



City of Aurora

2nd Floor Council
Chambers
44 E Downer Place
Aurora, IL 60507

Planning and Zoning Commission Meeting Minutes

Wednesday
April 19, 2023
7:00 PM

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 pm.

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

Mrs. Martinez was excused.

OTHERS PRESENT

The following staff members were present: Mr. Sieben, Mr. Broadwell, Ms. Burden

APPROVAL OF MINUTES

23-0298 Approval of Minutes from 4/5/2023 Planning & Zoning Commission Meeting

A motion was made by Mrs. Owusu-Safo, seconded by Mrs. Anderson, that the meeting 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 as a public hearing and you wish to speak to the Commission, we can give you 3 minutes to do so.

No one came forward.

AGENDA

23-0214 A Resolution Approving the Final Plat for Pacifica Riverview Subdivision on property located at 309 N. River Street and 201 N. River Street

Mr. Sieben said good evening everyone. Ed Sieben, Zoning and Planning Director. As

you read into the record, this is both the Final Plan and Plat for Pacifica Riverview Development. I have an aerial up there which outlines the property in question. It's on North River Street. Basically, between Vine and Cedar, extended right at the, where the new pedestrian bridge connects to the west side of the Fox River. A little history: in February of '22, the City Council approved a Redevelopment Agreement with Windfall Group LLC for this particular apartment building on the west bank of the Fox River. In July of '22, there was an amendment to the agreement, and then in October of '22....so about, what is it...about 7 months ago....the Zoning Entitlement was granted. You guys saw this before you for the Conditional Use Planned Development along with the Preliminary Plan and Plat for this apartment building and mixed-use building. So, this is now coming in for the Final Plan and Plat. This is substantially in keeping with the Preliminary that you saw in October. A little bit of background: the subject property is owned by the City of Aurora, it's been used as a public parking lot. In 2020, after we purchased this from the YWCA, it was rezoned to Downtown Fringe with the intent that this property would be a future investment for a redevelopment. Basically, this lot in question in the red there is about 2.34 acres. The proposal includes construction of a new riverfront market rate multi-story residential building. This would be 7 stories. It would be a stacked...and I'll let Cristal and her team go into the PowerPoint in a minute...but this is a 7-story with 187 residential units, again market rate, and there will be a combination of studio, 1, 2, and 3 bedrooms, although really the sweet spot is the 1 and 2- bedroom. There will also be 10 rowhouse units that are facing the Fox River. These will be 2-story units with rooftop patios, but again, these are all rentals. Units will range from a little over 400 square foot for the studios and a little over 1550 for the rowhouses. You know, instead of me going into detail, I think I will let Cristal go into that, but real quickly, there is a total of 292 parking spaces that are affiliated with this, so there is over 1.5 spaces per unit enclosed within this development. There is going to be at least 1 parking space in the garage reserved for each residential unit, included as part of the rent. In addition, 1/4 of the spaces will be reserved for visitor parking. The remaining spaces may be rented out to those tenants who have more than 1 car. There's a full landscape plan as part of this package, you have full elevations, and as part of this there's also going to be plat approved. There are also a few modifications to the building code. The modifications include a reduction in the amount of full wythe masonry on the building from 80% to 20%. This is really to give it a more contemporary feel that Cristal will talk about. There's also a little bit of reduction of the wall sound transmission class, STC rating, from 60 to 55 and a reduction to the floor impact insulation class rating from 58 to 53. So, Staff has worked with the Developer on this design. Tracey is not here today, she's off today, unfortunately, but she has put in a lot of work as the main point person working with the Windfall team, so unless there's any questions for me at this point, I can turn it over to the Windfall Group.

Chairman Pilmer said any questions of Staff? Just before you speak, if you'll just state your name and address for the record, thanks.

Ms. Ni said hello, my name is Judy Ni. Thank you for having us here today. And then what else...the address?

Chairman Pilmer said just your address.

Ms. Ni said 4360 East New York Street, Aurora, Illinois 60504.

Ms. Hayes said hello my name is Cristal Hayes on behalf of ZSW Architects, address 1335 North California Avenue, Chicago, Illinois.

Mr. Murawski said John Murawski, Robert Juris and Associates Architects, 25025 Aspen Lane, Manhattan, Illinois.

Mr. Lin said I am a project engineer and surveyor for the project with Ridgeline Consultants, the address is 1661 Aucutt Road (spelled out) in Montgomery and my name is Lin, Jiun-Guang Lin.

