



# City of Aurora

2nd Floor Council  
Chambers  
44 East Downer Place  
Aurora, Illinois 60505  
www.aurora-il.org

## Planning Commission Meeting Minutes

Wednesday  
April 17, 2019  
7:00 PM

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### CALL TO ORDER

*Chairman Pilmer called the meeting to order at 7:00 p.m.*

### ROLL CALL

*The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds and Ms. Tidwell. Mr. Chambers called in and excused himself from the meeting.*

### OTHERS PRESENT

*The following staff members were present: Mr. Sieben, Mrs. Vacek and Mrs. Morgan.*

*Others Present: John Philipchuck (1111 E. Jefferson Avenue, Naperville, IL), Russ Whitaker (Rosanova and Whitaker), Brian Rieger (V3 Companies), Rob Getz (Pulte Homes), Eileen Roberts (2947 Red Barn Court), Nicole Nelson (2102 Whitethorn Drive), Brandon Bigelow (7061 Whitethorn Drive), Rajesh Keshava (1984 Seaview Drive), Michael King (1973 Bayfield Drive), Alvara Guerrero (El Jefe), David Bressler (Dykema), Don D'amato (217 S. Calumet Avenue), Rick Williams (Griffin Williams, LLP), Roxana Hoffman (Scientel), Mike Konopka (Cordogan Clark & Associates), and David Burroughs (EEI).*

### APPROVAL OF MINUTES

**19-0312**

Approval of the Minutes for the Planning Commission meeting on April 3, 2019.

**A motion was made by Mr. Elsbree, seconded by Cameron, that the minutes be approved and filed. The motion carried.**

### PUBLIC COMMENT

*Chairman Pilmer said if you are here for an item that does not appear on the agenda and you wish to speak to the Commission, we can give you 3 minutes to do so.*

*Good evening. My name is John Philipchuck. I'm an attorney from Naperville, Illinois, 1111 E. Jefferson Avenue. I'm here representing the Cibulskis family. You may recall*

*back in 2010 I represented property owners up on N. Eola Road at Diehl Road. There were 3 properties, Eola Venture, Yorkville Partners, and the Cibulskis family. We created a development up there later named Northbridge where we had agreements through Annexation Agreements and a unified Plan Description that we would develop the property for various commercial uses. Scientel has an item on the agenda tonight. They are coming and asking you to modify the Final Plan that they had approved and they wanted to change their Qualifying Statement to indicate that the adjacent property owners have been uncooperative in granting necessary easements and that they, therefore, want to do a minor change to their Final Plan. I'm here, and I have a handout for you that we had presented to the Corporation Counsel, Richard Veenstra from the city, outlining some of the issues that we think would require you to recommend a denial to the Planning and Development Committee of this amended Final Plan. The reason is that under the terms of the agreement, we were to work out the easements to have an interior roadway that no only had access to Diehl Road, but to Eola Road. In this case, the Scientel folks have decided that they're going to go ahead and move what was going to be a shared roadway with my client running on the centerline for the right-in/right-out access on Eola Road and move it totally on their property, now requiring us to try to get an easement when our property is ready to develop and no extension of the roadway over to Diehl Road. So the whole plan really works for all parties as we originally decided when we went into these agreements was that we would get the road through so that there would be 2 access points to serve all this property. Unfortunately, they are asking you to approve a plan now and recommend approval of the plan that takes that ability away that they can develop in the middle solely on their own and that we just are left to hang out there when it is our turn. We're not sure where we are going to be, but we don't think under the terms of our Plan Description, I know Veenstra replied to our letter today Ed, but he only addressed the points in our letter regarding the Annexation Agreement. He did not address the issue with regard to the Plan Description. There were 3 Annexation Agreements. There was only 1 Plan Description because the intent was to develop these properties together. So we think that as a result of the request here that we are not following the Plan Description and that we certainly feel that, I know Mr. Veenstra feels otherwise, but we certainly feel that there are provisions in the Annexation Agreement. So that's our request to you this evening. Thank you.*

## AGENDA

### [19-0227](#)

An Ordinance Approving a Revision to the New Song Highlands Plan Description on 16.136 Acres for Property located north of Hafenrichter Road, east of Barrington Drive, and west of Whitethorn Drive (Pulte Home Company LLC - 19-0227 / WH05/1-18.151-PD/R/Ppn/Psd/R - JM - Ward 9) (PUBLIC HEARING)

*See Attachment for Items 19-0227 and 19-0170.*

**A motion was made by Ms. Tidwell, seconded by Mr Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

### [19-0170](#)

A Resolution Approving a Revision to the Preliminary Plan and Plat for Property located north of Hafenrichter Road, east of Barrington Drive, and west of Whitethorn Drive (Pulte Group - 19-0170 / WH05/1-18.151-PD/R/Ppn/Psd/R - JM - Ward 9)

See Attachment for Items 19-0227 and 19-0170.

**A motion was made by Mrs. Duncan, seconded by Mr. Hull, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

### **Attachment for Items 19-0227 and 19-0170**

*Mrs. Morgan said the Petitioner, Pulte Group, is requesting a Plan Description Revision to the Special Use Planned Development, which includes a revision to the 2005 ordinance to allow for the development of additional acreage of single family homes. The subject property is currently vacant with R-1(S) One Family Dwelling District with a Special Use zoning as part of the New Song Highlands Special Use Planned Development. Just to give you a little bit of background on the project, the development was originally approved pursuant to two ordinances in 2005, which approved a religious institution with a daycare and 21 single family homes. In 2010, the City of Aurora approved a revised Preliminary Plan and Plat, which modified the boundaries of the religious institution and permitted the development of 34 single family homes. At that time in 2010, they didn't change the Plan Description to actually show that the acreage is changing. They are reducing acreage from the church property and adding acreage to the single family home property, so that wasn't reflected in the Plan Description Revision. They didn't do a revision in 2010. Pulte Group is coming forward to ask for a revision to align the Plan Description boundaries with the 2010 resolution, as well as to align them to the proposed Preliminary Plan and Plat that will be approved under the next resolution. Just to note, this Plan Description Revision does not modify the provision applicable to the church property other than changing the acreage. The Plan Description also doesn't change the underlying zoning, which will remain R-1(S) One Family Dwelling District. It does include removing acreage from Parcel B, which is the church property and adding additional acreage to Parcel A, which is the single family homes. We are also proposing a Parcel C, which is being created and identifies stormwater detention. Concurrently with this proposal, the Petitioner is requesting approval of a Revision to the Preliminary Plan and Plat for the New Song Highlands Subdivision. Now they are calling it Laurelton Place. The revision is to allow 41 homes. In 2010, the New Song Community Church had wanted a detention to be partially dry as well as wet and allow them to use that dry area for recreation. The church is no longer interested in that, so this, along with the reduction of the detention area and some shifting of some lots has allowed them to come forth for additional single family homes. All the lots meet the minimum 8,000 square feet and 60 foot width at the 20 foot setback line required by the Plan Description along with all the required setbacks identified in the Plan Description. The average lot is 10,000 square feet. The average width is 73 feet. The minimum lot size is around 8,600 square feet. The minimum lot width is 67 feet. The existing stubs at Whitethorn Drive, Seaview Drive and Bayfield Drive will be extended and will match the existing 60 foot right-of-way. Just also to note, the Engineering Division is requesting that the CLOMR be submitted prior to Final Engineering, which is reflected in some conditions that staff is suggesting. Engineering is also requesting the creation of 3 small outlots. They would be between Lot 1 and 2, Lot 16 and 17 and Lot 40 and 41 to address their concerns regarding preventing obstruction of home improvements by homeowners to the overflow path that carry large volumes of water from off-site developments. Staff is still working, the Petitioner and staff, Engineering staff, is still working on figuring all that out and the requirement of that, but at this time Engineering would like those outlots. We would like the Final Plat and Plan to reflect those outlots. Staff is also requesting that some comments from the Fire Marshall be addressed. We have a resubmittal, so those might be addressed at this point, but we haven't had a chance to*

review it. Are there any questions for staff?

Ms. Tidwell said yes. Can you tell me what a CLOMR is?

Mr. Sieben said it is a Conditional Letter of Map Revision.

Ms. Tidwell said thank you. Just a procedural question with the engineering issues, I guess I don't understand why this wasn't held until these, as well as the Fire Access, wasn't addressed.

Mrs. Morgan said the Fire Access are really minor. It is just a change of location of hydrants. It is easy for them to do. They just hadn't had it at the time we were ready to submit for Planning Commission. The Engineering, it was put in after reviewing it. The Engineering Division decided that they wanted these outlots, so it was already when we started submitting for the Planning Commission public hearing. It came a little later in the project.

