



**PLAN COMMISSION AGENDA
TUESDAY, OCTOBER 6, 2020
7:00 PM**

Due to the current COVID-19 pandemic, the Plan Commission meeting will be conducted live remotely using the Zoom telecommunications platform to help prevent the spread of COVID-19. The public is invited to attend the meeting and participate remotely as follows:

Website Address: <https://us02web.zoom.us/j/89874753837>

Meeting ID: 898 7475 3837

Dial In: +1 312 626 6799

This procedure is being followed pursuant to the Illinois Open Meetings Act (5 ILCS 120/2.01 et seq.) as amended by Public Act 101-0640.

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated September 1, 2020.

PUBLIC HEARING

1. **Petition #20-06 (301 Deerpath Road & 2040 West Orchard Road):** The petitioner, Specware, LLC., requests the following actions on the subject properties:
 - 1) Special Use - Planned Unit Development Amendment with deviations to the Zoning Ordinance and Sign Ordinance
 - 2) Site Plan Approval

NEW BUSINESS

1. **Petition #20-06 (301 Deerpath Road & 2040 West Orchard Road):** The petitioner, Specware, LLC., requests the following actions on the subject properties:
 - 1) Special Use - Planned Unit Development Amendment with deviations to the Zoning Ordinance and Sign Ordinance
 - 2) Site Plan Approval

OLD BUSINESS

1. None.

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
SEPTEMBER 1, 2020**

CALL TO ORDER

Vice Chairperson Duncan called the meeting to order.

ROLL CALL

In attendance: Vice Chairperson Jennifer Duncan, Commissioners Anna Tuohy, Aaron Anderson, Tom Lenkart, Doug Botkin, Mark Bozik and Connie Holbrook

Not in attendance: Chairman Mike Brackett

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Information Technology Manager Dave Arndt

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated March 3, 2020

Motion for approval made by Commissioner Bozik and seconded by Commissioner Lenkart. All in favor.
Motion approved.

PUBLIC HEARING

1. Petition #20-04 (38W229 Oak Street): The petitioner, LMN Opportunities, Inc., requests the following actions on the subject property:

- 1) Establishment of the R-3 General Residence District zoning
- 2) Special use to allow a Planned Unit Development with deviations from the Zoning Ordinance
- 3) Site Plan Approval
- 4) Preliminary Final Plat of Subdivision

Vice Chairperson Jennifer Duncan opened the public hearing.

Valerie Shoger, 1473 Hearthstone Lane, stated that she is concerned about the number of units in each building. At the April 15, 2019 meeting, it was stated that the proposed development would consist of luxury units. Shoger feels that the excessive number of units and decreased square footage does not appear to be luxurious and will not enhance the surrounding neighborhoods. She is concerned that there is not much staggering of the units and they give off a "building blocks" appearance.

Keely, (Zoom screen name), stated that she also has the same concerns as Shoger. She asked what the benefit is to connecting Hearthstone Lane to Forest Ridge Drive. Keely asked how the units can be advertised as luxury but still be reasonably priced. She stated that she is also concerned about the storm water and asked what the plan is for drainage.

Austin Curran, 1417 Hearthstone Lane, stated that he had similar concerns as the previous residents since it impacts their neighborhood more than any other. Curran asked why the Village is considering townhomes over single family residences. He is also concerned about water drainage in the area and would like to hear more about the retention pond that is proposed. Curran stated that he is concerned about how it will impact the value of homes in the area and how it could also lead to an increase of traffic.

Cheryl Stetter, resident in Windstone Place, stated that one of her biggest concerns is the impact of drainage. Stetter agrees with the other residents about the townhomes being classified as luxurious when they will be facing an empty field. She asked if they are planning on allowing renters since that deters away from the luxury feel.

Sonja Flores-Gomez, 87 Windstone Drive, stated that she has the same concerns as everyone else. Flores-Gomez believes that the number of units is excessive for such a small parcel of land. Reducing the number of units or adding a park should be considered. She is concerned that there is going to be a large increase of traffic and that drainage is going to become an issue.