Chairman Pilmer said thank you.

Ms. Hayes said thanks for the wonderful introduction and thanks for the councilmen and aldermen in here and hearing us about Riverview, Pacifica Riverview. Like Ed was saying, since about 2022, Windfall Group and I have been working with and for on this project and we're really excited to present this to you again today. The project site, you can see this is the site plan, we're on the west bank and next to the pedestrian bridge which is we thinking during the summertime, if the people live in downtown Aurora want to cross the bridge to go to RiverEdge Park for a concert, and this is our entry point. So, we're very excited that we're adjacent to the river, north river park and with the Fox River. This is why we call it Riverview because it's all about the river and having the view and living in Downtown Aurora and how we can bring this new contemporary and modern life into Downtown Aurora. We've been through working with Ed and Tracey and the team, and Trevor. Went through several rounds of the design variations and on the façade, we put a lot of time on it. We go through the different coloration, the materials, the material changes. Before it was a metal panel, now is...changed it to high-end fiber cement board on the residential tower and with the masonry and the bottom, as Ed just mentioned that, we request the variation to change the building code from 80% masonry to 20%, is now like we are...we are still fans of masonry but this is all the podium will be precast panel, but we just actually had a meeting with the precast this evening, this afternoon, and discussed how we can make this precast with architectural finish will look like brick and stone. So, this will be still a stone brick looking building at the podium but the material itself is precast panels and concrete panels, so that doesn't count as masonry but that does not mean this is not a masonry building, you know, looking building, but we want to have this precast not only because the quality and the fast construction time, and also you know the smooth precast has long-term durability and less maintain for the building and also give us a lot of you know fun to play with the coloration, the texture and the forms of the building façade. In this view, you're looking at as actually you're standing on the River Street and looking north, this is the southwest corner, we currently are using as the first one we're building up and want to use as the leasing office, which is where you come from New York Street and go to the park and then this is the corner to welcome you and people inquiry for the market rate and you know the apartment building and where we will have there and you know presenting for 177 units and you know in the tower another 10 for the rowhouses. So, this will be the welcome center as leasing office at the corner and on the side, you can see we are still working with Tracey on different variations on the materials on the panels. Will be precast but maybe we'll have a different color tone and texture. We want to make sure that it looks contemporary, it looks fun, and also looks timeless for Downtown Aurora at the same time we want to control the cost and make sure that architecturally, engineering and constructability is doable. This is actually, I think, the view everybody has already seen if you haven't seen, it's a fun view to look at if you want to cross the river from the east bank to the west bank and the building we designed is actually tapered down in the back, the setback, so every end of the unit will have a bigger balcony and will have a better view and on the top you actually will feel like the breeze of the river and enjoy you know the view and at the same time, maybe summertime, you can hear the concert across the river in the RiverEdge Park. And along the river is 10 rowhouse units has its fence as