Mr. Sieben said and the other issue with the outlots is if the outlots are implemented, it will not impact the zoning, the setbacks, the lot size. They meet the minimums. This will also come back to the Planning Commission for the Final Plan and Plat, so we'll get another little bit of a bite at the apple.

Ms. Tidwell said and one more time, as I didn't write fast enough, CLOMR? Conditional Letter...

Mr. Sieben said Conditional Letter of Map Revision.

Mr. Elsbree said I've got a question. Just so I'm clear, it came up about church property and lots. Is any of the property owned by the church? Is this a land swap?

Mr. Morgan said not a land swap. A portion of the property, like a small little portion is still owned by the church, so the church has done a Letter of Authorization allowing this plan to go forward. It is just a small little sliver that is still owned by the church.

Mr. Elsbree said there won't be a residence on it? The residence will be taxable property?

Mrs. Morgan said the little sliver that the church owns will now with the plat become part of the single family homes.

Mrs. Owusu-Safo said are they donating it?

Mrs. Morgan said I believe there is a sale, but the Petitioner could answer that. I'm not for sure how that it going.

Mr. Elsbree said but there is no way that property is tax exempt?

Mrs. Morgan said no. It is going into the single family lot.

The Petitioners were sworn in.

Good evening. Russ Whitaker. I'm an attorney at the law firm of Rosanova and Whitaker, 127 Aurora Avenue in Naperville. I'm here this evening on behalf of Pulte Home Company, LLC as the contract purchaser of the property that Jill went through.

So the aerial here shows the property, which is 16 acres outlined in red to the right of the screen. The reason I wanted to put this aerial up is I also have Deerbrook, which is on the left hand side of the screen highlighted. Deerbrook is the subdivision that Pulte just completed construction in. Pulte was the owner of 76 lots in Deerbrook and was building in Deerbrook from 2016 through 2018. It turned out to be a very successful project, moved through 76 lots very quickly and I think was highly regarded by both the city and Pulte. What we are proposing here is sort of a tag onto what had been done at Deerbrook. You'll see that in the elevations, the lot sizes. Again, what we are trying to do at New Song is duplicating what has proven to be successful at Deerbrook. Jill talked a little bit about the change in acreage and that's what this map is intended to depict. If you look at the black lines here, that is the ultimate configuration that we are proposing. Parcel B is the church parcel. Parcel A is what will ultimately be the residential development parcel. Parcel C is what will ultimately be the stormwater parcel. If you look sort of behind the black lines, you can see the grey scale lines. Those grey scale lines reflect the existing configuration of the parcel, so kind of coming north out of Parcel B you see that very small sliver, that's a portion of the property that's owned by the church. It like 20 feet. It was intended to provide access to a dry detention basin, which was to be located where Parcel C is. So given that we are no longer going with the dry detention basin there was no need for the sliver parcel. That sliver parcel is being ultimately conveyed to Pulte as part of their acquisition of the whole property. You can see here, we also had the detention basin sized slightly larger in the past. That detention basin has shrunk in size. The reason being, as Jill noted, that we are going from a dry bottom detention basin to a wetland bottom detention basin. If you look back at the aerial slide, I think you can kind of see why. The property immediately east of the subject property is, in fact, a wetland bottom detention basin, so it would be a little awkward with that dry bottom detention basin immediately adjacent. What we are proposing with respect to the reconfigured detention basin is effectively a continuation of what's happening with the wetland detention basin that's located immediately east of the property. As a result of going to that wetland bottom detention basin, we end up with a more efficient site plan. What you see in this site plan is really the exact layout that was approved all the way back in 2005 and then added onto in 2010. The roadway configuration is the same. We've just become more efficient with the layout of that detention and as a result, and I would note that this plan is actually flipped 90 degrees, so north is to the right of the screen, but on the west side of the new detention basin we were able to add in some lots. So by virtue of creating that efficiency in the detention basin we've created some nice lots there that will provide premium opportunities for home buyers and, of course, create some additional taxable value for the city. Jill kind of ran through the lot dynamics. Everything is compliant with the Plan Description as it was written. We are really kind of working on technical detail with the Plan Description Revision here and the, of course, the increase in lot count from 34 to 41. I did just want to show, and this is a tax parcel map, this shows the subdivision that is immediately adjacent to the north of our property. The intent here was just to show that what we are doing is very consistent with what's existing in the community. If you look at Seaview Drive to the right of the screen, we will be building lots off of Seaview Drive and continuing that as it connects into Bayfield Drive. The lots on Seaview Drive are the same size, if not a little bit smaller, that what we are proposing as part of the development. I just wanted to show here that the character of what we are doing is substantially consistent with the adjacent neighborhood that is existing. The landscape plan depicted here, there is an Exhibit D to the existing Plan Description, or existing ordinance, that lays out landscape requirements. What we are showing here in the landscape plan is compliant with that Exhibit D, which dictates landscape regulations. Finally, we are not actually looking for elevation approval at this point in time, but we submitted them as part of the package. We didn't know if they would already be in front of you or not, but just a

*couple of elevations here. Again, these are plans that we took out of Deerbrook and will be using again in Laurelton Place. In Deerbrook, we had homes that were both 40 feet wide and 50 feet wide. In Laurelton we will be eliminating the 40 foot wide product and we will be building 50 foot product, a little bit higher value homes. Those were the more popular selections in Deerbrook, so obviously, that's what we are moving forward with here in Laurelton Place. Just here we have the Hilltop floor plan and you can see that there are four different options with different architectural elements for each option. The second floor plan here is the Greenfield. Again, you can see that there will be different options, different front elevations options associated with the floor plan to give optionality and to make sure that there is diversity in the community. There are other elevations or other floor plans that we will be proposing as part the project certainly. Rather than going through all of those since we weren't seeking approval of elevations tonight, I just thought I'd give you a little flavor of what it was that we would ultimately be looking at approval of as part of the final improvement. With that, I think that sort of wraps up the overview along with what Jill had already presented. If you have any questions, I would be happy to answer them.*

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

*I'm Eileen Roberts. I live on the other side of New Song Church and I'm representing our neighborhood with a few other member here. I think some of our concerns are we very concerned about the detentions and easement of the area. That is a true wetlands and it floods often, which is why the farmer did not have success and then we are going to now put property on it. We are very concerned about where that runoff is going to go, whether it is going back into our subdivision or other locations. The increase in houses there is a concern. We have very small houses being added to what we consider very larger houses and there is overcrowding in the district, so you are adding 41 houses, which originally was 21. I know what is proposed, that tax bracket or what is taxable, will not be comparable to what my house and some of my neighbors is. So that's a much smaller house that's being added to our subdivision so that's a concern. We are concerned about all the mud and issues that are going to be going on through construction and how that will be maintained because we are going to be that thorough fare through for houses to go through. How will that be managed so we can maintain our regular consistency of living? I think we are very concerned about the home values actually creating a reduction to the home values that exist for my house and my neighbors. We're concerned that's going to cause a decrease. I think the dry bottom basin versus the wet bottom basin, I don't know enough about that so I'd like to ask, I don't know, some more questions, so I'd like to learn more about that. But I guess, how will we address the overcrowding, the retention ponds and the reduction in value to our subdivision that exists would be the questions that I pose.*

*Chairman Pilmer said we'll get those answers after the testimony.*

*My name is Nicole Nelson. I live on Whitethorn Drive, which is the road that's going to be added onto. This is all very new to me, so forgive me if some of these questions are not appropriate at this time. I back up to the current retention area, so that is a big concern of mine. I couldn't tell from the drawing. Is this going to be two separate retention areas or are they connecting on to it? Who is going to be responsible for maintaining that? I also curious if there is going to be a square foot minimum and maximum for the homes that are going to be built. Actually what my neighbor said since we've gone from 24 to 41 homes, is that simply because of the added acreage that they got or are they kind shrinking the lots and housing sizes down? I also had a question about Laurelton because we have a subdivision name. We just don't have a*

*sign. Our sad little dead-end and cul-de-sac is called Glenmore Ridge. It is documented with the city, so I'm just curious if we are going to have Glenmore Ridge and Laurelton Place and then whatever that one is behind us.*

*Mr. Sieben said Harbor Springs.*

*Ms. Nelson said it is going to be a little confusing. I think that's it, so thank you.*

*My name is Brandon Bigelow. I live at the very last house on Whitethorn Drive next to the church there. My primary concern is I have a 4 year old son and 2 year old daughter that are often outside playing and the increase in traffic is my biggest concern right now. With the increase of the number of homes going in, I'm worried that the traffic is going to explode. I see people that drive down my street now who don't realize it is a dead-end and when they get to my house they are going pretty fast and I'm just worried what that's going to look like after the development. Thanks.*

