



# City of Aurora

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

## Planning and Zoning Commission Meeting Minutes

Wednesday

May 17, 2023

7:00 PM

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### 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. Martinez, Mrs. Owusu-Safo, Mr. Roberts*

### OTHERS PRESENT

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

*Marvin Keys – Attorney for First Midwest Group*

*Bill Brodzinski – Attorney for First Midwest Group*

### APPROVAL OF MINUTES

**23-0382**

Approval of Minutes from 5/3/2023 Planning & Zoning Commission Meeting

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

*MOTION SECONDED BY: Mr. Gonzales*

*AYES: Chairman Pilmer, Mrs. Anderson, Mr. Gonzales, Mr. Kuehl, Mrs. Martinez, Mr. Roberts*

*NAYS: 0*

*ABSTAIN: Mr. Chambers, Mr. Choudhury, Mrs. Owusu-Safo*

*Motion carried.*

**A motion was made by Mrs. Anderson, seconded by Mr. Gonzales, 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.*

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## AGENDA

**23-0307**

A Resolution Approving the Final Plat for Associated Bank Subdivision, Located at 301 West Galena Boulevard (First Midwest Group - 23-0307 / AU21/2-23.180-FSD/V - SB - Ward 2)

*Mr. Broadwell said hi everyone, my name's Steve, I'm here with the Zoning Division. I feel like I'm testifying in front of like the Senate. (Laughs) And I mean that in the best way possible. So, anyway, this is, as you've just heard, this is the Setback Variance and the Final Plat for 301 West Galena. We have representatives here and they'll come up in a minute. So, a little bit of background: you can see on the aerial there, the subject property, it's right at the corner of Galena...West Galena, Oak, and West New York Street kind of sticking out there. The property's approximately 20,500 square feet, 72 striped parking spaces. As I've just mentioned, there's 3 frontages. The Comprehensive Plan you can see right there designates it as Office. You can't quite see from the document up there, but the West Galena and West...excuse me, West Galena Boulevard and Oak Avenue are designated as arterials here which means that there's a greater setback requirement on those streets for the B-1 property than there is for West New York Street, which this section...this block of West New York is just a local street. So, the nature of the setback variance...the variance is really for the setbacks. The building is existing, and I'll pull up the site plan there. I'm sure you're all familiar with the building, it's the former bank building with the drive-thru. So, the Petitioner is requesting the Setback Variance to build the...extend the parking lot on the West New York Street frontage and on...out into the Oak Avenue frontage. So, just kind of a breakdown of what the setback requirements are; on Oak Avenue the requirement is...they're reducing from 30 feet to 8 ½ feet... excuse me, 8 feet, 5 inches...on West Galena Boulevard, reducing from 30 feet to 13 feet, 4 inches. On the western property line where it's adjacent to residentially zoned...the residentially zoned property reducing it from 20 feet to 9 feet, 6 inches. And then on the West New York Street frontage, reducing from 20 feet to 0 feet. They're also kind of as part of the proposal enclosing the existing drive-thru and the intended use at this point is an office use and I think the Petitioner can speak more to that in a minute. So, that's the Variance.*

*The Final Plat, I'll pull that up, you can see as you...as shown in the parcel map earlier...right now the...there's an alley that runs from the park to the west, 2 or 3 blocks to the west straight through and the right-of-way goes straight through the subject property, kind of underneath...from the western edge...underneath the existing drive-thru. So, really what they're doing is consolidating the lot into 1 lot, vacating the right-of-way so that there's no right-of-way and as part of the Final Plat also, working with the City to dedicate a cross-access easement that runs from the alley on the western property line to West New York Street and then dedicating some City easements on the...on corners where Oak Avenue and...meets West Galena and West New York Street. So, that's essentially it. I don't know if there are any questions for Staff at this point.*

*Chairman Pilmer said any questions of Staff?*

*Mr. Kuehl said what's the...the existing alley coming off of Locust, is anything planned for that? If we're eliminating the one alley on the building...you know what I'm...*

*Mr. Broadwell said yeah, you're talking about the setbacks or....*

*Mr. Kuehl said not the setbacks, but there's an alley that goes through to Locust.*

*Mr. Broadwell said yeah, part of...part of the reason...so, your question is if we are keeping the alley there?*

*Mr. Kuehl said yeah, or what might be the future plans or whatever.*

*Mr. Broadwell said yeah, we're working...part of the... I was mentioning the cross-access easement. The Engineering...so the Public.... the snowplows have to get through that alley and then they have to get up through back to the streets so we're just keeping the cross-access easement so they can continue getting through.*