the entrance with (inaudible) wall with the fence is secured environment and also has its own front yard and on the top you can go to upper, the 3rd floor the assets of having its own roof deck to overlook the river and on the residential portion and above the 2 levels, a parking garage, precast parking garage, we have a huge roof deck and later we'll show on the plan. So far, do you have any questions? And this view, in particular, made this view for Tracey because she is very particular about the environment landscape and you know, want to see every angle how we, the public can see the building and how we treated the environment provide the private environment for the rowhouse at the same time we also open to the public to provide the pedestrian trail which all the way connected to the pedestrian bridge across the river. And this is the full-blown landscape plan. We have canopy trees along the river walk, sorry, River Street, and we also have canopy trees along the south side all the way to the river and between, this is you know when we submit the landscape and the full package, actually already submitted, there's benches in between the 2 canopy trees with the concrete planter. We build the benches, we actually carve out the space and build the benches and we also have some of the outdoor seating for the retail space on the northwest corner, so we want to create this pedestrian environment, friendly environment to invite people to walk along the river edge, walk along River Street and walk along here to North River park and enjoy the corner, southwest corner at the retail space about 2100 square feet. We think that would be a bubble tea or a juice bar, smoothie bar at the corner or you know, Americana, cold coffee during the summertime, hot coffee during the wintertime, especially we learned that when concert-goers go through from the west to the RiverEdge Park and listen to the concert and here they will set the ticketing point to control the access and so this is the one, will be one of the pit stops or the fun stop and open for them to grab a drink and enjoy the view and also at the same time enjoy the concert later. The fire access, we make sure that we're working with Tracey and working with the Fire Marshal to make sure that we provide the fire access on the north side, it is 200 feet long and 26 feet wide. This will be keeping in reserve for the fire truck access and will be owned by the City but maintained by Windfall. We also provide the roundabout on the south side which is also owned by us, but you know, we will be providing some of the landscape like you guys were just shown that the steps into and the ramps adjacent to the pedestrian trail. That is just a suggestion for a future development for the river side of the landscape design in the overall bigger picture. So, this is the first floor. We just mentioned that on the northwest corner, that's 2100 square feet of retail and on the south of that will be the amenities and the lobby, we have a total of about 12,000 square feet of the amenities, the lobby will have a lot of amenities to offer. We're thinking about a game room and thinking about the coworking space, we're thinking about the event space and the reception in the lobby area and the lounge for the residents and for the waiting area for the visitors and on the southwest corner, that is the leasing office we just discussed. We provide the parking as the City required at a time when pretty much, as Ed just mentioned, the 1.5, we're over, a little bit over 1.5 per parking space per unit and on the east side along the river, you can see that is the 10 rowhouse, east has individual entrance and with its own private front yard. We have the parking on the second floor, so our retail space and our leasing office has some double high space that'll give us a lot of room to play with interior design and architecture later. The color here is you know you can see we have very minimal of the studio, which is in the color magenta here and the yellow is the one-bedroom and we have the majority of the one-bedroom and the two-bedroom, and the two-bedroom at the end they have a bigger balcony and they have the better view and we have at the northwest corner which is facing the river and the park, that's a 3-bedroom in green. This is floor plans actually showing we have a huge roof deck; we can offer a lot of outdoor amenities. We definitely will have outdoor patio with the outdoor grill and the outdoor kitchen, but not necessarily bringing the water there but outdoor kitchen

facility, and the seating area, lounge area, potentially like the turfs for the dogs and a lot of space where you can have an outdoor party here. In this level, we also have the fitness room and which is adjacent to the outdoor space and another is the clubhouse/social room that we can rent it out to our residents and have a you know, graduation, birthday party, or have a Super Bowl party, whatever the request. In the upper floor, every floor, like Ed said, is like setting back and so we can not only break down the massing of this building and also create a lot of breeze to the architecture for the units that is not, you know, sometimes people think the building's too high and make them feel like this is heavy, so we want to have setback on the river side and kind of like a stepping back, just like a terrine, you know, it's like one is going slowing down, is actually setting back, so we want to create this inspired from the nature. And again, you can see that heavily is the yellow, the one-bedroom and the two-bedroom and sometimes we always overlook and say the one-bedroom is not important. They are equally important that in this level we created 2 one-bedrooms that they have a bigger balcony and they have a better view so even you pay maybe a little bit more but you can, you don't want to pay too much as the two-bedroom, you still have availability that you can have a better view and still living in the one-bedroom. Nowadays, everybody wants to say "I want everything but I don't want to pay too much" so this is the opportunity to give them. So, in here on the 5th floor, and I don't want to bore you as the same theory throughout all the project and we just want to make sure that our residents will feel like much, in the better environment that we've created for them and the secure environment at the same time they feel like this is the modern contemporary, this is the new Aurora, you know, urban life and you know now is thriving so they want to be part of it. And this is the elevation that we just mentioned, again I just want to you know express that we're still working with Tracey with the podium materials with the different coloration and the texture and maybe a breakdown a little bit more and want to make it more in the human scale rather than is monolithic with the 2 different color tones. But the overall is the precast will give you timeless and also very durable look at the same time is we going to using the brick pattern, so you still feel like, it feel like this is a stone and masonry building instead of a concrete building, but we want to bring a little bit more fun and warmth into the project, you can see we put some wood panel on the rowhouse, with brick down you know give you that this is a residential building so it's like you know, this is your home, it's you can close it and you can touch it. So, yeah, so this is the... I like the view of the rowhouse and you know, you're showing you're individual by the lake, by the river in a way, but in at the same time you're a part of this big family, so it's all about...in the Windfall Pacifica, the name brand is all about the creation of a family, a community and we all will be inclusive so this is, you know, we throughout the whole design and developer process and tried to keep in mind this is what we're presenting. Thank you.

Chairman Pilmer said thank you. Any questions of the Petitioner?