The petitioner, Nick Lamagna, LMN Opportunities, Inc., responded to the concerns and questions of the residents in attendance. He stated that the layout of the townhomes cannot be avoided in order to accommodate drainage. The Comprehensive Plan for this particular area supports the development of townhomes, which is why the developer chose to pursue this route. Lamagna stated that the size of the townhome does not determine whether or not the units are luxurious. Rather, it's the façade, open floor plan, and the materials that create the luxury feel. Lamagna explained that the units will not be renter-occupied and will be buyer owned. There is a lack of premium quality homes in the area and they are hoping to fill that void.

Community and Economic Development Director Mike Toth, displayed an image from the Comprehensive Plan showing the parcel in which the townhomes will be located. He stated that there is an intergovernmental agreement with the Village of North Aurora and Kane County Department of Transportation for Oak Street in between Randall Road and Orchard Road, which does call for an intersection at Forest Ridge Drive. This is continued south to connect with Hearthstone Lane and to allow secondary access to the property.

Ray Sikkema, Webster, McGrath & Ahlberg, Ltd., discussed the drainage concerns brought up by the residents. He stated that the wetlands exist above the northern drainage basin on the property. Since the wetland is protected, unfortunately there is nothing that can be done for drainage for that particular portion of the property. Drainage will flow into the north detention basin and the overflow will then travel through the drain tile. Sikkema explained they will be improving drainage flow by incorporating a 12" storm sewer that will be connected to the existing drain tile. He stated that the units will be similar in height to the adjacent properties on Windstone.

2. **Petition #20-05:** The petitioner, Derek Knuth, requests an amendment to the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District.

Vice Chairperson Jennifer Duncan opened the public hearing. There were no public comments. Jennifer Duncan then closed the public portion of the hearing.

NEW BUSINESS

1. **Petition #20-04 (38W229 Oak Street):** The petitioner, LMN Opportunities, Inc., requests the following actions on the subject property:

- 1) Establishment of the R-3 General Residence District zoning

- 2) Special use to allow a Planned Unit Development with deviations from the Zoning Ordinance
- 3) Site Plan Approval
- 4) Preliminary Final Plat of Subdivision

Community and Economic Development Director Mike Toth stated that this item was previously presented to the Village Board on April 15, 2019 for a concept review only. At that time no action was taken and the project was favored by the Village Board. Since then, the petitioner has worked on the proposed development to get it where it is today. The 8.63 acre property is currently zoned as a Farming District in unincorporated Kane County. The applicant is proposing five (5) townhouse buildings, each consisting of six (6) units, and one (1) two-family dwelling. Toth stated that the comprehensive plan does recommend single-family attached dwellings for this area of land.

The petitioner is requesting that the property shall be zoned as R-3 General Residence District. At this time, a map amendment is not being pursued since the property has not been annexed into the Village. The property meets all of the bulk requirements for the R-3 General Residence District. Toth stated that the special use request is required since the property is greater than two (2) acres. There are two (2) deviations from the zoning code being requested for the development. The use standards in Chapter 11 of the Zoning Ordinance state that garages shall be rear or side loaded. Toth stated that the proposed development will be oriented towards the west (Forest Ridge Drive) and will therefore be front loaded garages. The deviation is supported to have the garages as front loaded in order to minimize the traffic to the east and keep everything on Forest Ridge Drive. Toth explained that parking is permitted on Forest Ridge Drive, but the larger driveways should accommodate more vehicles which will eliminate excessive parking on the street. The second deviation relates to onsite trees. Per the Zoning Ordinance, multi-family properties shall have one (1) tree per 500 square feet of lot area. Toth stated that the landscape plan represents a barrier to the east and also factors in drainage for the property. Deviations have been granted in the past for lot landscaping. Toth stated that there is a condition that the parkway trees will be of variety per the subdivision ordinance. Site plan approval is required for all townhome developments. Toth explained that the building footprints were included in order to allow the engineers to consider site detention and storm water management.