*Good evening. I'm a resident of Seaview Drive, 1984 Seaview Drive. My name is Rajesh. I echo a similar point to what he has made just now that our drive right now is a dead-end and not many people realize that. They usually back up again and go back. When the drive gets extended, do you plan to put in some speed breakers or stop signs? How will that be handled? The other question is, what about the wetland, which is right behind my house? Right now it is empty completely, completely open. Will that be affected in anyway? Will anything be built on that? Just these two questions. Thank you so much.*

*Good evening. My name is Michael King. I live at 1973 Bayfield Drive. That's Harbor Springs. That's the last dead-end road that's projected on some of the drawings. I noticed that the projection now is to have that street have a straight line all the way through the subdivision. Currently at Bayfield Drive's entrance there is a daycare center. Lots of kids play in that lot. It is very tough to control a whole bunch of small little kids who no doubt run into the streets an awful lot. Pets. We see a lot of those in that development as well. My concern is the increased traffic that you'll see, especially if people cut through the subdivision to get somewhere. We see that stop signs have very little effect. People tend to rush through them. There is simply no control. Speed bumps don't tend to work very well. I also note that from a safety perspective speed bumps are not necessarily what you want to see when it comes to emergency vehicles having to get through there. That's my primary concern. Thank you for your time.*

*Chairman Pilmer said if no one else would like to speak about this case, I'd have the Petitioner come back and address those questions.*

*Mr. Whitaker said so from a traffic management standpoint, the subdivisions that are adjacent were all designed with roads stubbed to this property with the intention that they would create. If you look at the broader aerial here, you can kind of see that there was a lot of thought that went into the broader layout as how these subdivisions would operate so that everything was interconnected and there were different ways in and out of the subdivision. Of course, we always want multiple points of access so that in the event someone is stopped in one location there are opportunities to get to it from another location. The dead-end off of Whitethorn is a unique condition. It wasn't intended as a permanent condition. It was always contemplated that would continue through this New Song property. In fact, that's been shown that way since 2005 on the original plat that approved the New Song Church. We think the addition from 34 to 41 homes is going to have very, very minimal impact on overall traffic generation on this*

property.

Ms. Tidwell said do you have schematic that shows what the roads will look like?

Mr. Whitaker said I don't have one that's overlaid on an aerial, but if we look at this plan here we have to the left of the screen is where you would connect into Whitethorn and just as a point of reference, Whitethorn is at the bottom of the property here.

Ms. Tidwell said I've got a Google map in front of me, so I see the existing road. I just don't know what they'll look like when the development is finished.

Mr. Whitaker said we will matching roads at existing locations and carrying the condition of those roads straight through our subdivision so that they connect from the south to the north. Does that answer your question?

Mrs. Owusu-Safo said so you are going to have the same width and the same right-of-way width, right?

Mr. Whitaker said correct? There are not changes being proposed to any of those type of design standards. They were all set with the original plan that was established in 2005 and we are not proposing any changes to those. What we are doing in terms of a roadway network is not changed from 2005, the original plan approved.

Ms. Tidwell said it looks to me that Seaview will continue through what is now the vacant land and match on the north side of the vacant land. Is that correct?

Mr. Whitaker said so we'll have Seaview here to the top of the screen and Whitethorn here. If you are thinking about the aerial, you've got sort of an s-curve coming in here curving back around into the existing road at the top of the screen. I think, again, this was designed thoughtfully where it is not a straight shot where someone has the opportunity to really step on the gas and get speeding and get up to a high rate of speed with all of the turns that are naturally built into the subdivision. I think there are some natural calming measures that were built into the plan back when it was approved in 2005. I think that's a real benefit to what's happening here.

Ms. Tidwell said thank you.

Mr. Whitaker said other questions related to home sizes and lot sizes, again, we are not asking for any change to minimum lot sizes. I think our minimum lot size is over 8,635 square feet. Our average lot size is 10,000 square feet. Those are all well above the minimums established by the ordinance in 2015. There is no change to any minimums with respect to increasing the number of lots. The increase in the number of lots is really just driven by the change in engineering practices. That's moving from the dry bottom detention, which could be used when not soaking wet as some open space to more of a wetland bottom basin. I've got Bryan Rieger here. I'll ask him to come up in just a minute. I think the other note on those lot sizes is we range from 71 wide. We are 115 deep where we are constrained by it and have adjacent lots that are 115 deep. We are otherwise 125-130 feet deep, which is exactly how the subdivision was designed back in 2005. Again, above all of the minimums. The houses being proposed, again, are all 50 foot wide homes with setbacks consistent with the Plan Description that was approved in 2005. Those homes will range from 2,600 square feet up to 3,400 square feet. Base pricing will start at \$335,000 with the expectation that homes will be closing about \$400,000. We certainly don't think that that sizing of homes or the pricing of those homes is inconsistent with the neighborhood. If

anything, if you look at existing home sales that have occurred in that immediate area over the last year or two years, our base pricing is over what has generally sold on the adjacent streets that we will be connecting into. I think that addresses the questions I'll answer. I'll turn it over to Bryan and ask him to address the issue of stormwater detention and how that is going to function.

Good evening. Bryan Rieger with V3 Companies. The address is 7325 Janes Avenue. For stormwater management, as you can see on the screen, north is to the right just to get our bearings straight again. On the bottom side of the sheet is the existing wetland area and that is what Russ was referencing the wetland detention area. So that's just directly east of this plan and east of our proposed detention facility. You can kind of see a black line that extends up through the property. It kind of circumvents the property. That black line is actually existing flood plain and that is why we need to go through the CLOMR process through FEMA, the Conditional Letter of Map Revision, and that basically pulls that flood plain and moves it into our detention facility as we are showing. To compensate for any fill that we have on the property due to the houses and to the roadways, we are over excavating that detention area. We are providing about 18 acre feet of storage in that area in that detention facility that is not there now. So that is a significant amount of volume that we are adding to this. As Russ has mentioned, the previous plan accounted for a portion of that detention facility to be dry. The elevation of that dry area is below what would be considered the high water level, so in a big rain event it would be under water, but under normal conditions that would have been dry and usable for space. The church found no need for that area anymore so that's why the entire detention facility now is going to be wet instead of having that dry portion to it. So one of the questions was is this facility going to be tied in with the facility to the east. There is actually currently a path that runs along our east property line. That path will be maintained and then that will start our detention facility. Hydraulically, they are not connected unless the water builds up above the path, but below the path they are completely separated. I think that answers the questions that were raised. If there are any additional, I'd be happy to take them. Just the last thing, concern over wetland bottom versus a dry facility. The wet facility is pretty much what is required now in these types of areas where you are doing more of a naturalized detention facility. It provides habitat and also water quality benefits, so you find that a lot of birds, a lot of animals are using those types of areas rather than what we had before where it was natural turf. It was mowed turf. You have fertilizers. You have a lot of things like that that get into that area. It is an ecology, water quality and environment benefit over the typical dry detention facilities that we used to do.

Mrs. Owusu-Safo said I have a question. There is no outlet into the existing wetland area, right? That's what you are saying.

Mr. Rieger said that's correct. The outlet for the detention facility actually goes to the west and then it ends up going up to the north. This whole area is kind of like a big watershed and the outlet to the pond actually goes to the west and then to the north.

Mrs. Owusu-Safo said I guess my question was so this was specifically sized just for these lots and if they had concerns on the other areas, which drains into this existing wetland areas, if they are already having some flooding concerns, but if that's what they are having to the east and they are not connected, if there is any overflow I'm assuming it will come into your new detention and that's now going to fall somewhere west, right and then taken at some point into account?

Mr. Rieger said the rectangle is the site that we are looking at now, so the east of that

*is that wetland area. Where our current facility is, that is farmland. That is higher than the elevation of the wetland area to the east. In order to get up to that elevation where it fills into that area, it is a large rain event, a significant rain event.*

*Mrs. Owusu-Safo said like 100 year?*

*Mr. Rieger said a 100 year, exactly, a 100 year rain event. There's maybe a foot of water that kind pools on this area before it drains down and then everything drains into that wetland to the east. What we are doing is we are over excavating that area and providing detention for the specific lots that you see on the site plan as well as the church to the south. So we are providing detention for the church to the south and these lots and then we are also providing flood plain and compensatory storage for the houses that are being put there.*

*Mr. Whitaker said so I think what you were saying is absolutely correct. We're providing detention on our property for what we are proposing to do. There is detention provided elsewhere for the existing homes that are in the area. We will not be impacting the detention that is provided for any of the adjacent homes. I think the one thing that you didn't have because we hadn't told you is that we are actually not just providing detention for our residential subdivision. There is a temporary basin on the church parcel and if you can see where the entrance to the church is, there is an old house that was not incorporated as part of the original 2005 approvals. That house has been acquired by the church. They see having the ability to expand the church and take up some of that open space that is to the west of their parking lot. What we've done in association in working with the church is we've oversized our detention in order to include everything that they would need in order to expand the church facility. So we are not just providing detention for our residential subdivision. We are providing well over that. In the event the church doesn't expand, that's there and is providing additional benefit. In the event the church expands, they will use that additional detention, but they will have no cost for expanding or tearing out the detention and all of it will be existing when they move forward. There is some additional benefit on top of what we would normally be doing.*