Mr. Choudhury said I have one. Any specific reason why we had to downgrade the STC rating and the IIC rating?

Ms. Hayes said it's not downgrading, you know, there's a requirement for the City building amendments saying that it can be STC 60. This is a very, very high, but also can be STC 55 with field test so we're opting for the field test.

Mr. Sieben said you want to explain field test, what that means?

Mr. Murawski said so we're meeting the International Building Code standard. Aurora has the amendment for a higher STC so we opted for the field test, which basically you construct the walls and the floor assembly, and a 3rd party comes in and they will set

up vibration stations and sound stations and they actually do a very calculated sound test, and it spits out your value. We're pretty confident with the details and the materials they're calling for that will meet the minimum allowable field test in the code.

Mrs Owusu-Safo said so, is this field test when it's furnished or empty unit that you do the field test on?

Mr. Murawski said it'll be empty. See, you can't have anything on the walls...it'll...

Mrs. Owusu-Safo said absorb the sound and....

Mr. Murawski said yeah, but drywall and just your normal flooring, yup...yeah. So, it's a calculated risk because if you don't hit the field test, you've got to add another layer of drywall and more insulation but....

Mrs. Owusu-Safo said that was my next question...

Mr. Murawski said yeah....

Mrs. Owusu-Safo said what is the...

Mr. Murawski said but based on all the apartments we've done, we're pretty confident we're going to hit the field test....yeah. We're not too worried about that.

Mr. Roberts said does that pedestrian walkway connect from the bridge all the way down to River Street or does it kind of stop at the south end of the lot?

Ms. Hayes said on the north side?

Mr. Roberts said yeah, the pedestrian walkway that comes over the bridge in front of the property....does that....I know it's south of this property here but does it stop here or does it keep going all the way too....?

Ms. Hayes said it keeps going. You know, we want to create this the seamless connection throughout the project. You can walk all around. The only thing is because we have to stop the car, so the car has to turn you know, that's why we have this roundabout.

Mr. Roberts said yeah, I guess, I was asking, I guess probably south...(inaudible) does it go all the way to River so people coming across the bridge can come downtown?

Ms. Hayes said yeah, yeah, yeah, yeah....

Mr. Sieben said yes.

Ms. Hayes said yeah, yeah, yeah, yeah...yes.

Chairman Pilmer said any other questions?

Mrs. Owusu-Safo said just one question. Is market rate, what kind of rates are you looking for for your units?

Ms. Hayes said so, we have done some market study and so we will look around all

the, I think it's...I can't remember the numbers, we look at all the new developments the market rate in downtown Aurora so we will provide the market rate and it depends on when we finish and then we're going to do another round and make sure that we're on the market rate. So, based on the marketing analysis, that's the short answer.

Mrs. Anderson said will you guys have pets allowed in those units?

Ms. Hayes said I'd love to. (laughs) I have...I had 2 dogs, they passed away last year, but I just mentioned that we could have a turf, you know on the roof...

Mrs. Anderson said yeah (inaudible)

Ms. Hayes said because we have irrigation anyways so we just have the turf over there and the pads so they can just do whatever....and we have enough room for that.

Mrs. Anderson said okay, thank you.

Mr. Chambers said and this property will have 10 rowhouses, correct?

Ms. Hayes said correct.

Mr. Chambers said so, how are you going to determine market value? I'm not aware of any other rowhouses that are in the Aurora area.

Ms. Hayes said yes, that's why we bring this unique product to the Aurora area (laughs).

Mr. Chambers said so, with that, how are you going to determine what market price would fit the community that's carried here or potential new residents that will move into the area?

Ms. Ni said so, that's going to be part of our market study as well. I believe it's going to be based off the square footage and the rent per square footage and then it will probably be slightly higher, of course, compared to the apartments.

Ms. Hayes said yeah, because the mainly....we have 3-bedroom is about 1200, 1100 to 1200 square feet but the rowhouse is almost 16...1570-80, so we're going to base on that and also a little bit more depends on the market rate, because it has its own entrance and its own roof deck so we're going to take it all into consideration as well.

Mr. Chambers said then one last question; the rowhouses....will the residents of the rowhouses, will they park in the same parking area or will they have their own private garages?

Ms. Hayes said they park in the same area, and we designate some tandem spaces for them so they can you know just come in for themselves, but mainly the rowhouses and the rest of the parking all in the parking garage, covered.

Mr. Chambers said thank you.