*Mr. Sieben said Steve, could you put up the aerial again, please? So you can see the alley running east-west which splits the parcel....oops...*

*Mr. Broadwell said you can see the alley...*

*Mr. Sieben said yeah, if you could go back to the aerial, please. So, you can see it splitting the parcel, so it really serves no purpose, in fact the building goes over a public right-of-way. The drive-thru there right off of Oak Avenue, see the roof there? It actually crosses a City public right-of-way which is...I don't know how that ever happened. So, there's no real purpose to this, there's no need for the connectivity. Off of Locust there, it serves the...I don't know if that's the realtor's office on the south side of the alley and I believe there's 2...1 or 2 homes with a garage on the north side, so there's really no reason to connect this.*

*Chairman Pilmer said any other questions? Alright, at this time we'd ask the Petitioner if they want to come forward and this is a Public Hearing so anyone that's going to speak, I'll swear you in at this time.*

*Do you swear to tell the truth, the whole truth, and nothing but the truth?*

*Mr. Keys said I do.*

*Chairman Pilmer said thank you. If you'll just state your name and address, please.*

*Mr. Keys said sure, my name is Marvin Keys, address is 6801 Spring Creek Road, Rockford, Illinois 61114. I am general counsel for First Midwest Group. And it's pretty straightforward. Staff has kind of given the rundown. I'm happy to answer any questions you might have with regard to what we're requesting here, and I'll leave it at that and let you ask whatever comes to mind.*

*Chairman Pilmer said thank you. Are there questions of the Petitioner? Alright, hearing none, thank you. If anyone in the audience would like to come forward to address the Commission about this case, they can do so at this time. I'll just state no one has come forward.*

*Mr. Sieben said just a little background, maybe Mr. Keys could explain. This is actually being repurposed for a...for a different tenant. I believe it's a State agency, I don't know if you guys...*

*Mr. Keys said correct, it's an administrative office for the State of Illinois. They're kind of consolidating some administrative functions into one location from other areas, other communities. They're putting it all together in one place and so that's part of the reason for the enclosing of the drive-thru to make that all part of the office so that they'll take the entirety of the building including the expanded area.*

*Chairman Pilmer said and then the parking lot's getting squared off to provide some additional spots creating the variance, is that....*

*Mr. Keys said correct, we're adding some additional parking. Right now, I think it's 72 parking spaces and we're going to right around 100, so just adding additional spaces to make it function better for the purpose that it's there for.*

*Chairman Pilmer said so Ed, can you help me with how many different banks and savings and loans have been in here (Laughs) and then the amount of limited occupancy, so I applaud you on...*

*Mr. Sieben said I remember Associated Bank was there and I remember my optometrist was in there.*

*Chairman Pilmer said yeah, my optometrist...I remember the last time I was there was my eye doctor.*

*Mr. Sieben said that was about 30 years ago.*

*Chairman Pilmer said but that was Federal Savings, Regency, Enterprise...I'm trying to think so far. I applaud the Petitioner on a lot of good work there, so. Any additional questions?*

*Mrs. Owusu-Safo said I have one. Just out of curiosity more than maybe a question, is there a reason why the sidewalk hugs the back of curb and with these setbacks it's really kind of cemented in there that you would never be able to give it the buffer between the back of curb ever?*

*Mr. Sieben said are you talking about on New York Street and....*

*Mrs. Owusu-Safo said on both... yeah, on New York and Oak, you see how they both jot and hugs the back of the curb?*

*Mr. Sieben said maybe show the...I believe that's how historically it's always been...*

*Mrs. Owusu-Safo said oh, okay.*

*Mr. Sieben said there's a large hedgerow along New York. So, even though it's a zero setback of the parking on New York there's a very solid hedgerow there where really you don't even see the parking lot. So, yeah it looks like...so there's a carriage walk right on New York, you can see where it goes up there. But then there's a massive hedgerow, it's been there forever.*

*Mrs. Owusu-Safo said is that why, like, everything jots....*

*Mr. Sieben said yeah, that must be...*

*Mrs. Owusu-Safo said away from where the normal path of the sidewalk should've been?*

*Mr. Sieben said correct, yes. It's like backwards, yes. But we don't want to cut all that down, obviously.*