Toth acknowledged that staff recommends approval for the special use request based on the understanding that four (4) conditions are met. Any unit that has a side wall facing the street shall include a front façade in order to eliminate the appearance of blank walls. All site improvements shall be confined within the building footprints. Trees that meet a specific standard will be evaluated by the Village for preservation. Finally, all parkway tree species will be provided per the Subdivision Ordinance. Toth recommended an additional condition that the entrance to Hearthstone Lane be blocked off during construction and that it be used for emergency purposes only.

Nick Lamagna stated that he has been working closely with Mike Toth and the Village of North Aurora in order to meet all criteria and guidelines set by the Village. He stated that the proposed townhomes will have a luxury appeal and will be comparable to the other multi-family developments in the area. Lamagna believes there is a shortage of luxury rentals in the area and stated that this development will provide people with a larger living space, especially in a time where many people are working from home. Matt Haylock, Archamerica, Inc., stated that they created a fresh looking façade with cooler hues of color. Various types of material are being used including stone along the base, cement board, and standing seam aluminum on the eaves, along with other textures and materials to create a contemporary appearance. Haylock described the interior of the townhomes, which include three (3) and four (4) bedroom units, both with an open concept. The units range from 2,000 – 2,400 square feet, depending on the number of bedrooms.

Plan Commission Comments:

Commissioner Bozik stated that he shares concerns with the lack of on-street parking. He asked what the plan is for Outlot B, which is the cell tower. Bozik asked if anything will be done to make that area aesthetically pleasing. He stated that the location of the two-unit building seems awkward and suggests a single-family residence instead. Lamagna responded that the driveways had already been readjusted to accommodate the parking concerns. He stated that the cell tower will remain in the same location. Lamagna explained that the Comprehensive Plan called for attached homes, so the duplex made sense.

Toth stated that when a property is annexed into the Village, there are certain fees that are paid to the Village of North Aurora. When this development comes in, a fee will be paid that will go to the Park District and School District within North Aurora. Toth asked about the possibility of having a cul-de-sac installed and Sikkema responded that Fire Departments are not in favor of cul-de-sacs if longer than 1,000 feet, which would be the case for this development. Bozik stated that North Aurora's Fire District does not allow cul-de-sacs over 300 feet.

Commissioner Botkin stated that his questions had been answered and he had no further comments.

Commissioner Lenkart stated that the presentation was very thorough and thought the exterior looked nice. Lenkart asked if anyone has reached out to the property owner of the parcel to the west. Toth responded that he spoke to the property owner years ago and has not heard of any developments on the property. Toth stated that the west side of Forest Ridge Drive does not have sidewalks or parkway trees. This will be discussed during the hearing process. Lenkart stated that a four (4) bedroom townhome could potentially have multiple vehicles, which means cars could be parked all along the street, creating congestion. Sikkema responded that the driveways are 16' wide, which will accommodate for two (2) cars in the driveway and two (2) cars in the garage. Lenkart asked how wide the street was. Sikkema responded that the street from curb to curb is 28'. It will be tight, but there is room to accommodate traffic.

Toth reminded the Plan Commission that the engineering still has to go through final engineering, so this is not the final plan for the development.

Commissioner Holbrook stated that her questions had been answered and she had no further comments.