Mrs. Owusu-Safo said can I ask a schedule question? What is the anticipated start of construction and how long do you think this will take to complete?

Ms. Hayes said well, I can't answer the first question, second question, you know we

have the agreement with the City we're starting in August...sometime in August of 2023. So, we think we're probably going to finish in '24.

Mr. Murawski said it'll be about a year and a half.

Ms. Hayes said yeah, 18 to 24 months, we'll say that. Because that's another reason because we couldn't speed it up, we just had a conversation with the precaster that they can work throughout the winter. They erect the panels in you know, 12 months, so we say your panel's going to come in November, you can still build the podium but the rest of the trades like (inaudible) and masonry can't. That's the reason we want to have the precast on the podium.

Chairman Pilmer said okay.

Mrs. Owusu-Safo said and last question, if I may.

Chairman Pilmer said go ahead.

Mrs. Owusu-Safo said on the rowhouses, do they have an exterior exit onto the pedestrian path, or do they still got to go through the building to come out? Is it secure access?

Ms. Hayes said yes, you can see a little bit here...if you can see here, pretty much they come out, that's the stairs coming out and then the stairs...this is all the fences around, so they could come out in this end and the other end on the north. This is also fenced so they can come out into the exterior, so it is a fenced, secured area, they can come in through the building, but they have the backyard, and they can just go, there's a separate entrance.

Mrs. Owusu-Safo said okay.

Chairman Pilmer said alright, thank you.

Ms. Hayes said thank you very much for the support.

Chairman Pilmer said does Staff have a recommendation?

Mr. Sieben said I believe the Final Plat is first. I didn't print out that one, but I believe Staff does conditional approval of the Final Plat for Pacifica Riverview Subdivision. I believe there's only 2 conditions in that one. One of them is subject to final Engineering approval and then I believe the second condition was there's still some, a couple of Planning and Zoning Staff comments in their memo with a certain date.

Chairman Pilmer said so you've heard Staff's recommendation with 2 conditions attached. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Choudhury

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries, and if Staff will just state where this will next be heard.

Mr. Sieben said this will go to the Building, Zoning, and Economic Development Committee meeting next Wednesday, April 26th at 4 pm in this room.

Chairman Pilmer said and then do you want to do the Final Plan?

This Resolution was Forwarded to the Building, Zoning, and Economic Development Committee

23-0215

A Resolution Approving a Final Plan on Lot 1 of Pacifica Riverview Subdivision with certain modifications to building code amendments located at 309 N. River Street and 201 N. River Street

Mr. Sieben said yes, Staff would recommend a conditional approval of the Final Plan for Lot 1 of the Pacifica Riverview Subdivision. There are 9 conditions, I'll read them real quick. I believe 1 and 2 are the same as the Plat, I have them here:

- 1) That the Final Plan approval be contingent upon Final Engineering approval.*
- 2) That the Final Plan documents be revised to incorporate the Zoning and Planning Staff comments included in the memo dated April 11, 2023, prior to building permit issuance.*
- 3) That the final streetscape design on River Street be reviewed by Staff in conjunction with the future River Street design guidelines.*
- 4) That the Petitioner shall enter into an Encroachment Easement and Maintenance Agreement with the City for the use, maintenance of improvements, and landscaping on the adjacent City properties and within the River Street right of way prior to Building Permit Issuance.*
- 5) That the developer shall engage a third-party construction testing and inspection company to perform and report to the building official weekly Sound Transmission and Impact Insulation Class Construction detail special inspections demonstrating compliance with all STC and IIC details to achieve a wall STC design of 55 and a floor IIC design of 53.*
- 6) That the Parking Management Plan be reviewed and approved by the Zoning and Planning Division prior to Certificate of Occupancy issuance.*
- 7) That a copy of the Management Agreement be provided to the City that incorporates the approved Parking Management Plan into the agreement prior to occupancy permit issuance.*
- 8) That a copy of the lease agreement, which shall include a parking handbook explaining to new renters the Parking Management Plan, be provided to the City prior to Certificate of Occupancy issuance.*
- 9) That the owner of the property or their successor not object if the City decides to expand the Special Service Area (SSA) 1 to include this property.*

Chairman Pilmer thank you. You've heard Staff's recommendation with 9 conditions attached. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries, and if Staff will just state where this will next be heard.

Mr. Sieben said this will also go to the Building, Zoning, and Economic Development Committee meeting, next Wednesday, 4 pm, this building...this floor.

