



**COMMITTEE OF THE WHOLE MEETING  
MONDAY, MARCH 19, 2018  
NORTH AURORA VILLAGE HALL - 25 E. STATE ST.  
(Immediately following the Village Board Meeting)**

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**TRUSTEE COMMENTS**

**DISCUSSION**

1. 94 Alder Site Plan and Variance
2. Silo Concept

**EXECUTIVE SESSION**

**ADJOURN**

Initials \_\_\_\_\_

Handwritten initials "SB" in black ink, written over a horizontal line.

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## VILLAGE OF NORTH AURORA BOARD REPORT

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR  
**FROM:** MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR  
**SUBJECT:** PETITION 18-03: 194 ALDER DRIVE PARKING VARIANCE/SITE PLAN REVIEW  
**AGENDA:** 3/19/2018 COMMITTEE OF THE WHOLE MEETING

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### DISCUSSION

Abelej, Inc is proposing a 21,130 square foot addition to their existing 11,865 square foot facility located at 194 Alder Drive, for a total of 32,995 square feet.

Section 13.13 of the Zoning Ordinance 'Required off-street parking spaces' establishes the minimum number of off-street parking spaces to be provided for each designated land use. The use of the facility is classified as Light Industrial. Per Section 13.13 of the Zoning Ordinance, Light Industrial uses are required to provide two (2) off-street parking spaces per 1,000 square feet of gross floor area of manufacturing and office area. At 32,994 total square feet, sixty-six (66) parking spaces would be required. The subject property currently provides a total of forty-two (42) parking spaces. As such, another twenty-four (24) parking spaces would be required to accommodate the additional square footage of the building expansion.

Per Section 17.4.4(B) of the Zoning Ordinance, site plan review shall be required for any commercial, office, manufacturing or multifamily structural addition that constitutes more than twenty-five (25) percent of total square footage of an existing structure.

A public hearing was held before the Plan Commission on March 6, 2018. After discussing the request, the Plan Commission unanimously recommended approval of the petition, subject to the following conditions:

- 1) *In the event that a) the current use of the subject property (Light Industrial) was to change to a use requiring a greater amount of parking b) any parking issues were to arise from the deficient parking on the subject property or c) the number of employees was to increase, the Village maintains the right to first review the conditions and then determine whether or not to require the minimum number of off-street parking spaces to be provided for the designated use.*
- 2) *The area located directly to the north of the proposed building addition shall be mass graded to accommodate the land banked twenty-five additional parking spaces.*
- 3) *The Village shall record the approving ordinance with the Kane County Recorder's Office.*

Staff would like to take this opportunity to solicit feedback from the Village Board on the proposed variance and site plan review.