Commissioner Tuohy asked what the cost point will be for the units. Lamagna responded that they do not have the information right now due to the market changing with COVID-19. He stated that a ballpark range would be \$275,000 - \$325,000. Tuohy stated she shares the same concerns about parking and would like to have the concern looked into. She asked if a traffic study has been completed. Toth responded that it has not. He stated that there is a density formula in the subdivision ordinance that calculates the fees for developments. Based on the density formula, the townhomes could bring in 71 new residents. Toth indicated that staff would look into the road width of Forest Ridge Drive to see if this could be accommodating for parking concerns. Tuohy asked if there will be a sidewalk on the property. Toth responded there is one proposed on the eastern side of the property and along Oak Street. Tuohy asked if a crosswalk was being installed from the south side to the north side. Toth responded that the plan does not call for a crosswalk. Tuohy stated that children will be crossing the street to Jewel Middle School and it could be a hazard. Toth responded that a stop sign was installed at White Oak Drive to the east to help move pedestrians safely. Tuohy asked if there will be a Homeowners Association (HOA). Toth responded that there will be an HOA which will be included in the annexation agreement. Tuohy asked if garbage will be picked up at the end of the driveways. Lamagna responded yes. Tuohy stated she agrees that the front elevation makes it hard to differentiate one unit from the other. Lenkart stated that the development area has enough room to stagger the buildings so it creates more depth to the townhomes. Haylock responded that the buildings will be staggered 8' and the individual units are staggered 2' to 3'. Tuohy stated she had no more questions.

Commissioner Anderson asked how long LMN Opportunities has been in business and how many projects have been completed similar to this. Jared Osmond, LMN Opportunities, responded that he has completed many projects in the area, including townhome developments. Lamagna stated they use different entities for their developments and collectively, they have over 50 years of experience. Anderson asked if financing has been secured for the project. Osmond responded that they have the money secured for the development. Anderson asked if there are turn lanes coming off of Oak Street. Toth responded there will be a turn lane into the property both east and west bound. Toth asked if there will be a decelerated lane for people turning right into the property going eastbound. Sikkema responded that there currently is not one being proposed, but it could be looked into if necessary.

Bozik asked how they will accommodate on-street parking. Toth responded that staff recommended the proposed layout of the townhomes, since it would make the most sense for traffic. He explained that staff will look into the width of Forest Ridge Drive.

Toth recommended that the fifth condition be added for the special use approval which would state that the entrance to Hearthstone Lane be blocked off during construction and that it be used for emergency purposes only. Bozik recommended a sixth condition to add fencing around the cell tower.

Motion for approval for the establishment of the R-3 General Residence District zoning made by Commissioner Lenkart and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Holbrook – Yes, Anderson – Yes, Bozik – Yes. **Motion approved.**

Motion for approval of the special use to allow a Planned Unit Development with deviations from the Zoning Ordinance with the two (2) conditions being added, for a total of six (6) conditions, made by Commissioner Lenkart and seconded by Commissioner Holbrook. Vote: Tuohy – Yes, Anderson – Yes, Bozik – No, Botkin – Yes. **Motion approved.**

Motion for approval of the site plan made by Commissioner Lenkart and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Holbrook – Yes, Anderson – Yes, Bozik – No. **Motion approved.**

Motion for approval of the preliminary final plat of subdivision made by Commissioner Lenkart and seconded by Commissioner Holbrook. Vote: Tuohy – Yes, Anderson – Yes, Bozik – No, Botkin – Yes. **Motion approved.**

2. **Petition #20-05:** The petitioner, Derek Knuth, requests an amendment to the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District.

Mike Toth presented the background information on the petition. Toth stated that the property at 119 Butterfield is located in the I-1 District and is the location of the former Backyard Builders business. The motor vehicle repair business is operating under a temporary use Ordinance that was granted by the Village Board as the zoning wasn't approved when they moved onto the property. Toth then explained the various zoning options afforded to the business operator. The business operator chose to go through the text amendment. Establishing the use as a permitted use would allow them greater flexibility if they one day owned the property. Toth then went through the various I-1 District properties in the Village. The motor repair use is quasi-commercial/industrial. Toth then listed the classification status of the use in other zoning districts. Toth stated that he did not advise that the business operator pursue the rezoning of the property, but could support the text amendment as the use is commercial in nature. Toth noted the three (3) use standards included in the Zoning Ordinance, which would still apply if the use was a permitted use.

The petitioner, Derek Knuth, stated that he is the owner of Red's Garage. He stated that he wants this property to be his 'forever home' and eventually would like to purchase the property.