Chairman Pilmer said good luck.

A motion was made by Mr. Chambers, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 4/26/2023. The motion carried.

23-0249

An Ordinance Establishing a Conditional Use Planned Development, Approving the W.E. Mundy Landscaping Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, Illinois by modifying the zoning map attached thereto to an underlying zoning of B-3 Business and Wholesale District for the property located at 1299 Mitchell Road

Mr. Sieben said good evening. Subject property is about 3 and 1/2 acres, currently zoned F-2, which is a business in unincorporated Kane County. City's comp plan designates this as a mix of commercial and residential. The majority of this area is not residential uses on the plan. The property is contiguous to the City of Aurora along a small portion on the west and then a portion of the Turners Club to the rear. As you stated, Chairman, they're asking for...this will be an annexation and then once a property annexes to the City, it's automatically put into R-1, the request is to zone it to B-3, Business and Wholesale District, to allow for the use on the property which is a landscape business. As part of that, a Conditional Use Planned Development to allow for any modifications on the site. Just a little background of this; we've been working closely with Mundy Landscaping and their team for the last year or 2. This was granted F-2 zoning in Kane County so we worked it out where they were able to build the facility in Kane County, we worked closely with Kane County, but because they had to then hook onto City water, our policy is usually if you are contiguous to the City that you do annex to the City. The benefit of annexing, one of the benefits is you pay a normal City rate instead of a double City rate and we assured the Petitioner that we would zone and grant the Conditional Use on the property to make everything legal conforming. So, this was all kind of negotiated in advance, so they are now at that last stage, hooking up to City water for the building. I think that may have already been done and then they had signed a water service agreement to annex and zone the property into the City. And again, we welcome Mundy Landscaping. They've been a

great partner with the City of Aurora for many years, I believe, maybe over 50 years they've been working with us, so we're pleased to keep them in the City of Aurora. This is a public hearing, but I believe their attorney and the owner's here, if there are any questions.

Chairman Pilmer said any questions of Staff? Thank you. If the Petitioner just wants to come forward, I'll swear you in before we start. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Weiler said I do. I'm Bernie Weiler, 1770 Molitor Road in Aurora. I am the General Counsel for W.E. Mundy Landscaping. With me tonight is the Operations Manager and Chief Executive Officer, Mike Mundy. You are probably familiar with W.E. Mundy and I think right to, right behind you is Mundy Park which was donated by Mundy Landscaping, all the work there and that's the park in between the buildings. Mundy started in 1960 while in the....in the 1960s....while in high school. It occurred to him that somebody ought to be mowing the lawn around the water towers in the City of Aurora, and so he imposed himself on the City Council at that time and was awarded the right to do that and from that grew Mundy Landscaping which was incorporated in 1970. Mundy Landscaping has been doing much of the work in this area from Copley Hospital at the very eastern end all the way to the western end, Aurora University, much of their work is done there. Currently, their facilities are on the south side of Indian Trail and they had the opportunity to acquire this site on the north end, the north side of Indian Trail. It was in the county, and it was developed in the county with the understanding that it would eventually be annexed into the City of Aurora, therefore it was built in conjunction with the understanding that it would be built pursuant to the County's code but also in conjunction with the City's input with regard as to how those improvements have been made. So, all those improvements are done with the exception of fencing, that is now in progress. So, we're...you know...over the course of those years, Mundy Landscaping has grown from one young high school person with a lawn mower to 25 employees who make their living in the City of Aurora. I've been very proud to have represented them for many, many years and as many of you know, we lost Wally this winter and so we're going to miss him, but we are glad to be in the City of Aurora, so if you have any questions either Mike or I can answer those for you.

Chairman Pilmer said thank you. Any questions for the Petitioner? Thank you. This is a Public Hearing so if anyone in the audience would like to speak to the Commission about this case, they have the right to do so. Please note for the record that no one has come forward. I will close the Public Hearing and ask Staff for a recommendation.

Mr. Sieben said I just also wanted to state that there's actually an Annexation Petition that will meet up with this by the time we get to City Council. There's also a Dedication of Right of Way along Mitchell Road because currently the property goes to the center line of Mitchell Road, so that will also catch up to this property. Staff does recommend approval of the Ordinance establishing a Conditional Use Planned Development, approving the W.E. Mundy Landscaping Plan Description amending Chapter 49 of the Code of Ordinances, City of Aurora by modifying the zoning map attached thereto to an underlying zoning of B-3 Business and Wholesale District for the property located at 1299 Mitchell Road.