*Mrs. Owusu-Safo said just one last question on detention and that is I see what you are saying, so if you build your new detention pond over on the east side and that elevation is naturally higher than the existing wetland area, does that create any flow that would have generally with the 100 year event go onto this property? Now where would that go? I'm assuming these are sized with 100 year flood events, but what happens then?*

*Mr. Rieger said so the natural flow goes to the east from this property.*

*Mrs. Owusu-Safo said it goes east?*

*Mr. Rieger said yes.*

*Mrs. Owusu-Safo said okay because your outlet is actually west.*

*Mr. Rieger said it will be to the west. You can see on the screen there are a lot of large detention areas around the area. Ultimately what happens is this wetland area drains up to the north to the detention facility just north of Harbor Springs and then it heads off to the west. Currently everything kind of builds up in this wetland area and then drains to the north. What we are doing, instead of trying to get the majority of the water to the east, the water is going to go to the west and then shoot up within pipes to*

*that detention facility to the north.*

*Ms. Tidwell said to the detention facility that is just to the west of the H on that map?*

*Mr. Rieger said yes.*

*Mr. Cameron said I'm assuming that the drainage is in that kind of a kick-out that runs to the west on the detention lake. Is the correct? That's the one that runs straight through to the back lot line on the west side. That portion that's going directly up and then it goes out and over into the drain right?*

*Mr. Rieger said that's correct.*

*Mr. Cameron said because the other ones are all inputs into the...*

*Mr. Rieger said that's correct.*

*Mr. Whitaker said that is also the area as staff mentioned the discussion about the outlots. That was something that just came up. I think we heard it last week, so we are having conversations with the Engineering staff. We can accommodate it. We told them we can accommodate that. We're just going back and forth on how we are going to handle maintenance and stuff like that. We're absolutely agreeable to accommodating and making sure that we have frankly a redundant system. So we've got the underground pipes taking it in that direction and then we've got the overland flow. If a pipe was closed, you've got a route that it would go over to.*

*Mr. Cameron said what kind of a slope do we have on that detention area? What are we looking at, about a 10 foot bottom?*

*Mr. Rieger said it is a 5 to 1 slope and it is a 6 foot bounce. From normal water level to higher water level it is 6 feet.*

*Mrs. Owusu-Safo said so ordinary high is where, is what elevation?*

*Mr. Rieger said the normal water, so that is your typical water level at any time, is 687 and the high water level for this specific site is 693. The 100 year flood plain elevation is actually 394.32, which basically just goes on the top side of that detention facility.*

*Mr. Cameron said you said 18 acre feet?*

*Mr. Rieger said 18 acre feet. That is correct.*

*Ms. Tidwell said will any of the homes in this new area be considered in the flood plain so that they are required to buy federal flood insurance?*

*Mr. Rieger said no. That's part of the CLOMR process too, to verify where that proposed flood plain line will be. Then we'll also go through a LOMR process at the end where you actually make that Letter of Map Revision come into effect with FEMA and that will be the actual limits of the flood plain based on the actual physical conditions once the development is constructed.*

*Chairman Pilmer said I think there were two other questions. One regarding construction traffic and debris and one regarding if you can comment on the name of the subdivision in relation to neighboring subdivisions.*

*Mr. Whitaker said so with respect to the name, that is a good question. We're not proposing any monumentation. Certainly when we first build you are going to see some delineation between old and new, but over time our perspective is those things will effectively melt, both at the south and at the north and it will see as though it is one continuous community. No monumentation trying to call it out as separate. I guess by law actually, we have different names of subdivision plats all the time so you often, even within a subdivision, have multiple units that would have different names. We are required to have a different name. We do have a different name and we'll market it as the other name in order to distinguish it from marketing purposes on preliminary build, but there will be no functional difference in active daily life. Rob do you want to address construction and debris?*

*I'm Rob Getz, Vice President of Land Acquisition for Pulte Homes. As far as the construction traffic goes, we have three means to get out of the property. There are three right-of-ways; one off of Whitethorn and the two to the north. We don't access to any public road on any of the periphery of our subdivision. Sometimes if we get a large subdivision and we border a public road we would put like a temporary construction entrance or something of that sort. In this case, we don't have the ability to do that because, again, we are surrounded by private property everywhere but the three roads that enter the project. We will be using the public roads to enter the project and do our construction. We are very careful at Pulte Homes about construction debris. I think Russ brought up our Deerbrook Subdivision, which was the last one we just completed in Aurora. In that case, we actually were building within an already completed community and we were doing basically every other house type scenario and filling in the gaps in that community. We were very careful in our construction methods and our cleanup and our street sweeping and our scraping and the way we managed our trades. I can say I'm not aware of actually seeing a complaint. I don't know if the city knows of any complaints we had as far as our construction activities there. So we managed to build within the existing community there, 76 houses, and I think that is a testament to the work that we do at Pulte to make sure that we are clean and very careful about our construction process. But certainly we will be accessing off the existing roads.*

*Mr. Sieben said I also believe Harbor Springs to the north was a Pulte Development just for comparison, so there are some neighbors here from Harbor Springs.*

*Mrs. Owusu-Safo said I have one last question for you. In terms of traffic again with the concerns, what kind of control is proposed at the intersection of Bayfield and Seaview if you've gotten that far?*

*Mr. Whitaker said I don't think we've gotten that far. That would typically be something that we would address at final engineering. My guess is that Bayfield would flow through from left to right on your screen as you are looking at it and there will probably be a stop control at Seaview, but again, we haven't gotten to that point. We would be bringing that back as part of final engineering.*

*Ms. Nelson said I just had a question regarding the path that they had mentioned that runs along the end of a retention area where they are going to be building. I would invite anyone to come and look at that glorious path. It is blacktop, I believe, for emergency vehicles because there is no other outlet. It is so wonky with roots and holes. It is unbelievable. I'm just curious as to why they are planning on keeping it and not connecting the two if there is a reason to that or if it will be fixed and maintained again.*

*Ms. Roberts said I guess we were just inquiring what does this do for the taxes that exist. These lots will be 20% smaller than our existing lots, the same square footage, so what does that do for comparison purposes and then what does that do for resale for our community?*

*Mr. Whitaker said if we picked the largest lot in one and the smallest lot in the other they might be 20% smaller, but there is a variety of lot sizes as I mentioned. We are 8,600 on the small end where we've got an average lot size of 10,000. I haven't looked at the average lot size, but at the end of the day for a comparison purpose people are generally looking at home size and home value and better in counting those type of things. Based on what we are seeing in terms of sales that have occurred over the last couple of years in those adjacent subdivisions, our homes will be base priced higher than those sales that have occurred. With options, they will be selling at substantially higher. In theory, by building homes that will be selling for more adjacent, that should help to live the value of the existing homes. There was another question.*

*Chairman Pilmer said regarding the path. I guess there is evidentially an existing path.*

*Mr. Whitaker said absolutely. That path is not located on our property, so we do not have any rights with respect to the path. I know it is there. I'm guessing it's owned and maybe not maintained by the adjacent Homeowners Association.*

*The public input portion of the public hearing was closed.*

*Mrs. Morgan said staff would recommend approval of an Ordinance approving a Revision to the New Song Highlands Plan Description on 16.136 acres for property located north of Hafenrichter Road, east of Barrington Drive and west of Whitethorn Drive.*

*MOTION OF APPROVAL WAS MADE BY: Ms. Tidwell*

*MOTION SECONDED BY: Mr. Cameron*

*AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell*

*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. Anderson said these are all 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. Reynolds said the proposal does represent the highest and best use of the property.*

*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 and, again, 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?*

*Chairman Pilmer said I would say that this traffic pattern is consistent with what was approved in 2005 and should not have any adverse effect in the general area.*

*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 are in place or will be as part of the proposal.*

*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?*

*Mr. Cameron said it is an extension of the existing plans for the neighborhood.*

*9a. Will the special use not preclude the normal and orderly development of improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?*

*Ms. Tidwell said it is consistent with the original plan.*

*9b. Is the special use in all other respects in conformance to the applicable regulations in 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 Pilmer said I would say it is conforming to the applicable regulations in the district to which it is located.*

*Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.*

*Mrs. Morgan said staff would recommend conditional approval of a Resolution approving a Revision to the Preliminary Plan and Plat for property located north of Hafenrichter Road, east of Barrington Drive and west of Whitethorn Drive with the following conditions:*

- 1. That the Fire Access Plan be revised to reflect the Fire Marshall's comments at the Planning Council meeting on March 12, 2019.*
- 2. That the Preliminary Plan and Plat be revised to include outlots between Lot 1 and 2, Lot 16 and 17 and Lot 40 and 41 that meet the minimum width needs to address the Engineering Division's concerns.*
- 3. That the Petitioner have an approved CLOMR before start of construction of the public improvements.*

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mrs. Duncan

SECONDE BY: Mr. Hull

AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: None

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.