Plan Commission Comments:

Commissioner Tuohy asked about internal site circulation. Knuth responded, there is an access drive located next to the building. Tuohy asked about chemical removal. Knuth stated that they have a company that comes to remove the chemicals.

Toth reminded the Plan Commission that the petition is not a special use and the motor vehicle repair use would become a permitted use on all I-1 District properties.

Commissioner Lenkart asked about the hours of operations. Knuth responded, Monday through Friday 8:00 a.m. – 6:00 p.m. and Saturday 8:00 a.m. - noon. Lenkart then mentioned the previous Walmart petition and how they made them move the auto repair from the east side of the building to the west side of the building to keep it away from the townhomes. He then asked how the noise will be kept low. Knuth responded, all work will be inside and the lifts are located on the other side of the building. The doors will also remain closed. Lenkart asked about the north end of the property. Knuth responded, that area is gravel. Lenkart stated that he wouldn't want any storage there. Toth mentioned that the use has to operate inside and the area to the north is a deteriorated limestone. Parking would be prohibited there unless they were to install asphalt or concrete. Lenkart stated that noise travels and he doesn't want to inconvenience the neighbors. Vice Chairperson Duncan mentioned that the property is an industrial property.

Commissioner Anderson asked about the \$4,300 filing fee. He asked if there was a way to lower that fee. Toth responded, \$4,000 is an escrow deposit and the filing fee is \$300. The petitioner was only asked to deposit \$1,000 into an escrow account.

Commissioner Bozik stated they've done nice improvements and welcomed them to town.

Motion for approval of the special use made by Commissioner Bozik and seconded by Commissioner Anderson. Vote: Tuohy – Yes, Holbrook – Yes, Lenkart – Yes, Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Mike Toth noted the two items for the October 6th Plan Commission agenda. Those items include a new restaurant in Orchard Commons and a craft cannabis growing facility on South Street. Commissioner Tuohy asked about the mixed use building at Randall Crossing. Toth stated that the foundation is in and some of the underground plumbing work has been completed on that project. Toth then gave a brief update on the North Aurora Smiles project.

ADJOURNMENT

Motion to adjourn made by Commissioner Lenkart and seconded by Commissioner Bozik. All in favor. **Motion approved.**

Respectfully Submitted,

Natalie Stevens
Acting Village Clerk

**STAFF REPORT TO THE VILLAGE OF NORTH AURORA PLANNING COMMISSION
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR**

GENERAL INFORMATION

Meeting Date: October 6, 2020

Petition Number: #20-06

Petitioner: Specware, LLC

Requests: 1) Special Use - Planned Unit Development Amendment with deviations to the Zoning Ordinance and Sign Ordinance 2) Site Plan Approval (Lot 3)

Location: 301 Deerpath Road & 2040 West Orchard Road (Lots 3 & 8 of Orchard Commons)

Parcel Number(s): 15-06-126-001 & 15-06-126-006



Current Zoning: B-2 General Business District Planned Unit Development (PUD)

Contiguous Zoning: North: B-2 General Business District PUD, South: B-2 General Business District PUD, East: B-2 General Business District PUD, West: F – Farming (Unincorporated Kane County)

Comprehensive Plan Designation: ‘Regional Commercial’

PROPOSAL

The subject properties are located in the B-2 General Business District and have already been granted a special use for a general commercial planned unit development, known as the Orchard Commons Planned Unit Development, approved by the Village Board in 2007. The PUD was later amended in 2015 to allow a Brewpub on Lot 4 (Hardware Restaurant), Agriculture (Hardware Hop Farm) on Lot 8 and Microbrewery on Lot 3. The intent of this request is to accommodate the immediate development of a restaurant on Lot 3 and to allow the eventual development of a Microbrewery on Lot 8.