Chairman Pilmer said you've heard Staff's recommendation, is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mr. Roberts

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And then if Staff will just state where this will next be heard.

Mr. Sieben said this will next be heard at the Building, Zoning, and Economic Development Committee meeting next Wednesday, April 26th, 4 pm, this room.

Chairman Pilmer said good luck.

This Ordinance was Forwarded to the Building, Zoning, and Economic Development Committee

23-0257

A Major Variance for the Property Located at 720 New Haven Avenue, to Reduce the Minimum Front Yard Setback from Twenty-Five Feet to Seventeen Feet. (Industrial Service Pallet Inc - 23-0257 / AU16/3-23.148-V - SB - Ward 6) (PUBLIC HEARING)

Mr. Broadwell said hi everyone, it's good to see you again. My name is Steve, I'm with the City's Zoning Division. So, this is, you heard, a Major Variance for 720 New Haven. You can see the property here on the aerial. So this is....basically the nature of the request is to reduce the front yard setback on New Haven from 25 feet to 17 feet, essentially to allow for an expanded parking lot. A little bit of background as you can see, the property is zoned M-2 with Conditional Use. The Conditional Use is from 1993 for a church in a portion of the building. I'm not aware that the church is still in the building, but they still have the Conditional Use. There were no additional zoning changes for uses or setbacks, bulk restrictions, et cetera. You can see the property is designated for industrial uses, similar to much of the surrounding area, and then you can see it's....sorry...so, the building...the property itself is about 2 acres, I'll zoom in a little bit. The building is 26,000 square feet. You can see it's a little bit different from the surrounding properties. The building's bigger than a lot of the other buildings in the area and so, as a result, it kind of has less space for really, for storage in the rear and then also striped parking spaces. You can see there's some truck (inaudible) on the front. So, really the major of this request is...the Petitioner will pull up the site plan...is they're building 14 new parking spaces here on the front of the building along New Haven. There are 8 striped parking spaces on the south side of the parking lot against the building. This is Phase 1 of the parking lot. Phase 1, I think, is...the permit's at least been issued for use right now and then Phase 2 are these 6 parking spaces on the north which are encroaching the 25-foot setback which is the nature of this variance. So, like I said, the setback...the minimum setback is 25 feet and the variance request is reducing the minimum setback to 17 feet, so they're reducing their encroachment by 8 feet. If you pull back, you can see...we did ask the Petitioner, actually we do have the Petitioner here. They'll come up and speak a little bit and answer some questions. We did ask the Petitioner to provide a site plan that shows that the minimum parking requirement, which is 34 parking spaces, so there's 20 spaces here in the rear. We did ask them to be certain that there's enough parking on the property for the entire property so they can really ensure that they're not limited any existing or proposed uses there. They have to...there's parking for office,

warehouse/office, which is a majority of the building and then this little build-out right here is minor vehicle repair which is 12 spaces. So, we just had to make sure that there was enough parking because...you know, the Variance request is for the setback but really I think the Petitioner would say that they want to make sure that there's enough parking on the entire property for these uses because part of the hardship is limited parking which then, due to the setbacks existing, the 25-foot setback which then kind of limits existing proposed uses. So, any questions for Staff?

Chairman Pilmer said I have a question maybe I can ask the Petitioner if you can't...between the 6 spaces and New Haven, what is that....what is the surface there, that rectangular...is that, I mean, is it a lot, is it a curbed lot that'll end up...will this be a curbed lot?

Mr. Broadwell said it will be curbed, correct?

Chairman Pilmer said I can wait for the Petitioner to come up.

Mr. Sieben said I think the Engineer can answer that, but I believe that's a...isn't that part of a swale, it's a best management practice. It's an infiltration area that kind of looks like it's pavement but it's...I think it looks like little weeds there. So, I think it's an infiltration thing but he can describe that.

Chairman Pilmer said any other questions of Staff? If not, I'll just have the Petitioner come forward. I'll just...I'll need to swear you in so if you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Killey said I do.

Chairman Pilmer said then if you'll just state your name and address for the record.