[19-0213](#)

An Ordinance Granting a Special Use Permit for a Liquor License within 500 feet of residential property on the property located at 1271 N. Lake Street generally located on the east side of Lake Street, north of Indian Trail Road (Arechiga Group 1, Inc., DBA El Jefe - 19-0213 / AU10/3-18.104-Su - JM - Ward 6) (PUBLIC HEARING)

Mrs. Morgan said the Petitioner, El Jefe, is requesting approval of a Special Use for a liquor license within 500 feet of residential property, which includes the development of a restaurant with a Class E liquor license. The subject property is currently zoned B-2(S) General Retail District with a Special Use. It is part of the Maruti Special Use Planned Development. The Petitioner is requesting the Special Use for the Class E liquor license since it is within the 500 feet of residential and not part of a shopping center. The residential properties within the 500 feet are vacant lots adjacent to N. River Street that are zoned residential and three single family homes. The remainder of the surrounding area is zoned business or manufacturing. The applicant is currently renovating the existing building on the site for a new restaurant with the capacity of 160 customers and it currently has 72 parking spaces. The proposed renovations include some minor alterations to the façade, outdoor seating area, interior renovations to the bar, including bar seating and tables. Here is just kind of some renderings they did for the building. The elevations, you can see the outdoor seating they added and some changes to the interior of the bar area, so a slight change to the façade, just some alterations to that. Here is the floor plan showing the seating. The Petitioner has met the minimum requirements for the Class E liquor ordinance to obtain the Special Use, including providing enough off-street parking at 1 space per 3 seats. It meets the minimum number of 125 seats required to obtain a liquor license. The majority of the surrounding area is business. With providing adequate off-street parking along with the area being mostly a commercial corridor abutting a major arterial, staff supports the approval of allowing a liquor license on this property.

Mr. Cameron said did this site formerly have a liquor license?

Mr. Sieben said that's a good question. I know it used to be Mayberry's. It was briefly Pub 31 about 15 or so years ago, so I believe it did have a liquor license before this provision was added to the liquor ordinance, so you are correct.

Chairman Pilmer said and when it was Mr. Steak, Ken, I think it had one too.

Mr. Sieben said I think it was Hoops or something too. That was a long time ago.

Mr. Elsbree said so the housing we're talking about is back behind?

Mrs. Morgan said yes.

Mr. Elsbree said between there and the river.

*Mr. Sieben said there are only a few houses to the north. It is mostly commercial.*

*Mrs. Morgan said there are three homes and the rest of them are just vacant residential. The property is zoned residential.*

*Ms. Tidwell said I realize that these are vacant lots, the residential lots. If they were built on would staff recommend a barrier of any kind between the properties?*

*Mrs. Morgan said no because the properties don't really abut the residential properties, as well as the Comp Plan actually shows the area for high density residential, so if the whole area was redeveloped staff would probably talk to the people developing the high density residential maybe to have some type of barrier to the property. It would be high density, not like single family homes.*

*Ms. Tidwell said but did you not say it was zoned for single family?*

*Mrs. Morgan said it is currently zoned, but the long term plan is for high density residential.*

*Ms. Tidwell said I noted, of course, there was public notice. I assume the owners of the vacant lots were informed.*

*Mrs. Morgan said correct, yes, anything within 250 feet.*

*Mr. Cameron said what is the elevation change between, all of the red is all basically at street level and there is what, a 15 or 20 foot...*

*Mr. Sieben said a minimum. For example where the McDonalds is further south of Indian Trail, that's 50 feet from the McDonalds down to the riverbank, but down to River Street it is probably more like 20.*

*The Petitioner was sworn in.*

*My name is Alvaro Guerrero. I live at 1213 Joliet Street in West Chicago, Illinois. We are planning to open a new restaurant in the building. As a group, as a family, we own 6 other restaurants, but this is a completely new idea, a completely new concept that we're trying to establish now and use this restaurant for future locations. Our restaurant will be family friendly. We have in all the restaurants a liquor license and we've never had an issue with that. We wanted to do like a more family friendly environment. It is not going to be like a bar or something like that.*

*Ms. Tidwell said I did notice that there is outdoor seating proposed. Will that have music amplified outside?*

*Mr. Guerrero said no. Probably like a meal to music, not speakers outside.*

*Ms. Tidwell said so just acoustic?*

*Mr. Guerrero said yes.*

*Mrs. Anderson said what will be your working hours of the restaurant?*

*Mr. Guerrero said we are proposing from 11:00 in the morning to 10:00 p.m. Monday*

through Thursday and for Friday, Saturday and Sunday from 11:00 a.m. to 12:00 midnight.

Mr. Cameron said Ed, maybe you could define what a Class E liquor license is. I general know, but not sure.

Mr. Sieben said a Class E is called a restaurant liquor license. It is basically a restaurant with a full liquor license.

Mr. Guerrero said our main income will be food, not liquor.

Mrs. Head said I was just going to ask what kind of food is this going to be?

Mr. Guerrero said the name of the restaurant that we own is Salsa Verde. We own one in Joliet, Oswego, Batavia, St. Charles and two in Indiana. This will like a Mexican restaurant with steakhouse, something a little more upscale. Something different in the area.

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 staff would recommend approval of an Ordinance granting a Special Use Permit for a Liquor License within 500 feet of residential property on the property located at 1271 N. Lake Street, generally located on the east side of Lake Street, north of Indian Trail Road.

Mr. Cameron said I have just one question. This property has been before us, I think, before and there was some question of the right-of-way, the extension of River coming up or through.

Mr. Sieben said right. What happened was the Dunkin Donuts had come in and the adjacent lot to the north was approved for a small drive-thru Dunkin Donuts. If that were to develop, and it hasn't come in yet, the current access from River Street, which now comes up through the middle of the parking lot to Lake Street, that will be moved to the north side of the new Dunkin Donuts and then there is actually a city right-of-way through the middle of this parking from Lake Street to River. The agreement is that will be vacated and then there is, I believe, a 24 foot easement will be then on the north property line for River Street will come up to Lake Street at that point. They are aware of it. It will not affect using the existing restaurant.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mrs. Duncan

AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

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. Anderson 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. Reynolds said the proposal represents the highest and best use of the property.*

*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 again, the proposal 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?*

*Mrs. Owusu-Safo said the proposal should not have any adverse effects since the use is going to be similar to what was existing there.*

*5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?*

*Mrs. Owusu-Safo said these should already be in place or will be included in the development.*

*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 these should not have any adverse effect to the existing traffic patterns.*

*9a. Will the special use not preclude the normal and orderly development of improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?*

*Chairman Pilmer said this area is zoned business. It should have no negative impact of the general area.*

*9b. Is the special use in all other respects in conformance to the applicable regulations in 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?*

*Mr. Cameron said it is.*

*Chairman Pilmer said it is in conformance.*

*Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.*

**A motion was made by Mr. Cameron, seconded by Mrs. Duncan, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

[19-0239](#)

An Ordinance Establishing a Special Use Planned Development at 1500 Southlawn Place and 1501 Southlawn Place to be incorporated under the existing 2018 Aurora University Plan Description (Aurora University - 19-0239 / AU20/3-19.037-SUPD - TV - Ward 5) (PUBLIC HEARING)

*Mrs. Vacek said the subject properties are currently single family dwellings with R-1 zoning, which has been recently purchased by Aurora University. These properties were included in the expanded campus of the 2018 Aurora University Master Plan. The Petitioner is requesting a Special Use Planned Development to incorporate the properties into the existing Aurora University Special Use Planned Development. These properties would be the first to be added into the Aurora University within that expanded campus. The University is allowed to use these properties for offices, graduate or faculty housing, rental housing for employees, non-traditional classrooms or studios or single family residences, excluding sororities or fraternities. I'll turn it over to the Petitioner unless you have any questions for me.*

*The Petitioner was sworn in.*

*I'm David Bressler from the Dykema Law Firm, 2300 Cabot Drive in Lisle, Illinois. As staff indicated, these are two homes in the expanded area at the intersection of Evanslawn. They are single family residential homes and we are seeking a rezoning from R-1 to R-1(S) with a Special Use Planned Development consistent with the Aurora University Master Plan. The buildings will be used for offices. That's the present plan. I appreciate the other uses that the staff mentioned, but the present plan is to use them as offices. The buildings have been cleaned up on the outside, but otherwise, there is no physical changes to the building. So they are consistent with the neighborhood. I don't believe that there is a negative impact on the surrounding property values. Traffic will not change as a result of these and, therefore, we would request a positive recommendation.*