REQUESTED ACTIONS

1. Special Use - Major PUD Change with Deviations

According to the Orchard Commons Annexation Agreement, any change to the development of the property, which requires a formal amendment to the Annexation Agreement through a public hearing, shall be considered a ‘major change’ to the development. Major changes must be approved by the Village Board after such hearing and recommendation by the Plan Commission. The PUD Ordinance is part of the Annexation Agreement; therefore, deviations to the PUD are considered an amendment to the Annexation Agreement. Further, the original PUD was created as a special use, which requires any amendment to the PUD be conducted through the special use process.

The following table depicts the differing land uses contained in the Orchard Commons PUD, in comparison with the proposed plans:

	Approved PUD Plan	Current Land Use	Proposed Land Use
Lot 3	Retail Shops/ Microbrewery (2015)	Vacant	Restaurant
Lot 8	Restaurant	Agriculture (Hop Farm)	Microbrewery

Table 1.1

Restaurants are classified as a permitted use in the underlying B-2 General Business District. The petitioner is requesting zoning rights specific to each corresponding lot and not for the entire Orchard Commons PUD. As such, Microbrewery operations would become a permitted use only on Lot 8.

a. Setback Deviation

The proposed setback of the restaurant on Lot 3 is 29.85' feet from the eastern property line where thirty-five (35) feet is required. For precedence purposes, a 19.9' foot setback was approved along the northeast corner of the brewpub on Lot 4 (Hardware) in 2015 where a 25' setback is required.

b. Patio Setback/Easement Encroachment Deviation

Per Section 12.4 of the Zoning Ordinance, no encroachments are allowed in any easements unless specifically permitted by the easement provisions. The petitioner is proposing a 120 square foot outdoor patio adjacent to the eastern portion of the building. The patio would be located in the in the 35' setback along Orchard Road and in a fifteen 15' public utility easement. Based on the best available information to date, there are no known utilities under the proposed patio area.

c. Roof Signage Deviation

A 473 square foot channel letter sign is being proposed on the roof atop the eastern building façade. Section 15.48.060 of the Sign Ordinance prohibits roof signs, which are defined as *any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure*. As roof signs are prohibited, they do not have specified size requirements. If the sign were to be classified as a wall sign, the maximum square footage would be 81 square feet. Staff notes that the surface area of the signage is not 473 square feet of actual surface area -- the Sign Ordinance measures the area of a sign face or lettering not enclosed in a frame by calculating the smallest square, circle, rectangle, triangle or combination that encompasses the extreme limits of the sign, as shown below. The area calculation does not include any supporting framework or bracing.

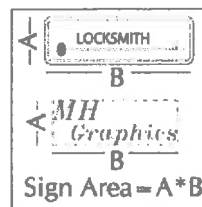


Figure 13 - Area calculation of individual signs

d. Projecting Sign Deviation

A double-faced illuminated sign is being proposed on the northwest corner of the building. The sign will project more than six 6' from the building. Section 15.48.060 of the Sign Ordinance prohibits projecting signs, which are defined as *any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.*

2. Site Plan Approval

Per the Orchard Commons PUD, prior to development of any one or more lots a final site plan shall be approved by the Village Administrator and Plan Commission without the need for a public hearing. The standards for review and approval of final site plans shall be limited to the following:

Compliance: Final site plan is in compliance with the terms of this PUD Ordinance and the Annexation Agreement.

Circulation: The traffic circulation for the one or more lots is deemed adequate for the use contemplated for such one or more lots and is in harmony with the traffic circulation needs for the larger development.

Pedestrian Pathways: Pedestrian pathways within such lots are approved as adequate for the use contemplated for such one or more lots and is in harmony with the pedestrian needs for the larger development. Sidewalks shall be required on one side only of the private drive and an eight (8) foot wide concrete sidewalk be required along the Oak Street frontage. No sidewalk shall be required along Tanner, Orchard or Deerpath frontages.

Site Plan Engineering: The final engineering for the area to be developed is in substantial compliance with the Final Subdivision Engineering and is approved by the Village Engineer.

Signage: Any signage other than signage permitted by Paragraph 21 herein and other than signage on buildings as permitted by Village ordinance shall require approval as part of the Final Site Plan.

