



City of Aurora

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

Planning and Zoning Commission Meeting Minutes

Wednesday

June 02, 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: 898 6134 3612

THOSE WISHING TO PROVIDE PUBLIC COMMENT MUST PRE-REGISTER WITH THE ZONING AND PLANNING DIVISION NO LATER THAN 3:00 P.M. ON June 2, 2021 – VIA EMAIL: COAPLANNING@AURORA.IL.US 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.

Tracey Vacek, Senior Planner, 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. Chambers, Mr. Elsbree, Mr. Gonzales, Mrs. Owusu-Safo and Ms. Tidwell.

OTHERS PRESENT

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

Others Present: Vernon LaVia (149 S. 4th Street, Aurora) and Gary Rouse (GBC Design).

APPROVAL OF MINUTES

21-0390

Approval of the Minutes of the Planning and Zoning Commission meeting on May 19, 2021.

A motion was made by Mr. Chambers, 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.

No one registered to speak to the Commission.

AGENDA

21-0337

An Ordinance Amending Chapter 49 of the Code of Ordinances, City of Aurora, by Modifying the Zoning Map Attached Thereto by Rezoning the Property Located at 632 South Ohio Street from B-3, Business and Wholesale District to R-2, One Family Dwelling District (Vernon LaVia - 21-0337 / AU26/4-21.130-Rz - SB - Ward 3) (PUBLIC HEARING)

Mr. Broadwell said I think we have Vernon LaVia here speaking on behalf of the Petition. Vernon is calling in from London, I believe, so this might be the first ever international Aurora Planning Commission. I'm going to pull up the screen sharing. As you just heard, this is a rezoning for 632 S. Ohio Street. You can see the property right here on the zoning map and you can see in the staff report and the qualifying statement the property is currently a single family structure that the Petitioner is proposing to rezone to R-2. A little bit of the history of the property. It was originally,

when it was incorporated in 1929 and in the zoning map, it was incorporated to the R-1 zoning district for residential. In the 1950 zoning map, it was still shown as the one family dwelling district. At some point, between 1957 and, I think we determined, the early 2000's, it was rezoned to the current B-3 zoning. I tried to find the rezoning ordinance that rezoned it to B-3 with no luck. But that's essentially the reasoning for this rezoning petition. I think Vernon has a pretty good background on the history of the property, but then also he can go into more on the history of the property itself. Before we go into that, just a little bit more background, and I'll pull up the property here so that you can see it. It fronts on Ohio Street and all of the properties to the north on Ohio Street are zoned for R-2, so this rezoning will allow for the property zoning to be consistent with the zoning there on Ohio Street, but then also maintain the residential nature of the block. As you can see, all the properties to the east here are zoned for commercial and all of their primary access is onto Hill Avenue and all the residential properties have their access onto Ohio Street, with the exception of this one on 6th Avenue. I think that's really it for staff right now unless there are any other questions.

The Petitioner was sworn in.

This is Vernon LaVia, 149 S. 4th Street, Aurora, Illinois 60505. I guess I would just ask that as staff said for you to consider this change so that it is consistent with the rest of the block. It is directly across the street from Phillips Park Golf Course, so really when I bought it thinking I could do some kind of business there, I really don't want to since it would really ruin the tee box of the 15th hole.

Chairman Pilmer said any other questions of the Petitioner? It is a pretty straightforward residential home that's being used as residential and you have a correction on the zoning.

The public hearing was opened.

Chairman Pilmer said I don't think we have any other speakers. I will state that due to a notification error, this will need to get continued until our next meeting, which will be June 16th. At this point, I would ask if there are not any questions of the Petitioner or of staff, I would ask for a motion to continue to our next meeting, June 16th.

MOTION TO CONTINUE TO JUNE 16, 2021 WAS MADE BY: Ms. Tidwell

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Bhatia, Mr. Cameron, Mr. Chambers, Mr. Elsbree, Mr. Gonzales, Mrs. Owusu-Safo, Ms. Tidwell

NAYS: None

Chairman Pilmer said we will here this matter again on June 16th. The public hearing will at that time, once all testimony is heard, will be closed. Thank you Mr. LaVia. We will see you in 2 weeks.