#### Attachments:

1. Staff report to the Plan Commission

## **Staff Report to the Village of North Aurora Plan Commission**

**FROM: Mike Toth, Community and Economic Development Director**

### **GENERAL INFORMATION**

**Meeting Date:** March 6, 2018

**Petition Number:** 18-03

**Petitioner:** Abelei, Inc

**Request(s):** 1) Variance to allow a reduction in the amount of required parking 2) Site plan review

**Subject Property(s):** 194 Alder Drive

**Parcel Number(s):** 15-05-476-003 and -004

**Size:** Approximately 3.48 acres

**Current Zoning:** I-2 General Industrial District

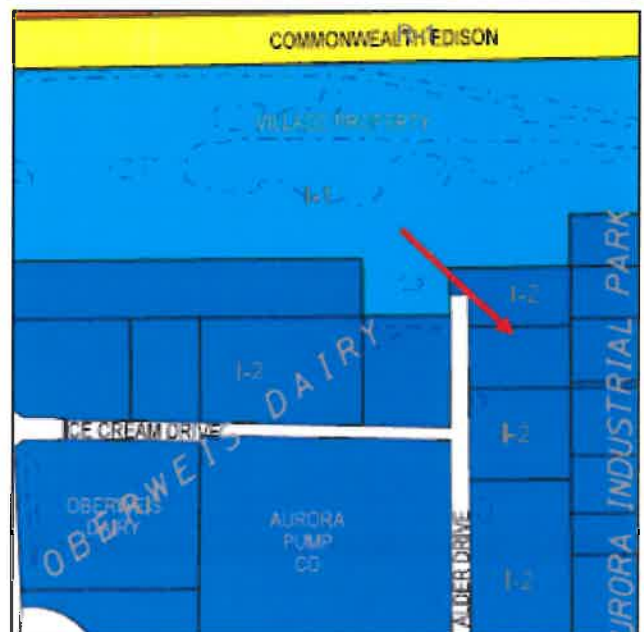
**Contiguous Zoning:** North – I-1 Limited Industrial District, South – I-2 General Industrial District, East - I-2 General Industrial District, West - I-2 General Industrial District

**Comprehensive Plan Designation:** Office/Industrial

### **BACKGROUND**

Abelei, Inc is proposing a 21,130 square foot addition to their existing 11,865 square foot facility located at 194 Alder Drive, for a total of 32,995 square feet.

Section 13.13 of the Zoning Ordinance 'Required off-street parking spaces' establishes the minimum number of off-street parking spaces to be provided for each designated land use. Abelei, Inc, is a manufacturer and supplier of flavoring for foods, beverages, dairy, confectionary, bakery, pharmaceuticals, and nutraceutical applications. The use of the facility is classified as Light Industrial. Per Section 13.13 of the Zoning Ordinance, Light Industrial uses are required to provide two (2) off-street parking spaces per 1,000 square feet of gross floor area of manufacturing and office area.



At 32,994 total square feet, sixty-six (66) parking spaces would be required. The subject property currently provides a total of forty-two (42) parking spaces. As such, another twenty-four (24) parking spaces would be required to accommodate the additional square footage of the building expansion.

#### **SITE PLAN REVIEW**

Per Section 17.4.4(B) of the Zoning Ordinance, site plan review shall be required for any commercial, office, manufacturing or multifamily structural addition that constitutes more than twenty-five (25) percent of total square footage of an existing structure. The standards for site plan review are established in Chapter 4.4 - Site Plan Review of the North Aurora Zoning Ordinance.

Upon review of the submitted site, architectural and landscape plans; staff found the site plan review provisions of the Zoning Ordinance satisfactorily addressed.

Should the Plan Commission recommend approval of Petition #18-03, staff suggests the following condition:

- 1) *In the event that a) the current use of the subject property (Light Industrial) was to change to a use requiring a greater amount of parking b) any parking issues were to arise from the deficient parking on the subject property or c) the number of employees was to increase, the Village maintains the right to first review the conditions and then determine whether or not to require the minimum number of off-street parking spaces to be provided for the designated use.*
- 2) *The area located directly to the north of the proposed building addition shall be mass graded to accommodate the land banked twenty-five additional parking spaces.*



VILLAGE OF  
**NORTH  
AURORA**  
Crossroads on the Fox

25 East State Street, North Aurora, IL 60542  
P: 630.897.1457 F: 630.897.0269  
www.northaurora.org

**RECEIVED**

**FEB 09 2018**

**VILLAGE OF  
NORTH AURORA**

## APPLICATION FOR VARIATION

VILLAGE OF NORTH AURORA  
25 E. State Street  
North Aurora, IL 60542

PETITION NO. 18-03

FILE NAME \_\_\_\_\_

DATE STAMP \_\_\_\_\_

### I. APPLICANT AND OWNER DATA

Name of Applicant\* Abele, Inc  
Address of Applicant 194 Alder Drive  
Telephone No. 630 859-1410  
Name of Owner (s) \* Shelley Henderson  
Address of Owner (s) 102 Gorham St, North Aurora  
Telephone No. 630-205-8777  
Email Address shenderson@abele.com

