



City of Aurora

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

Planning and Zoning Commission Meeting Minutes

Wednesday

April 21, 2021

7:00 PM

**THIS PLANNING COMMISSION MEETING WILL BE VIEWABLE VIA
REMOTE ACCESS ONLINE AT:**

www.aurora-il.org or www.facebook.org/cityofaurorail

TO JOIN THIS MEETING FOR PURPOSES OF PUBLIC COMMENT VIA TELEPHONE:

PHONE NUMBER: +1 312 626 6799

MEETING ID: 812 8931 9702

THOSE WISHING TO PROVIDE PUBLIC COMMENT MUST PRE-REGISTER WITH THE ZONING AND PLANNING DIVISION NO LATER THAN 3:00 P.M. ON April 21, 2021 – VIA EMAIL: COAPLANNING@AURORA-IL.ORG OR VOICE MAIL (630) 256-3080. SPEAKERS MUST PROVIDE THEIR NAME, TELEPHONE NUMBER FROM WHICH THE MEETING WILL BE ACCESSED, AND TOPIC OF THEIR COMMENT. THE PUBLIC IS ADVISED THAT ALL TELEPHONE NUMBERS AND PARTICIPANT NAMES MAY BE VISIBLE TO THE PUBLIC.

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 p.m. and stated the following:

On June 26, 2020, the Governor of Illinois issued a statewide disaster declaration related to public health concerns. As head of this body, I have determined that an in-person meeting or a meeting otherwise conducted in accordance with the Open Meetings Act is neither practical nor prudent because of the disaster. This meeting will be conducted by Internet teleconference without the physical presence of a quorum. Prior to the commencement of this meeting, all members of this body were verified and can see and hear one another.

I further find that the physical presence of members of the public is not feasible at this meeting due to the disaster, and more specifically, the practical difficulties associated with accommodating the public in an accessible hygienic location that allows for appropriate social distancing. Alternative arrangements have been made to allow the public to contemporaneously hear all discussion and roll call votes live on the City's official website, on Facebook, and via Zoom teleconference. Notice of these arrangements have been given in accordance with the Open Meetings Act. The public may address this body consistent with the rules previously adopted and recorded and as adapted by Mayoral order.

Edward Sieben, the Executive Secretary, is physically present at our regular meeting location as those terms are defined by Resolution R20-124.

All votes shall be conducted by roll call and a verbatim record of this meeting shall be made and maintained in accordance with the Open Meetings Act.

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Bhatia, Mr. Cameron, Mr. Gonzales and Ms. Tidwell. Mr. Chambers, Mr. Elsbree and Mrs. Owusu-Safo called in excused themselves from the meeting.

OTHERS PRESENT

The following staff members were present: Mr. Sieben, Mr. Broadwell and Mrs. Jackson.

Others Present: Clay Schuler (Merit Corp) and Mark Vereen (CGL Engineers).

APPROVAL OF MINUTES

21-0265

Approval of the Minutes of the Planning and Zoning Commission meeting on April 7, 2021.

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

No one registered to speak to the Commission.

AGENDA

[21-0211](#)

A Major Variance for Minimum Setback Requirements for the Property Located at 425 East New York Street, to Allow for a Reduction of the Front Yard Setback and a Reduction of the Exterior Side Yard Setback(Family Dollar - 21-0211 / AU22/4-21.066-V - SB - Ward 2)
(PUBLIC HEARING)

Mr. Broadwell said it looks like we have some representatives here that will be speaking on behalf of Family Dollar. We'll get to them in just a minute. The request, and while I'm talking, I will do the share screen so that I can show the site plan and the elevations that have been prepared. So here's the final site plan. As we just heard, the variance request is based on, well this property is zoned B-2, and so one of the requirements per the zoning district is that they have to have a 30 foot setback along the arterial street, which is E. New York Street and then a 15 foot setback on the side here on E. Park Place, so it is 30 feet normally required on E. New York Street and 15

feet on E. Park Place. The parking lots cannot be in the setbacks, so the request, essentially, is that the setback is being reduced from 30 to 15½ and then 15 to 5 feet over here. So a little bit of history. This is the Family Dollar at 425 E. New York Street, which was burned down in the spring of 2020. The Petitioner is here to essentially rebuild. The building was previously 6,900 square feet and it is being rebuilt to 8,200 square feet. They are utilizing really the variance to be able to fit the entire site, which includes the 8,200 square foot building, 35 parking spaces and then also these 3 access points. There were 3 previously existing and I think the dimensions of the access points might be reduced, or might be changed. That's essentially it. I think the Petitioner did a good job of explaining the hardship in the Qualifying Statement, which you all have seen in the packet that was provided to you. I think that's essentially it. I don't know if there are any questions for staff at this point.