*Mrs. Owusu-Safo said okay, okay. Yeah, because the same thing happens at that opposite corner too where the sidewalk comes in and then it jots back with no carriage way or parkway between the curb and that and you know, typically that's considered not the safest...*

*Mr. Sieben said correct...*

*Mrs. Owusu-Safo said way to have your sidewalks and my only concern is with the setbacks now being only 8 feet, right?*

*Mr. Sieben said right.*

*Mrs. Owusu-Safo said if that's ever needs to be improved and for whatever reason, it will encroach back into the new proposed....*

*Mr. Keys said well we're not changing the building or anything a lot. We had to apply for the Setback Variance because of what we're doing elsewhere on the property but because the building is already where it is it's at the location that's 8 ½ feet and 9 feet and 11 feet, depending on where it is along the property so we're not changing any of that on the street side. We're not moving it any closer or shrinking what's there currently, it's just kind of bringing the building into compliance with the current code...like somewhere along the line, the road got widened and then got closer and closer to the building and so all of a sudden, the existing buildings within the setback, but because we're doing other stuff on the property, we had to apply for the variances to make the building compliant with the code. But there is space there if the City ever wanted to relocate that...there is still space between the building and the sidewalk that could be used if they wanted to make a buffer on the road side instead of on the building side.*

*Mrs. Owusu-Safo said okay, I thought you were moving the parking spaces closer toward the street. If the existing pavement line kind of relatively stays the same, then I guess nothing really changes. Just now making it official.*

*Mr. Keys said yeah, we're not...I mean there's...where the drive-thru is, or where the current drive-thru is, the parking immediately adjacent to that doesn't exist because it was drive-thru lanes, so we're creating the parking spaces there. But there... kind of...I mean there's still landscaping, property lines, some more landscaping and then the sidewalk. So, there's still buffer there if it ever wanted to be relocated.*

*Mrs. Owusu-Safo said alright, okay. Thank you.*

*Chairman Pilmer said if noth...are there any other questions? Alright, at this time I will close the Public Hearing and then ask Staff...we'll do Final Plat first.*

*Mr. Broadwell said Staff would recommend conditional approval of the Resolution approving the Final Plat for Associated Bank Subdivision, located at 301 West Galena Boulevard with the following conditions:*

*1) That, prior to final occupancy being issued, the Cross Access Easement language on the Final Plat be finalized with the Engineering Department.*

*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. Choudhury

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

NAYS: 0

Motion carried.

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

Mr. Broadwell said so, the Variance...that ends with the Planning Commission, so this is the final vote for that. But the Final Plat will next be heard at the BZE Committee meeting, Wednesday, May 24th at 4 pm, 5th floor City Hall Conference Room B.

**A motion was made by Mr. Kuehl, seconded by Mr. Choudhury, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 5/24/2023. The motion carried.**

**23-0308**

A Major Variance to Reduce Minimum Setback Requirements for the Property Located at 301 West Galena Boulevard (First Midwest Group - 23-0308 / AU21/2-23.180-FSD/V - SB - Ward 2) (PUBLIC HEARING)

Chairman Pilmer said thank you. And then is there a recommendation on the Plat?

Mr. Broadwell said okay and I also need to do the Findings of Fact with the...

Chairman Pilmer said alright, you want to do...why don't we do Findings of Fact. Go ahead and read those in and then we'll vote on the Plat and then the Variance.

Mr. Broadwell said okay:

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?

Staff believes that the shape of the physical surroundings and shape of the Subject Property is unique as it is one of the few commercial properties outside of the downtown area to have three frontages, in addition to four proposed access points. And then the building, you can see, is bent kind of along the shape of West Galena and Oak Avenue frontages, which also reflect the unique shape and surroundings of the Subject Property. As a result of these factors and requirements, the Subject Property has limited space to be feasibly laid out in a way that the flow of traffic is not negatively impacted, while also providing the amount of parking that the end user requires.

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?