*Ms. Tidwell said parking issues?*

*Mr. Bressler said no parking issues. There is parking on-site limited, but the uses of the properties are going to be very limited. There is also parking right across the street available so parking will not be an issue.*

*Mr. Cameron said the one on the north side of Southlawn looked suspiciously full of police cars this morning.*

*Mr. Bressler said that is where the University is going to have its security force and that's a temporary use of the police cars. We've ordered signs reserving spaces in the lot across the street for the security force, so once those come those cars will not be parked in the driveway.*

*Mr. Cameron said because I assume the existing building for the police force is part of what is being torn down right now.*

*Mr. Bressler said that is correct. Those will not be in the drive. I know exactly what you are talking about and once those signs come up reserving those, they will be parked across the street on the main campus.*

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

*I'm Don Damato, 217 S. Calumet Avenue in Aurora, Illinois. I live in the neighborhood so I don't object to anything they are doing over there. We all know what's going to happen. My only question is they've been working on these houses for probably 2 months now, 3 months and it seems like they've already moved in. I'm just surprised they haven't come before you before they put all the money and renovation in. I think the police are probably moved already in there. Like you said, all the police cars are there. Their building is knocked down already. That was my only question. I see it on Marseillaise also. I think they have something today about a zoning variation. They've been working on that building for 2 or 3 months. My question was only why all this effort and money was put in before they had approval. I don't know if that makes sense or not. In general, the University does a wonderful job. Those houses are going to look better than they did when the people lived in them because the University really takes care of their properties. I don't see anything negative about it. That was my only question to see the signs up now after all the work's been done. Thank you.*

*Mr. Bressler said as I stated before, their security force is there because their building no longer exists. The necessary permits were obtained so that the work could commence and we did all the work pursuant to those permits.*

*The public input portion of the public hearing was closed.*

*Mrs. Vacek said staff would recommend approval of the Ordinance establishing a Special Use Planned Development at 1500 Southlawn Place and 1501 Southlawn Place to be incorporated under the existing 2018 Aurora University Plan Description.*

*MOTION OF APPROVAL WAS MADE BY: Ms. Tidwell*

*MOTION SECONDED BY: Mrs. Anderson*

*AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell*

*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. Anderson 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. Reynolds said the proposal represents the highest and best use of the property.*

*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 and does represent 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?*

*Chairman Pilmer said there should be no change to the general area or the traffic or pedestrian movement.*

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 are already 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. Owusu-Safo said there appears to be no concerns with increasing congestion.*

9a. *Will the special use not preclude the normal and orderly development of improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?*

*Chairman Pilmer said it should not. This is consistent with the 2018 Master Plan that was approved.*

9b. *Is the special use in all other respects in conformance to the applicable regulations in the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?*

*Mrs. Owusu-Safo said the proposal is in conformance.*

*Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.*

**A motion was made by Ms. Tidwell, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

[19-0240](#)

A Resolution Approving a Final Plan and granting a setback variance on Lot 1 of Aurora University 2nd Resubdivision located at 1330 Marseillaise Place for a 1,090 sq. ft. addition to the Parolini Music Center (Aurora University - 19-0240 / AU20/4-19.047-Fpn - TV - Ward 4) (PUBLIC HEARING)

*Mrs. Vacek said the Petitioner is requesting approval of a Final Plan with a setback Variance for the Parolini Music Center. The Music Center is actually located on the north part of the campus along Marseillaise Place between S. Randall Road and S. Calumet Road. The University is in the process of renovating the Music Center*

building. Concurrently with that renovation, the University is proposing to construct a 1,090 square foot addition to the east portion of the building for a performance area. An 8.28 setback variance is being requested along the north property line, as the existing building and the building addition does not meet the current 20 foot setback required in the Plan Description. The existing building is a setback at 11.72 feet and the addition would be a setback at 14 feet from the property line. As part of the proposal, the elevation of the Music Center building is also being updated. The building addition will match the brick that's on the existing building. The mansard roof is being removed and replaced with a flat accent panel and there is additional metal equipment screening on the roof of the building. We can pull that elevation up. That's the new elevation of the Music Center. The University is also proposing to remove the parking lot on the south side of the building with the exception of the access road going into that area, which would remain there for a fire access. They would also be relocating a hydrant so it is adjacent to the access road. The removal of the parking lot is actually offsetting the additional stormwater requirement for the addition of the building. I can turn it over to the Petitioner unless you have questions for me.

Good evening again. David Bressler from the Dykema Law Firm, 2300 Cabot, Lisle, Illinois. As staff indicated, we are looking to put an addition on the Parolini building pursuant to permits. That building has been gutted. It is an older building and it has been taken down to the studs inside, so the work on the existing building is ongoing. We are looking for an addition that's about a 34 by 35 foot footprint on the east end of the building. The setback issue, as staff indicated, will be actually set back from the current setback, so it will be about 2.75 feet further back from the setback, but still we do need a variance because it is within those 20 feet. The external appearance, the flat panels, I believe on your elevations, they are shown as blue and silver, but I believe they are all going to be blue. It was my understanding that that was all changed to blue flat panels consistent with the STEM building that is also on the property.

Mrs. Vacek said the only thing is that it will be silver for the screening, the equipment screening, on the roof.

Mr. Bressler said but it will it will have a consistent appearance with the STEM building, which you may be familiar with, which is another building on the campus. At this point, we are not requesting that the parking lot be removed. The Fire Marshall, there are some issues with the ability to reach the hose to the necessary buildings and so at this point he's out of town and that is not part of our request today. We may come back in the future with the Fire Marshall, but that's not part of the request at this point.

Mrs. Owusu-Safo said I thought Tracey mentioned something about stormwater and the parking lot. How is that impacted if you are not taking it out?

Mr. Bressler said at the present time, there is a sufficient stormwater capacity elsewhere on the property to handle that. It is only a 34 by 35 foot addition and there is additional compensatory storage elsewhere on the property, so I don't believe it is an issue if the parking lot remains.

Mrs. Owusu-Safo said I guess there will be something from staff to confirm for us.

Mr. Sieben said it is kind of a moving target. This has been going back and forth, remove, not remove, remove part of it, keep it, remove. Apparently now it is going to stay.

*Mr. Bressler said for the time being until we can work out the access issues with the Fire Marshall. It obviously needs to be done before anything happens with the parking lot.*

*Mr. Sieben said I would say we would leave the condition in case you wanted to remove the parking lot if you could work it out with the Fire Marshall. We would just leave the condition. We are okay either way as long the Fire Marshall is okay.*

*Mrs. Head said and how many parking spaces are we going to lose?*

*Mr. Sieben said there's about 12 or 14.*

*Mr. Bressler said not a lot. I believe there 1 or 2 handicap spaces.*

*Mrs. Vacek said 13.*

*Mrs. Head said and where are you going to make those up at?*

*Mr. Bressler said I don't think we need to.*

*Mr. Sieben said well they are going to make it up in the deck, which is being built right now.*

*Mr. Bressler said that's what I meant, taking that into account.*

*Mrs. Owusu-Safo said I saw that you are asking for, and this is just on a layman's view, but you are asking for a variance for the setback where the building doesn't match the back of the building. Is there a reason it couldn't just align?*

*Mr. Bressler said it is actually further back from the setback. We didn't want to have just a slab, so it looks better to actually step it back a little bit and then these architectural panels will actually make a visual transition. It is stepped back because it looks better than having just a slab of the building there. Like I said, that will be 14 feet back from the right-of-way as opposed to 11.5 or 11 whatever is that the existing building is.*

*Mrs. Owusu-Safo said the only reason I ask is the minimum requirement is 20 feet, so aesthetically you prefer to get a variance so that aesthetically it looks better?*

*Mrs. Vacek said correct. The existing building is already in need of a variance so it makes sense to just kind of keep it in line and have it stepped back just a little bit instead of all the way back to 20 feet, which might look odd.*

*Mr. Cameron said is the new addition 2 stories?*

*Mr. Bressler said a story and a half. It is a performance center so, you know, you have a stage.*

*Mr. Cameron said you need the height on it. Architecturally it looks better offsetting the lines and raising it up.*

*Mr. Bressler said right and those architectural panels and screening kind of make a transition to the higher roof line.*

*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. Vacek said staff would recommend conditional approval of the Resolution approving a Final Plan and granting a setback variance on Lot 1 of the Aurora University 2nd Resubdivision located at 1330 Marseillaise Place for a 1,090 square foot addition to the Parolini Music Center with the following conditions and this would only be if the parking lot was to be removed:*