Ms. Tidwell said is there precedent for this kind of a change?

Mr. Broadwell said you mean for the major variance request?

Ms. Tidwell said yes.

Mr. Broadwell said I think it is not uncommon. It is a fairly small lot and there's no minimum lot requirement in the commercial zoning districts and it is in older part of town and on these 2 streets, so I think it is consistent with other commercial lots where we've had to do setback variances to rebuild on.

Mr. Sieben said I could expand maybe a little bit. The original building was built in 1989. They did have a little larger setbacks on the 2 streets, but as Steve mentioned, this building is going from 6,900 to 8,200. That was 32 years ago when this was originally built. The 8,200 square foot building is Family Dollar's minimum prototype building, so we really tried to work with them. Obviously, this is an important economic development business for the near east side here and we wanted to make sure they were able to rebuild. Just for example, the El Guero Grocery store, which wraps around Family Dollar on 2 sides, has a zero setback on all of their frontages and then just kitty-corner across New York Street, the Citgo Gas Station at New York and, I believe it is, Root also has a zero setback. There are numerous commercial businesses right in this area that have zero setbacks, so we worked with Family Dollar to try to get as much setback as we could. I'm sure the Petitioner can go into that in a little bit more detail.

Ms. Tidwell said thank you.

Chairman Pilmer said we will ask the Petitioner to come forward. I believe there are a total of 3 that are going to speak on behalf of the Petitioner. Before you speak, I will swear all those in that are going to speak on behalf of the Petitioner. Virtually, if you would raise your right hand and repeat after me. Do you swear to tell the truth, the whole truth and nothing but the truth?

The Petitioners responded I do.

My name is Clay Schuler. I'm with Merit Corp Group. We are the site Civil Engineering group out of Aurora. My address is 7713 Red Maple Drive in Plainfield, Illinois.

Chairman Pilmer said is there anyone else that's going to present?

I'm Mark Vereen. I'm doing the construction admin with Family Dollar and with Merit Corp. We are based in Mobile, Alabama. The address is 391 Sprinkle Avenue, Mobile, Alabama. Clay did most of this design work. I'm going to bounce off any type of questions that he has, but he would probably be best explaining some of this. I wrote that qualifying statement for you all. Steve Broadwell kind of hit on that and so did Ed that basically all this is boiling down to this lot size. This corner lot is just really not giving us much real estate and we are trying to expand to the minimum prototype of Family Dollar, which was a little more of an expansion of originally what was there. The smallest store that they will do nationwide is 8,200 and this is kind of a critiqued building honestly. This isn't even a prototype building they had, so we kind of had to do a little work just to get it at 8,200 and with that, with the new ordinance and what not, we had to accommodate all the parking, drive isle widths and all to that to where were encroaching these setbacks. As Ed mentioned, there's several developments around this area that are already encroaching this and kind of using what we're asking for in this variance is for that reduction in setback, landscape setback.

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

Mr. Gonzales said I have a quick question. Is the new parking that's being put in and the existing, is it going to be resurfaced or are you removing existing and putting in new?

Mr. Schuler said I can answer that. Basically, with the shift in the building, we're going to be required to do a little bit of regrading. With that regrading and the condition of the current pavement, it makes the most sense for us to come in and repave, full depth removal. Again, due to grade discrepancies, it is going to be necessary anyway. Also, staff has requested that we pave all of the new entryways to be concrete and you'll see that within the city right-of-way. Also, as a water quality benefit to this site, we've provided a permeable paver system for the northernmost parking spaces, so that will, obviously, require a new pavement section because we are going with a different system altogether.

Mr. Cameron said how do the number of spaces that are currently there compare to the 35 that you'll have in this part of the plan?

Mr. Schuler said I'd venture to guess that it is very similar. In all honesty, it is a little difficult because there is no visible striping on the site. Spatially, our site is very similar to what the existing condition is in terms of the north bank of parking and the parking adjacent to the building. The main difference that you'll note is where the trash enclosure is located. Originally it was at the northwest corner of the site and now we have it located adjacent to the building. That way it is away from the street and away from the view. But as a result of that shift, it is probably working out about even given the size of both enclosures. The pavement area itself is very similar to the existing condition and so the parking space count works out to a very similar amount.

Mr. Cameron said would either Ed or Steve happen to know the answer on that?

