is definitely something to take a look at, and not just one. Again, I'm only going back to East Aurora. It cost close to \$500,000 to repair a gym, the fact that they took away the greenery and that does effect the drainage, and also they actually had 2 drains that were installed and those 2 were not sufficient, so can you please take a look at that? Thank you.

Mr. Cameron said before I make a motion, I just would like to say that I'm old enough that I can remember eating a lot of great steak at that restaurant. That's kind of a sad passing.

Mr. Sieben said the Blue Lantern, right?

Mr. Cameron said yes, right. I move for approval with the conditions plus the addition of conditions related to Nestor's comments and such on the drainage at the back and making sure that that water is both retained sufficiently into the detention pond and that whatever needs to be done as channelization to improve that situation so we don't leave the neighbor with a worse situation.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mr. Garcia

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mr. Divine, Mr. Garcia, Mrs. Owusu-Safo, Mr. Reynolds.

NAYS: None

Mr. Sieben said these will all next be heard at the Planning and Development Committee meeting on Thursday, December 15, 2016, at 4:00 p.m. in the 5th floor conference room of this building.