- 1. That prior to the removal of the parking lot that the Fire Access Plan should be approved by the Fire Marshall.*

*MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Ms. Tidwell*

*MOTION SECONDED BY: Mr. Hull*

*AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell*

*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. Anderson 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. Reynolds said the proposal does represent the highest and best use of the property.*

- 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 and 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?*

*Chairman Pilmer said it is compatible with the existing traffic pattern and should not have an adverse effect.*

- 5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?*

*Mrs. Owusu-Safo said these are already in place or will be part of the proposal.*

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 there should be no adverse impact.*

8a. *Is the variance based on the particular physical surroundings, shape or topographical conditions of the specific property involved so that a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out?*

*Chairman Pilmer said I would say a particular hardship would evolve based on the existing setbacks of the property. This is greater setback than the existing.*

8b. *Is the variance based on unique conditions to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification?*

*Chairman Pilmer said I would say it is definitely unique to the property for which the variance is sought.*

*Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.*

**A motion was made by Ms. Tidwell, seconded by Mr. Hull, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

[19-0284](#)

A Planning and Development Committee Resolution Approving a Revision to the Final Plan on Lot 2 of Scientel Solutions Subdivision located at 245 N. Eola Road (Scientel Solutions, LLC - 19-0284 / NA08/1-19.051-Fpn/R - TV - WARD 10)

*Mrs. Vacek said the subject property is zoned B-2(S), which is part of the Eola Venture I Special Use Planned Development. You may recall, in January of 2018 the City Council approved a Special Use Planned Development Revision, a Preliminary Plat and Plan Revision and a Special Use Permit for a communication tower on the subject property. Then in May 2018, the City Council approved a Final Plat for a 2 lot subdivision and a Final Plan Revision on Lot 2 for an office for Scientel Solutions, LLC. Along with that was a 190 foot lattice communication facility. Since approval of the Final Plan and Plat, the Petitioner has secured and recorded all of the required sanitary sewer easements needed to extend the sewer to their property. In addition, Scientel Solutions, LLC recently constructed the communication facility on the subject property. The Petitioner has been working with the adjacent property owners for the last year to secure the necessary easements, including an access easement to construct the shared private drive between their property and the adjacent property to the south, which was shown on the approved plans. However, to date, the Petitioner has been unsuccessful in acquiring those easements. They come before you tonight to request a Final Plan Revision which would allow them to phase the construction of the property. Option 2, Phase 1 and Option 2, Phase 2. If they can secure the necessary easements prior to the construction of the private drive as shown on the approved Final Plan, they go ahead and do that. We're just trying to give them some*

options of how they can continue to construct their building and develop their property prior to them being able to get that private easement to the south. Option 2, Phase 1 would include relocating the shared access road between the property and the adjacent property to the south entirely on Scientel's property Lot 1 and terminating into the parking lot of Lot 2 on an interim basis so that the Petitioner can access Lot 2 basically. Then Option 2, Phase 2 includes relocating the shared access road between the two properties back to the original location and extending the drive to the far eastern property line as approved on the Preliminary/Final plan at such time that the property owner to the south develops pursuant to their terms of the Annexation Agreement. I can turn it over to the Petitioner. If you have any questions for staff, I can answer those.

Ms. Tidwell said I think you just explained this, but I'm going to ask it again anyway. Can you explain why this is not premature?

Mrs. Vacek said they have a right to develop their land, so they are looking to develop their land. Unfortunately, they have been working with the adjacent property owners and they will continue, obviously the Petitioner can go into a little bit more detail, but they'll continue to work with the adjacent property owners to see if we can get those easements that are required for that shared private drive. What this would do is allow them on an interim basis to build a road entirely on their property and then when the property to the south is ready to develop, then they would move that road back to the original location that was approved on their Final Plan.

Ms. Tidwell said so basically it is a temporary road?

Mrs. Vacek said correct.

Mrs. Owusu-Safo said and would that be a condition on approval if we decide to go with this? Is there a condition that they agree to relocate the...

Mrs. Vacek said it would be pursuant to their Annexation Agreement, so they would have to work with the adjacent properties to work all that out.

Thank you. For the record, my name is Richard Williams. I'm an attorney with the law firm of Griffin Williams, 12 N. 4th Street, Geneva, Illinois. I represent the Petitioner, Scientel Solutions. With me tonight we have our Director of Operations, Roxana Hoffman. We have Mike Konopka, our architect, and we have David Burroughs, our engineer. We'd be more than happy to construct the original plan that was approved back in May of 2018, but our neighbors to the south will not grant the easements. The reason they're not granting the easements is they want us to obtain and secure easements for our property from the property owner to the north, Yorkville Partners II, as well as Commonwealth Edison so that they have access all the way from their property from Diehl Road. What they are asking of us is frankly impossible. We have a foundation permit and we are ready to start building our corporate headquarters right now. So we are in a bind. We have business obligations we have to meet. We are presently located in Lombard. We need to move. We are moving here to Aurora. We have to be out of our space in Lombard by June of next year, so we are ready to go and we are more than willing to work with our neighbor to the south and our neighbors to the north to try to get the easements that will all benefit us if we can get to Diehl Road, but it is impossible and we don't see a way forward to meet our timelines and meet our commitment to the city to come to your great town. Mr. Philipchuck spoke a little while ago and I want to correct a few things that he said. The Northbridge Subdivision was approved on December 14, 2010. That subdivision consists of

*Yorkville Partners II and Eola Ventures, who we are successor interest to. The Cibulskis property, which is south, the Preliminary Plat and Plan was approved December 21, 2010. It was not approved concurrently with the Northbridge Subdivision and we are not a unified development. We all agreed at the time, or Mr. Philipchuck on behalf of all three of his clients at the time, agreed that the developments would be integrated so there would be an orderly development, but there was never any condition that this property gets developed at one time. We are ready to do. Our neighbors to the south have no intention to develop any time soon. Our neighbors to the north would like to develop. This property has sat undeveloped for over 8 years. In late December, in December of 2016, we came to the city. We said we want to come to your town. We want to develop. We also met with the Cibulskis's, our neighbor to the south. We showed them our plan and they encouraged us to go forward. They wished us well. They had no objections to anything we were doing. So we went forward and in September of 2017 we had a public hearing to amend the Preliminary Plat and Plan of the Northbridge Subdivision for some minor changes to allow for our headquarter building and the tower. The Cibulskis's didn't show up and object. The City Council approved our development in January 2018. Again, the Cibulskis's didn't come and object. We went back in May of 2018 with this Final Plan. Actually in April of 2018 we were here before you. The Cibulskis's didn't come here and have an objection to the plan. Our plan, as approved in May of 2018, shows a shared access road, which is exactly what the Northbridge Subdivision Preliminary Plat and Plan provides for and what the Cibulskis's plat and plan provides for. They are not willing to give us the half of the road, so we have no other choice but to move the road entirely onto our property. We are willing to do that. If they give us the easement, we'll cooperate and the lower half of the road can be built and we'll remove our half of the road that is being shifted north. This allows us to go forward. It doesn't affect their property. The access point off of Eola Road was never fixed in time and it can be moved and we're telling the city we'll more than cooperate in making that happen, but we need to go forward. I'm here to answer any questions you might have.*

*Mrs. Duncan said I do have a question. At what point in time did you let the Cibulskis brothers know that you were making this shift and coming forward to the Planning Commission to do this?*

*Mr. Williams said we have not had any communications directly with the Cibulskis's about that point. We've gone through the city on that.*

*Mrs. Duncan said I would think that with an agreement that was back from 2010 and where you are saying they won't cooperate, to your point, is this premature when the benefit of a conversation either with you, their attorney or with Mr. Cibulskis himself that you were coming forward to this. I believe that both Yorkville Partners and the Cibulskis brothers found out that you were doing this by nature of reading this in the agenda that was put forward by the city. That makes me a little bit uncomfortable in that there was no real communication between somebody that you are sitting next to and with the agreement relevant to shared expense and shared access for roads, I'm just a little concerned about how all of this is playing out and you are sitting on that piece of property there very close to one another and impacting one another pretty significantly that there was no conversation.*

*Mr. Williams said we have had numerous conversations with the Cibulskis family and Yorkville Partners II over the course of many, many months. The city has been involved in that. We had one about 2 months ago and the Cibulskis's attorney made it crystal clear that they are not going to give us anything until we get that easement from ComEd. Essentially what they are doing is they are trying to hold our development*

hostage on an off-site easement that we cannot obtain. We have committed to the city and we have committed to our neighbors to the south and our neighbors to the north to cooperate with them and try to get those easements, but what our plan does, does not affect Yorkville Partners in the least. We are not touching their property. We can do everything we need to do on our property and not bother our neighbors. If they want us to do the plan from 2018, we are more than happy to do that. Just give us a cross access easement. We're granting cross access easement to them. They will have immediate access to that new access of Eola Road, so they'll enjoy that. We're extending the sanitary sewer. They wouldn't give us the sanitary sewer. We had to go to ComEd and work with ComEd for many, many months and pay \$120,000 to buy an easement from ComEd because the Cibulskis's would not give us the sanitary easement. They've committed to the city in their Annexation Agreement to grant various easements to the city. They are not willing to do so. We can't make them do so. It is not fair to put Scientel Solutions in a situation where we have to solve their problems. It is not a unified development. I disagree with Mr. Philipchuck on that.