Mr. Sieben said Steve should have that.

Mr. Broadwell said sorry Ken, your question was about how many parking...

Mr. Sieben said how many are existing?

Mr. Broadwell said I can check. I think in the property research sheet it said in there. I think it is probably about the same number. I'll see if I can find that real quick. I guess I don't know off hand, but I would say it is pretty close to 35 spaces.

Mr. Schuler said based on the plan that we were provided by the city from the late 80's, I'm counting 33 spaces were shown on that particular plan as originally designed.

Mr. Cameron said okay thank you.

Chairman Pilmer said any other questions of the Petitioner? At this time, I'm gong to open the public hearing and note that no one has registered to speak before the Commission. I will close the public hearing and if there are no other questions of the Petitioner, I will turn it back to staff.

Mr. Sieben said real quick, I just counted an old aerial. It looks like there's about 31 spaces current.

Mr. Broadwell said staff doesn't typically provide recommendations for variances, but as we've just discussed, we do believe that the Petitioner is really effectively utilizing the variance request for the setback reductions along New York Street and E. Park Place to essentially rebuild the site in a way that meets the modern commercial needs to the surrounding neighborhood and the rest of Aurora. I would say that's something to keep in mind.

Mr. Sieben said I would also add that we did work with the Petitioner, because the setbacks were reduced, we did work with them on landscaping, so we are pleased with the landscape plan that was submitted.

Chairman Pilmer said Steve can you just confirm. I know the Petitioner said they are going to be putting new cement in at the ingress and egress, but I think the 3 spots, 2 on the west and 1 on the north, are all existing. There's no change.

Mr. Broadwell said they are existing. The locations are generally the same. I was talking to the engineer, the city's Engineering Department. I think there may be some slight dimension changes. Clay or Mark, I don't know if that's something you can confirm.

Mr. Schuler said and it is reflected on this plan. The request from the Engineering Department was to expand the radii as they tie into each roadway, so you'll see a 15 foot radius. The existing were around 8, so we were able to accommodate the little wider radius. Again, you'll see that reflected on this plan at each of those locations. The general location other than those wider radii, the general locations are in the exact locations of the existing condition.

Chairman Pilmer said thank you. If no other questions, as you heard Steve say, staff will not make a recommendation, so at this point I would look to the Commission and if there are no other questions, is there a motion?

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Ms. Tidwell

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Bhatia, Mr. Cameron, Mr. Gonzales, Ms. Tidwell

NAYS: None

FINDINGS OF FACT

1. *Is the requested variance based on the particular physical surroundings, shape, or topographical conditions of the property which results in a particular hardship to the owner, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out?*

Chairman Pilmer said I would state it probably would result in a hardship. It is a very small property, a small parcel, that they are trying to accommodate their building footprint on and there are similar setbacks that are actually less than this amount in the general neighborhood.

2. *Is the requested variance based on conditions unique to the property and for which are generally not applicable to other property within the same zoning classification?*

Ms. Tidwell said yes.

3. *Is the requested variance based on an alleged difficulty or hardship that is caused by the ordinance and has not been created by any person presently having an interest in the property?*

Mrs. Anderson said true.

4. *Is the requested variance in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city pursuant to the recommendations of the Commission?*

Ms. Tidwell said yes.

Chairman Pilmer said I think this is approved and stops here. Is that correct?

Mr. Broadwell said that is correct.

Mr. Sieben said could I just ask the Petitioner, are they looking at filing for their demo permit ASAP and then the building permit?

Mr. Vereen said so I've gotten the demo bids over to Family Dollar probably a month and a half ago. They were looking through the bids. We selected a contractor. Now Family Dollar didn't have insurance policy coverage to take down that building, so now we are getting a sub to hire one of these guys out and that was getting finalized yesterday. I'm hoping by probably or Friday we're going to have a dead set contractor to come expedite this. You've all been working with us. I've been wanting to get this done probably a month or so ago, but it's just been getting held back and held back, but I'll try to get this expedited and moving forward as quick as we can.

Mr. Sieben said thank you.

A motion was made by Ms. Tidwell, seconded by Mr. Cameron, that this agenda item be approved. The motion carried.

PENDING

ANNOUNCEMENTS

Mr. Sieben said our next meeting looks like it will be May 5th.

ADJOURNMENT

A motion was made by Ms. Tidwell, seconded by Mrs. Anderson, that the meeting be adjourned. The motion carried. Chairman Pilmer adjourned the meeting at 7:24 p.m.

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