If applicant is other than owner, attach letter of authorization from Owner

Title of Record to the real estate was acquired by Owner on \_\_\_\_\_

### II. ADDRESS, USE AND ZONING OF PROPERTY

Address of Property 194 Alder Dr., North Aurora, IL 60542  
(indicate location of common address)

Legal Description: Lots One and Two in C.W. Cummings North Aurora Industrial Sub, being part of the Southeast quarter of Section 5, Township 38 North, Range 8 East of the third principal meridian, recorded June 22, 2001 as document number 2001K060273, in the Village of North Aurora, Kane County, Illinois

Parcel Size 1.77 acres North (Lot 2) + 1.71 acres South (Lot 1) = 3.48 acres at site

Present Use Manufacturing  
(business, manufacturing, residential, etc.)

Present Zoning District I-2 General Industrial District  
(Zoning Ordinance Classification)

### III. PROPOSED VARIATION(S)



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11. Noise and Odor. The proposed variation will not produce excessive noise or odor as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public.

#### IV. CHECKLIST FOR ATTACHMENTS

The following items are attached hereto and made a part hereof:

☒ 25 copies of an 8 ½ x 11" or 8 ½ x 14" plot plan of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements, and adjoining streets or uses. (large sized copies may be requested by Staff)

☒ A list containing the names, address and tax parcel number of all properties within 250 feet of the location for which the variation is requested.

☒ Legal description.

☒ Proof of ownership by deed or title or insurance policy.

☐ Filing fee in the amount of \$200.00 - If payment is made by check, it should be made payable to the Village of North Aurora.

☒ Letter of authorization from owner, if applicable.

☒ Disclosure of beneficiaries of Land Trust, if applicable.

The Applicant authorizes the Village of North Aurora representatives to enter on to the property to make inspection during the hearing process.

The Applicant is responsible for publishing a legal notice in the newspaper, sending notices by mail to all properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

Applicant or Authorized Agent

Date

Owner

Date



25 East State Street, North Aurora, IL 60542  
P: 630.897.1457 F: 630.897.0269  
www.northaurora.org

Variation requested (state specific measurements) Requesting a reduced minimum number of off-street parking spaces to be provided

Code Section that pertains to Variation Village of N. aurora Zoning Ordinance: Title 17 / 13.13

Reason for request To avoid the financial hardship and further difficulties associated with the installation of an additional parking lot. To save and preserve the green space surrounding the building and to preserve a lower storm water run-off.

Explanation of purpose to which property will be put \_\_\_\_\_

Liquid and dry blending for flavor manufacturing with lab space

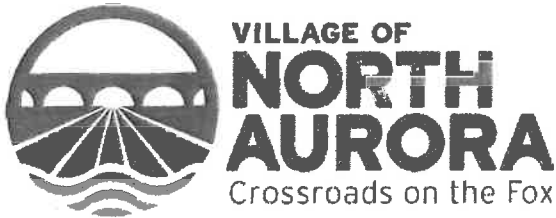
**IV. Findings of Fact for Variations. A variation from the provisions of the Zoning Ordinance shall not be granted unless the Plan Commission in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on each and every standard and condition imposed by this section. Please provide a written response to each of the following standards for variations:**

1. Hardship. No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.

2. Unique Physical Conditions. The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:

- a. Irregular or substandard size, shape, or configuration; or
- b. Exceptional topographical features; or
- c. Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
- d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

*These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.*



25 East State Street, North Aurora, IL 60542  
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[www.northaurora.org](http://www.northaurora.org)

3. **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
4. **Denied Substantial Rights.** The carrying out of the strict letter of the provision(s) from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.
5. **Not Merely Special Privilege.** The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.
6. **Conformance with Ordinance and Plan Purposes.** The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.
7. **No Other Remedy.** There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a legal and reasonable use of the subject property.
8. **Minimum Relief Required.** The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.
9. **Public Welfare.** The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
10. **Public Safety, Light and Air.** The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety within the neighborhood in any way.