A motion was made by Ms. Tidwell, seconded by Mrs. Anderson, that this agenda item be Held in Planning and Zoning Commission, on the agenda for 6/16/2021. The motion carried.

[21-0340](#)

A Major Variance for Setback requirements pursuant to Sec. 34-406 of Chapter 34 of the Code of Ordinances, City of Aurora for the property at 4435 Fox Valley Center Drive to allow for a reduction of the setback abutting State Route 59 from 30 feet to 21 feet (Chick-fil-A, Inc. -

21-0340 / NA21/4-21.131-V/Fpn/R - JM - Ward 10) (Public Hearing)

See Attachment for Items 21-0340 and 21-0341.

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

21-0341

A Resolution Approving a Revision to the Final Plan on Lot 6 for Fox Valley East Region I Merchants Park Resubdivision, located at 4435 Fox Valley Center Drive for an addition to an existing Restaurant with a drive-through facility (2530) use (Chick-fil-A, Inc. - 21-0341/ NA21/4-21.131-V/Fpn/R- JM - Ward 10).

See Attachment for Items 21-0340 and 21-0341.

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 6/9/2021. The motion carried.

Attachment for Items 21-0340 and 21-0341

21-0340 A Major Variance for setback requirements pursuant to Sec. 34-406 of Chapter 34 of the Code of Ordinances, City of Aurora for the property at 4435 Fox Valley Center Drive to allow for a reduction of the setback abutting State Route 9 from 30 feet to 21 feet (Chick-fil-A, Inc. – 21-0340 / NA21/4-21.131-V/Fpn/R – JM – Ward 10) (PUBLIC HEARING)

Mrs. Morgan said as the Chairman just mentioned, this petition is requesting a Major Variance for setback abutting State Route 59 from 30 feet to 21 feet. The details of the request include reducing the setback in order to allow the addition of a second drive-thru lane. Currently there are 2 drive-thru lanes on a portion of this site. This proposal extends the second drive-thru around the entire site. The building is currently located 48 feet from Route 59, so to allow the extension of the second drive-thru, they have to encroach 9 feet into the setback. Concurrently with this proposal, they are also requesting approval of a Final Plan Revision. That includes the addition of the second drive-thru, as well as a 90 square foot addition that will be added to the drive-thru pickup window area and a 36 square foot addition at the back of the building, so it is 2 small additions, as well as a free-standing canopy that will be installed over the order points and over the pickup window to shelter the employees from the weather. The landscape plan shows that all the trees that will be removed to add the second drive-thru lane will be replaced, as well as having additional landscaping that will be added around the site, including trees along the new lane, as well as the northeast corner to provide some additional buffering. Let me do a quick screen share to show you the Final Plan. As you can see, here is the Final Plan they are proposing. You can see the addition of that second drive-thru lane and how it is encroaching slightly into the setback and then it goes around the entire site. The canopies are the grey areas. Just for some discussion, the Petitioner, in their qualifying statement, is asking for the variance because they've seen a lot of considerable growth in their business in the past few years and they want to be able to serve their customers in a more timely manner, as well as to alleviate cars backing up into that mall access road. They noted that 48 feet from the right-of-way is a hardship that's unique to this property. Staff just wants to make a few comments regarding the Findings of Fact. One, staff believes the variance is based on particular physical surroundings, shape or topographical conditions that will result in a hardship due to the location of the site

being adjacent to the Fox Valley Center Drive, which will soon see additional traffic with the redevelopment of the mall and the unusual configuration of the lot being smaller at one end. Two, staff believes the request is unique to the property due to the location of the building and the layout of the lot. Three, staff believes that the Ordinance's required setback, which is what is not allowing the second drive-thru lane is a hardship that is not caused by Chick-fil-A. Four, staff believes that the major variance conforms in all other ways to Chapter 49 of the Code of Ordinances, as well as the Fox Valley East Plan Description, which this is a part of. We do have the Petitioners on. If there aren't any questions for staff, I can hand it over to them to add any additional information or answer any questions.