Again, this is largely based on, Staff feels that this is largely due to the B-1 zoning district's minimum setback requirements, which are based on the Comprehensive Plan's designation of the abutting street classifications, as well as abutting zoning districts. Again, the Oak Avenue and West Galena blocks are Arterial Streets, which requires more setback requirement than also the residentially zoned property to the west has greater setback requirements, so these are factors impacting this B-1 zoned

*property. As a result, the Variance is based on existing abutting conditions in the form of the Zoning Ordinance’s standards...standard bulk restrictions that otherwise impact the Subject Property’s ability to redevelop in a way that meets the need...needs of a modern office user while also maintaining a parking lot with a flow of traffic that is not negatively impacted by the site’s layout.*

*3) Is the requested variance based on 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?*

*Staff feels that the requested variance is based on a hardship that is directly caused by the Zoning Ordinance’s B-1 bulk restrictions. In addition to the Subject Property’s layout, needed access points, and required cross access easements, all create a hardship that may otherwise limit the feasible redevelopment of the Subject Property for any modern user.*

*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 each instance be modified by the City pursuant to the recommendations of the Commission?*

*The requested variance is, 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.*

*Chairman Pilmer said alright, thank you. And then we do have the Variance. Staff will not...generally doesn’t make a recommendation, so is there a motion on the Variance request that we heard this evening?*

*MOTION OF APPROVAL OF VARIANCE WAS MADE BY: Mr. Choudhury*

*MOTION SECONDED BY: Mrs. Anderson*

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

*NAYS: 0*

*Motion carried.*

*Chairman Pilmer said motion carries. And then we also heard Staff read into the record 4 Findings of Fact. Is there a motion on the Findings of Fact?*

*MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Choudhury*

*MOTION SECONDED BY: Mrs. Martinez*

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

*NAYS: 0*

*Motion carried.*

Chairman Pilmer said motion carries. And then as Mr. Broadwell said that this is the final ruling on the Variance, so that will stand approved. So, good luck. That's it for the evening's agenda. Any announcements?

**This Petition was approved**

## ANNOUNCEMENTS

Mr. Sieben said sure, so our next meeting is the regular meeting, I believe it's in 3 weeks on June 7th and that will actually be in a different room because they're working on Council Chambers and this room, we feel, might be too small. It's going to be at Waubensee Community College, a couple blocks over. We're going to go visit, but I believe they have a large community room there that's about as big as Council Chambers, so we will hold the meeting there. We'll let you guys know all the info on that. We have one item only on the agenda that night. (Laughs)  
It's for a...it's for an entertainment venue on Farnsworth Avenue, a Rezoning Conditional Use.

Mrs. Owusu-Safo said should we guess? (Laughs)

Mr. Sieben said there is also, just so you guys know, you don't have to go but there is an Open Public Open House tomorrow night at the Aurora Police Station on Indian Trail from 5:30 to 7:30. It'll be some boards, some videos, be members of the Casino, City Staff, et cetera so it's open to the public. Anyone can show up anytime.

Mr. Choudhury said what type of (inaudible)

Mr. Sieben said say that again?

Mr. Choudhury said what type of oppositions have you heard about moving this thing to that (inaudible)?

Mr. Sieben said oh, nothing at all....so...

(Laughs)

Mrs. Anderson said you should show up. It's gonna be fun!

Mr. Sieben said yeah, you'll hear. But a lot of it so far has been economic related, so that's really not your guys' purview. You know, you guys are Land Use and Zoning.

Chairman Pilmer said yeah, that'll be our challenge that evening is you know, it's an open meeting so people can speak to us about any issue and probably most of it will be economic, which we're really supposed to focus on the land use and the land petition.

Mr. Sieben said but I think a lot of legitimate questions will be traffic and that kind of thing, so that'll be...we'll have members of our Engineering Department there and everything so we'll try to explain as best we can and be there for any questions for anyone.

Mr. Choudhury said I just have one more question.

Mr. Sieben said yeah.



*Mr. Choudhury said so you said there were previously 3 or 4 banks in the property. What happened to them? Did they fold or...?*

*Mr. Sieben said I'm not a banker. You'll have to talk to a banker.*

*(Laughs)*

*Chairman Pilmer said actually the last one just closed that location, but some of them were savings and loans over the years and got...got either sold and merged and...*

*Mr. Sieben said but there were other professional offices like you said, like there was eye doctors and other things.*

*Chairman Pilmer said accountants, I think, were up there...yeah. So, it'd be good to see a lot of activity between that location and the one to the north.*

*Mr. Sieben said yeah...yes.*

## **ADJOURNMENT**

*Chairman Pilmer said alright, is there a motion to adjourn?*

*MOTION OF ADJOURNMENT WAS MADE BY: Mrs. Owusu-Safo*

*MOTION SECONDED BY: Mr. Roberts*

*Motion carried by voice vote.*

*Chairman Pilmer adjourned the meeting at 7:23 pm*

**A motion was made by Mrs. Owusu-Safo, seconded by Mr. Roberts, that this meeting be adjourned. The motion carried.**

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