**Village of North Aurora Application for Zoning Variance:**

**Findings of Fact for Variations:**

**Abelei Flavors Building Expansion:**

1. **Hardship:** The installation of the 25 additional parking spaces would result in an unnecessary financial hardship of approximately \$60,000 - \$70,000. This is the estimated cost of the parking installation. This is equivalent to a X% increase in the project's construction cost, a percent increase large enough to jeopardize the entire project.
2. **Unique Physical Conditions:** Abelei Flavors is bounded to the North by a conservation easement containing wetlands. This variance would preserve green space to the North of the building expansion and to the South of the conservation easement.
3. **Not Self-Created:** The parking spaces for which the variance is being sought are only required under the condition that the proposed building expansion is installed. The current provided parking is in accordance with zoning for the current built facility. Thus the issue at hand is not due to any action or inaction of the owner and is not self-created.
4. **Denied Substantial Rights:** This is not applicable to this particular case.
5. **Not Merely Special Privilege:** This is not applicable to this particular case.
6. **Conformance with Ordinance and Plan Purposes:** The variance is being sought with the knowledge that the parking spaces will not be needed, and with the knowledge that spaces could be provided in the future if needed.
7. **No Other Remedy:** The variance is the only way to prevent said hardships from occurring.
8. **Minimum Relief Required:** The variance is the minimum measure of relief.
9. **Public Welfare:** The variance being sought would not be detrimental to the public welfare.
10. **Public Safety, Light, and Air:** The variance being sought would be neutral in terms of public safety, lighting, air. The current 42 parking spaces are more than enough for the current building. Of the 42 spaces 20 are in the lot to the West and 22 are in the lot to the North. The North lot has a utilization of less than 10%. The building expansion will result in the estimated hiring of X employees and the current 42 spaces will still be more than adequate and no employee parking will happen on nearby road ways. To ensure that this remains the case the parking count exhibit contained on the site development plan shows that (25) additional spaces can be added in the future.
11. **Noise and Odor:** The variance being sought would be noise and odor neutral. The variance will preserve greenspace in lieu of installing asphalt paving.



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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KANE )

I, Shelley Henderson being first duly sworn on oath depose  
and say that I am trust officer of abelei, Inc and that the following persons are all of the  
beneficiaries of the trust

Marcia L Arb

Karen R Criss

Shelley C. Henderson

[Signature]  
Trust Officer

**SUBSCRIBED AND SWORN TO**

Before me this 8<sup>th</sup> day of February, 20 18

Darren Arevalo

A Notary Public in and for such County.



[FOR RECORDERS USE]

**WARRANTY DEED**

**Corporation to Corporation**

**THE GRANTOR, CHARLES W. CUMMINGS**, a divorced person not since remarried, of Aurora, Illinois, for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid, Conveys and Warrants to **KMS HOLDINGS, LLC**, a limited liability company organized and existing under and by virtue of the laws of the State of Illinois having its principal office at the following address 550 North Commons Drive, Suite 100, Aurora, Illinois 60504, the following described Real Estate, to wit:

LOT 1 IN C.W. CUMMINGS NORTH AURORA INDUSTRIAL SUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

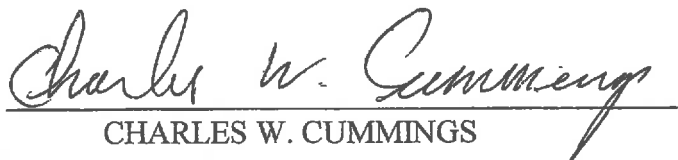
PIN NO: 15-05-476-004

Commonly known as: 1.84 acre vacant lot at the north end of Alder Drive  
North Aurora, Illinois 60542

hereby expressly declaring that the estate conveyed shall pass, individual to individual, and hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

SUBJECT TO general taxes for the year 2002 (due and payable in 2003) and subsequent years, and covenants, conditions, restrictions and easements of record.