Chairman Pilmer said any questions of staff?

Mr. Chambers said I have a quick question Jill. Would the construction of adding this additional lane and making it wider during this construction time, would it have any effect on traffic on Route 59?

Mrs. Morgan said the Petitioner may be able to add to this as well. I don't envision that. They are quite a bit away from Route 59, so it is more of a backup onto the access road that there are issues with. Congestion is not really backing all the way up to Route 59.

Mr. Chambers said no, I was referring to doing the construction of adding in and making it wider and encroaching, because you are talking about that area between the store and Route 59, correct? That's where that would be widened?

Mr. Morgan said yes. You mean the construction itself. Maybe the Petitioners can answer that. I had not envisioned that there would be a construction crew blocking traffic on Route 59, but maybe they can answer that question better.

Mr. Chambers said thank you.

Chairman Pilmer said any additional questions of staff? At this point, we would ask the Petitioners to come forward. The Petitioners were sworn in.

This is Gary Rouse from GBC Design, 565 Whitepine Drive, Akron, Ohio. Jill, you did a wonderful job summing everything up. All this improvement is all about serving the customers better, the additional drive-thru lane, the canopies reconfiguration. To answer Mr. Chambers question, the major State highway will not be impacted by the construction. It will all be internal up by the drive-thru lane. There should not be any impact at all on the State Route.

Mr. Chambers said great. Thank you for answering that question.

Mr. Rouse said you are very welcome.

Chairman Pilmer said any other questions of the Petitioner?

Mrs. Anderson said I have one. How long do you think the construction will last or take for this project?

Mr. Rouse said a guess, probably in the neighborhood of a couple of months, something like that.

Mrs. Anderson said thank you.

Mr. Rouse said your welcome.

Chairman Pilmer said any additional questions? Thank you Mr. Rouse.

The public input portion of the public hearing was opened. No witnesses were registered to speak. The public input portion of the public hearing was closed.

Mrs. Morgan said for the first one, staff does not provide recommendations for Variances, however, staff believes that the request would be beneficial to the lot and the surrounding areas by alleviating traffic issues and allow the site to continue to be a valuable commercial asset.

MOTION OF APPROVAL WAS MADE BY: Ms. Tidwell

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Bhatia, Mr. Cameron, Mr. Chambers, Mr. Gonzales, Mrs. Owusu-Safo, 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?

Mrs. Anderson said yes it is.

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?

Chairman Pilmer said based on the lot and the uniqueness of it, I would state that the request is unique based on the lot.

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?

Mr. Chambers said yes.

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?

Mr. Cameron said yes.

Chairman Pilmer said it is conforming in all other ways to the Fox Valley East Planned Development District and Chapter 49 of the Code of Ordinances for the City of Aurora.

Mrs. Morgan said this ends at Planning and Zoning Commission.

21-0341 A Resolution approving a Revision to the Final Plan on Lot 6 of Fox Valley

East Region I Merchants Park Resubdivision, located at 4435 Fox Valley Center Drive for an addition to an existing restaurant with a drive-through facility (3530) use (Chick-fil-A, Inc. – 21-0341 / NA21/4-21.131-V/Fpn/R – JM – Ward 10)

Mrs. Morgan said staff would recommend approval of a Resolution approving a Revision to the Final Plan on Lot 6 of the Fox Valley East Region I Merchants Park Resubdivision located at 4435 Fox Valley Center Drive for an addition to the existing restaurant with a drive-thru facility use.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Bhatia, Mr. Cameron, Mr. Chambers, Mr. Elsbree, Mr. Gonzales, Mrs. Owusu-Safo, Ms. Tidwell

NAYS: None

Mrs. Morgan said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, June 9th at 4:00 via Zoom.

PENDING

ANNOUNCEMENTS

Mrs. Vacek said our next Planning and Zoning Commission meeting will be on June 16th and it will be via Zoom.

ADJOURNMENT

A motion was made by Ms. Tidwell, seconded by Mr. Chambers, that this agenda item be adjourned. The motion carried. Chairman Pilmer adjourned the meeting at 7:24 p.m.

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