Mr. Killey said sure, I'm Adam Killey with Tebrugge Engineering, 410 East Church Street in Sandwich, Illinois. One of your questions is....they've redone New Haven recently, so there's new curb, gutter, pavement...and all of the street parking that was there is no longer. So, now we are looking to add a parking lot in the front and that 7-foot variance obviously pushes us just outside of that so we're looking to increase that. The hatched area is like a rain garden, depressional area. There's no curb along the front, just curb along the left side there and then the right side is a retaining wall. That will allow the stormwater on the asphalt to go infiltrate into amended soils and stone and then there's a yard drain in the middle of that to then attach to the storm sewer.

Chairman Pilmer said thanks. Any other questions of the Petitioner?

Mr. Chambers said just could you reiterate; what's the total amount of parking spaces that will be at this location?

Mr. Killey said there will be 34 total that will be striped. I think...what...12 or 14 in the front there and then some additional for the mechanic shop in the back just to allow them to (inaudible).

Mrs. Owusu-Safo said just a question on that; I'm not clear. Now the total now meets the City's required parking spaces or

Mr. Killey said 34 is what we were told we....

Mrs. Owusu-Safo said that's what it needs to be? Okay.

Mr. Killey said that will include some other parking on the side. The owner probably will not need all of those but we're going to stripe them all and marked them off for people. But it's mainly going to be that area around the bump out is going to be mechanic shop, the rest will be for the employees at the pallet company.

Mrs. Owusu-Safo said just another question, maybe for the City or for you; is the 25 feet just standard setback and not necessarily impact or cause any unforeseen safety reasons and therefore susceptible?

Mr. Sieben said so New Haven's just a local street so it is 25 foot setback for M-1.

Mrs. Owusu-Safo said okay.

Mr. Sieben said even though we don't give a recommendation on this, we've been working with the business owner and Tebrugge Engineering have been great to work with and this is an old building and an old site so this is actually an upgrade to get the parking to work on the site. They have room for it, we're going to designate it, stripe it...or they are....and like Adam said that the new New Haven, which is now great, I mean it was always a rural cross section. They would park along a gravel muddy shoulder, so now that that's gone, it's all going to be onsite so it'll be a much improved situation.

Chairman Pilmer said any other questions? Thank you. This is a Public Hearing. If anyone in the audience would like to address the Commission regarding this case. Please note for the record that no one has come forward so I will close the Public Hearing and turn it back to Staff.

*Mr. Broadwell said should I do the Findings of Fact?
Chairman Pilmer said sure.*

Mr. Broadwell said okay.

- 1) Staff finds that the Variance request to reduce the front yard setback is valid, as we just heard, given that the majority of subject property's rear yard is dedicated to outdoor storage which limits the amount of area that can be utilized for the striped parking and also for more existing and proposed uses to operate there.*
- 2) Staff finds that the Variance request is based on conditions unique to the property. We feel that the footprint of the subject property's building is larger than other buildings in the area that require outdoor storage which limits the space for striped parking*
- 3) Staff finds that the Variance request is due to a hardship based on subject property's need to ensure that the existing and future uses can feasibly occupy the subject property which also meeting minimum parking requirement.*
- 4) Staff finds that the Variance request is in all other respects in conformance to the applicable regulations of the district in which it's located, except as such regulations may in each instance be modified by the City to the recommendations of the Planning Commission.*

Chairman Pilmer said thank you. And as this is a Variance, I don't think that Staff will provide a recommendation so is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Choudhury

MOTION SECONDED BY: Mrs. Anderson

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And then Staff did read into the record 4 Findings of Fact. Are there any additions or corrections with those Findings of Fact? Hearing none, is there a motion?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Kuehl

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And if Staff will just state where this will next be heard.

Mr. Broadwell said well, this is a Major Variance. This is actually the only hearing on this. This is final approval.

Chairman Pilmer said thank you. We're all set. Any announcements from Staff?

A motion was made by Mr. Choudhury, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 4/26/2023. The motion carried.

PENDING

ANNOUNCEMENTS

Mr. Sieben said we will have our regular meetings in May, which will be May 3 and May 17 and then, like I mentioned, we will have probably a big meeting on June 7th.

ADJOURNMENT

Chairman Pilmer said thank you. Is there a motion to adjourn?

MOTION OF ADJOURNMENT WAS MADE BY: Mr. Chambers

*MOTION SECONDED BY: Mr. Kuehl
Motion carried by voice vote.*

Vice-Chair Anderson adjourned the meeting at 7:56 pm

A motion was made by Mr. Chambers, seconded by Mr. Kuehl, that this meeting be adjourned. The motion carried.

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