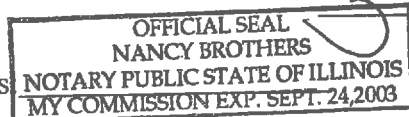
DATED this 28th day of May, 2002.

  
CHARLES W. CUMMINGS

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF KANE        )

I the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that CHARLES W. CUMMINGS, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 28th day of May, 2002.



Notary Public

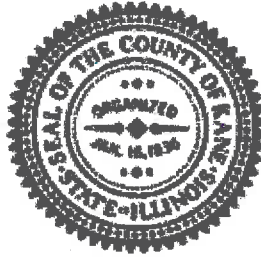
Prepared by:  
Attorney Gerald K. Hodge  
8 E. Galena Blvd.  
P.O. Box 5030  
Aurora, Illinois 60507

**SEND SUBSEQUENT TAX BILLS TO:**  
KMS Holdings, LLC  
550 North Commons  
Unit 100  
Aurora, Illinois 60504

**MAIL TO:**  
Attorney William Mohr  
Mohr & Gaertner  
1300 Iroquois Drive  
Suite 230  
Naperville, Illinois 60563

[AFFIX REVENUE STAMPS]

Mark D. Armstrong, CIAO  
Kane County Supervisor of Assessments



719 South Batavia Ave  
Building C  
Geneva, Illinois 60134

## Kane County Property Assessments

Parcel **15-05-477-001**

**Property Location**  
197 ALDER DR  
NORTH AURORA, IL 60542-

**Mailing Address**  
BOUSQUET, JOYCE .  
738 CARIBBEAN CT  
MARCO ISLAND, FL 34145-3422

**Property Class**  
0080 -Industrial  
**Tax Code**  
AU-016

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Subdivision

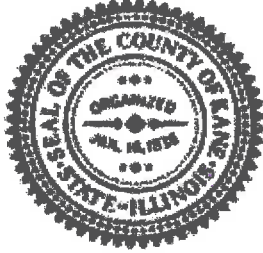
Lot/Block

Document [AC 2016](#) 9/8/2016

	Farmland	Farm Buildings	Non-Farm Land	Non-Farm Buildings	Total
2017BR	0	0	90,170	107,828	197,998
2017SE	0	0	90,170	107,828	197,998
2017Alt	0	0	0	0	0
2016BR	0	0	77,293	107,486	184,779
2016SE	0	0	77,293	107,486	184,779
2016Alt	0	0	0	0	0

Sale Date	Gross Selling Price	Sales Document No.	Recorded Date
01/06/1995	0.00	NONE (87896)	
05/01/2012	210,000.00	<a href="#">2012K035997</a>	

Mark D. Armstrong, CIAO  
Kane County Supervisor of Assessments



719 South Batavia Ave  
Building C  
Geneva, Illinois 60134

## Kane County Property Assessments

Parcel **15-05-476-001**

**Property Location**  
200 ALDER DR  
NORTH AURORA, IL 60542-

**Mailing Address**  
LANG, BRIAN W DCLRN OF TR, TRUSTEE,  
42240 N 113TH WAY  
SCOTTSDALE, AZ 85262-3525

**Property Class**  
0080 -Industrial  
**Tax Code**  
AU-016

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**Subdivision**  
**Lot/Block**

**Document** [2013K079704](#) 11/8/2013

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[Aurora Township Assessor](#)

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	Farmland	Farm Buildings	Non-Farm Land	Non-Farm Buildings	Total
2017BR	0	0	86,471	233,529	320,000
2017SE	0	0	86,471	314,605	401,076
2017Alt	0	0	0	0	0
2016BR	0	0	74,122	245,310	319,432
2016SE	0	0	74,122	245,310	319,432
2016Alt	0	0	0	0	0