Mrs. Duncan said all of that being said, those are things that need to be worked out between the individual partners and owners of these properties or attorneys, however you want to do that. My real question is why was there no notification that you were coming forward to a Planning Commission with such a significant change and what an agreement was? I would think that that would just be standard operating practice. That's really my question. We can dig deep into all the details and go back to 2010, but the reality is I'm trying to understand how you couldn't have had a conversation or notification and it was found by just somebody that regularly reads the Planning Commission agendas.

Mr. Williams said we don't view this plan as a major change. We're just shifting access onto our property. When they develop, we will cooperate and the original plan will be followed. This is an interim solution designed to allow our property to go forward.

Mrs. Duncan said are you willing to go back and renegotiate an agreement that states some of what you're saying right now when you are saying that here?

Mr. Williams said that's what the conditions of your approval will say if you approve our interim plan. We have committed already in our Qualifying Statement. Everything you are saying is already in what we've submitted. We have agreed and committed to the city to do exactly what I said.

Mrs. Duncan said and they are aware?

Mr. Williams said I assume they are. They had access to this.

Mrs. Duncan said if they discovered it on their own.

Mr. Williams said it doesn't affect them in the least. This will return the development to what was approved in May of 2018 when they develop. When they develop and they grant the easement, we will more than happily cooperate and that road can be extended all the way to the east. Until that time, we can't go forward. We can't come to your town and we have to find other solutions. We are out of time. We've tried ad nauseam to talk to our neighbors to the south and it has not been productive.

I'm Mike Konopka with Cordogan Clark & Associates. We're building the project as well as being the architect. One of things that we had discussed was if the road were

to move, we changed our building schedule so that we could, what I say, delay it to whenever it is decided. What's happening is, what Rick was talking about previously, is we are running into the season where we would want to be building and through the city they have allowed us with a foundation permit. Well that will only take us so far. So what we've done is we've looked at our construction schedule and we informed Scientel and I believe I informed the city as well is that we will not construct anything until it gets worked out to whatever plan it needs to be worked out. We're ready to go. We've been doing this for a while. We've sort of been held in limbo for a little bit so what we've been trying to do is get a lot of the materials ordered up front so that we are ready to go. So we've gone through all of our shop drawing procedures. We've signed up all of our subcontractors at a certain amount of risk not knowing what was going to happen. Everything is sort of lined up to go. Anyway, for us, we looked at it and said hey look we can certainly delay the construction of that road. We are going to have a temporary cut road in anyway to bring in the trucks to go ahead and build the building. So hopefully that delay will get the people to the table so that they can resolve their issues about this cross access agreement or the road of where it goes. We just wanted to prove to the city that we can go ahead and we can construct the building. We could delay on that road. Everything else would stay the same and if they could come to an agreement on it we are okay with it. We are not tested for time on the road. We are tested for time on the building.

Mrs. Owusu-Safo said what's the general construction period for the building?

Mr. Konopka said the total site was a year. I don't know exactly for the road. We just said that we could live without it. It is going to be a temporary road anyway. If you've never driven out there, it is sort of the road and curb cut that's already there. There is a dirt track, which we're going to drop rock on so we can get back and forth on it.

Mrs. Owusu-Safo said just a general question. You said it was impossible to get an easement from ComEd?

Mr. Konopka said it is not impossible, but their process is about 5 months. That's about how long it took us to go and get the sanitary sewer easement. We've committed, and the city is involved in this. Chuck Nelson is working on putting a meeting together, but from the time you actually file with ComEd, they say you have 72 days. I can tell you when we got the sanitary sewer easement it wasn't 72 days from the time we filed until we got the easement. It was more like 90, but there are preliminary steps that you have to go through and we are more than willing to do that, but we have to do that together. I will tell you also that several years ago before my client owned the property there was a meeting with ComEd to talk about a full access to Diehl Road and ComEd said we're not going to do it. Don't come back to us until you have a development. We're your development now. We can go forward with them, but we are out of time to delay our building. Frankly I've had conversations with Mr. Philipchuck and was under the impression based upon oral representations early, 2 years ago, that this would never be an issue with easements. It has actually turned out to be quite an issue. That's why we are here today before you.

Mr. Cameron said as I run through my mind, and I don't have the facts, I just have general impressions, and as I remember the initial problems were that your client basically put a cell tower on a telephone pole in mis-accordance with everything that was allowed to be done. Then when you came before our Commission back in that timeframe, I don't know exactly what the time, but it could have been the 2018, there was the same kind of a problem in communication with the adjacent land owners at that point in time in which supposedly I think there would have been a change of

ownership in one of the pieces and you or someone from your client said that they couldn't track the land owners down even though the city was aware of the change. Frankly, it left a bad taste in my mouth and I accepted the fact that the city went ahead because it is good to have customers and users and that type of thing, but in general I do not have a particular pleasant memory of your client and the actions that occurred at that time. That's more for information. We've had a fair number of change on the Plan Commission and I might ask Ed, do you remember any of those things? I don't want to put you on the spot.

Mr. Sieben said I would let Mr. Williams respond to that. I don't know if there was an actual tower on the property. I believe there was a wooden pole.

Mr. Williams said there was an allegation that we had a tower and that was raised in a September Planning Commission hearing I believe. What was happening was there was illegal fly dumping going on the property and Scientel put a pole up and put an antenna with a camera. We are a wireless communications company. That's how we communicate. That antenna was pointed to Lombard. There was a call made by a Scientel representative to the city to see if we needed a permit to put a pole up to put up a camera on. They said no permit was necessary. What was not understood at the time was that if you put an antenna on a tower you fall within the prevue of your Telecommunications Ordinance and that requires a process. When that was brought to our attention we immediately removed it. As far as your comment on the change of ownership, and YPII, that's what happened and maybe the fault is mine, but the records that were provided to me had an individual who has nothing to do with YPII anymore. I later found out that the owner of YPII is an engineering company and the prior owner owed that company a lot of money and that he conveyed his interest in the entity to the engineering company. That's why we didn't track it down. We met the Cibulskis's right away. We tried to reach out to our neighbors to the north unsuccessfully. We didn't have a lot of communication. It wasn't until like a few days before the public hearing that we got a call from Mr. Rosanova saying he represented YPII at which point we engaged in discussions.

Mr. Cameron said I guess my only point on that was that I felt that at that time it was kind of a rush to judgment that could be alleviated by a little bit of more searching on you folks. I understand. I was a builder and developer for 32 years, so I understand all of the other parts of the program and the pressures and all of that. I just wish that somehow, regardless of who is at fault, that the communications could be something other than deadline motivated.

Mrs. Vacek said staff would recommend conditional approval of the Planning and Development Committee Resolution approving a Revision to the Final Plan on Lot 2 of Scientel Solutions Subdivision located at 245 N. Eola Road with the following conditions:

1. That the landscape plan be revised as follows:
  - a. Relocate the 2 trees on the south side of the building to the parking islands on the north side of the building. Replace 1 tree from the south side of the building with 20 shrubs and add 10 shrubs to each parking island on the north side of the building.
  - b. Relocate the 2 trees on the south side of the building to the east side of the building.

They have actually made that change. I did not get the landscape plan into the

*packet, so that condition will be actually going away once I get it into the packet for Planning and Development Committee.*

2. *That the Petitioner will cooperate with the property owner to the south to relocate the shared private road at such time as the property owner to the south fully complies with its obligation to dedicate the cross access easement as required by the Annexation Agreement.*

MOTION OF CONDITONAL APPROVAL WAS MADE BY: Mrs. Owusu-Safo

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: Mr. Cameron, Mrs. Duncan

*Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.*

**A motion was made by Mrs. Owusu-Safo, seconded by Ms. Tidwell, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.**

**PENDING**

**COMMITTEE REPORTS**

**A) Amendments**

**B) Grant and Award Research**

**C) Comprehensive Plan**

**ANNOUNCEMENTS**

*Mr. Sieben said I believe our next meeting is the regular meeting on May 8th. It is not the 1st. It is the 8th.*

**ADJOURNMENT**

**A motion was made by Mr. Elsbree, seconded by Mr. Gonzales, that the meeting be adjourned. The motion carried by voice vote. Chairman Pilmer adjourned the meeting at 9:10 p.m.**

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