Sale Date	Gross Selling Price	Sales Document No.	Recorded Date
01/01/2004	2,300,000.00	<a href="#">2004K011956</a>	1/23/2004
06/09/1999	0.00	<a href="#">99KO20612</a>	

Mark D. Armstrong, CIAO  
Kane County Supervisor of Assessments



719 South Batavia Ave  
Building C  
Geneva, Illinois 60134

## Kane County Property Assessments

<b>Parcel</b> <b>15-05-476-004</b>																	
<b>Property Location</b> ALDER DR NORTH AURORA, IL 60542-		<b>Mailing Address</b> KMS HOLDINGS LLC, . 194 ALDER DR NORTH AURORA, IL 60542-		<b>Property Class</b> 0080 -Industrial <b>Tax Code</b> AU-016													
<b>Subdivision</b> <b>Lot/Block</b> <b>Document</b> 12/5/2003																	
	<b>Farmland</b>	<b>Farm Buildings</b>	<b>Non-Farm Land</b>	<b>Non-Farm Buildings</b>	<b>Total</b>												
2017BR	0	0	57,872	180,537	238,409												
2017SE	0	0	57,872	180,537	238,409												
2017Alt	0	0	0	0	0												
2016BR	0	0	49,607	164,053	213,660												
2016SE	0	0	49,607	164,053	213,660												
2016Alt	0	0	0	0	0												
<table border="1"> <tr> <td><b>Sale Date</b></td> <td><b>Gross Selling Price</b></td> <td><b>Sales Document No.</b></td> <td><b>Recorded Date</b></td> </tr> <tr> <td>05/01/2002</td> <td>278,779.00</td> <td><a href="#">2002K072947</a></td> <td></td> </tr> <tr> <td>06/22/2001</td> <td>0.00</td> <td>NONE (152977)</td> <td>6/22/2001</td> </tr> </table>						<b>Sale Date</b>	<b>Gross Selling Price</b>	<b>Sales Document No.</b>	<b>Recorded Date</b>	05/01/2002	278,779.00	<a href="#">2002K072947</a>		06/22/2001	0.00	NONE (152977)	6/22/2001
<b>Sale Date</b>	<b>Gross Selling Price</b>	<b>Sales Document No.</b>	<b>Recorded Date</b>														
05/01/2002	278,779.00	<a href="#">2002K072947</a>															
06/22/2001	0.00	NONE (152977)	6/22/2001														

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# Memorandum



**To:** Steve Bosco, Village Administrator  
**From:** David Hansen, Administrative Intern  
**Date:** 3-15-18  
**Re:** Silo Concept Plan

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One of the strategic plan objectives involves the silo located on the west band of the Fox River just south of State Street. At past strategic planning workshops, the Village Board outlined an action plan for evaluating alternate uses for the silo as well as establishing potential partnerships with local organizations. The Village followed the action plan and determined the types of adaptive reuse for the silo and its adjacent land, as well as partnered with Harner's, the Fox Valley Park District, and North Aurora River District Alliance (NOARDA).

In the summer of 2017, the Village acquired a large portion of the land, which included the silo, from Harner's via a land dedication agreement. Per the agreement, the Village would coordinate the design and construction of any improvements at no expense to Harner's.

At the November 6, 2017 Committee of the Whole meeting, staff described the scope of work for the silo project and introduced Muller and Muller Incorporated (M&M). M&M was selected by the evaluation team, which consisted of the Village, Fox Valley Park District and NOARDA stakeholders, as the most qualified firm for the project through the Request for Proposal (RFQ) process. Staff worked with M&M to develop a scope of work which consisted of a site condition analysis, a strategic plan, charrette, development of a preliminary concept development, final concept development, and the final masterplan deliverable.

M&M is providing the final concept and final estimated costs for the Village Board to review.