STANDARDS FOR SPECIAL USES

In order to articulate Staff's findings for the major change to the PUD (special use), which includes the proposed land uses and setback deviations, the following response to Standards for Special Uses is provided:

1. The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located.

According to the Orchard Commons Annexation Agreement, any change to the development of the property, which requires a formal amendment to the Annexation Agreement through a public hearing, shall be considered a 'major change' to the development. Major changes must be approved by the Village Board after such hearing and recommendation by the Plan Commission. The PUD Ordinance is part of the Annexation Agreement; therefore, deviations to the PUD are considered an amendment to the Annexation Agreement. Further, the original PUD was created as a special use, which requires any amendment to the PUD be conducted through the special use process.

2. The proposed special use is deemed necessary for the public convenience at that location.

The proposed uses are commercial uses and are being proposed within a planned commercial PUD.

3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.

A majority of the public improvements located in the Orchard Commons development have already been installed with the anticipation of commercial development.

4. The proposed use is in conformance with the goals and policies of the Comprehensive Plan, and all Village codes and regulations.

The Village of North Aurora Comprehensive Plan designates the subject property as Regional Commercial.

5. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.

As previously mentioned, setback deviations are being requested to accommodate the proposed restaurant. Staff has reviewed the submitted site plan and concurs that the placement of the building would better accommodate required parking facilities, provide the necessary space for attractive building entryways and maximize visibility along Orchard Road.

6. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located.

The special use is being proposed to allow for the development of a restaurant on Lot 3 and to allow the eventual development of a Microbrewery on Lot 8. Restaurants are classified as a permitted use in the underlying B-2 General Business District and a Microbrewery was approved within the development (Lot 3) per the 2015 PUD amendment.

7. The proposed special use is compatible with development on adjacent or neighboring property.

The subject properties are surrounded primarily by vacant land with zoning entitlements for commercial land uses.

8. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.

Internal private road improvements have already been installed. Direct access to the development from Deerpath Road, Tanner Road and Oak Street can be obtained through the two existing private drives. Private Drive No. 1 ("Maxwell Avenue") is centrally-located in the development and provides direct to/from access from Deerpath Road in an east/west orientation. Private Drive No. 2 ("Madison Street") provides access to/from Tanner Road and Oak Street in a north/south orientation.

9. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this Ordinance.

Staff has reviewed the parking requirements for the proposed uses and finds that the parking will meet the requirements of the Zoning Ordinance.

10. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.

A majority of the public improvements located in the Orchard Commons development have already been installed. Any remaining public improvements needed would be installed during lot development.

11. The proposed special use conforms with the requirements of this Ordinance and other applicable regulations.

As the underlying PUD already includes specific land uses and bulk regulations, amending the PUD through the special use process would allow the proposed development to conform to the requirements of the Orchard Commons PUD Ordinance.

FINDINGS

The Department of Community Development finds that the information presented **meets** the Standards for Specials Uses. The proposed site plan for Lot 3 meets the Orchard Commons Site Plan Review Standards and the Orchard Commons Development PUD Ordinance, as amended. Based on the above considerations, Staff recommends the Plan Commission make the following motion recommending **approval** of Petition #20-06, subject to the following conditions:

1. The lighting on the roof sign shall not flash, blink or otherwise animate.
2. Site plan approval (without the need for public hearing) shall be obtained for Lot 8 prior to use of the property.

FORTUNATO

FISH & OYSTER

The Gastronomy Rooms Group has decided to bring another needed restaurant to the Village of North Aurora. While operating two other locations in this area we see a need that is not being fulfilled by local restaurants including the locations we operate. Fortunato will provide a Northern Italian Fair heavily weighted on seafood, fresh house made pasta and Neapolitan style one size pizza. All pasta dishes will be available in half order or full order portions so guests can try several menu options. The restaurant will be divided into two rooms of near equal size. The BAR side will contain a raw bar area where oysters, crab, Maine lobster, clams and jumbo shrimp are prepared for the entire restaurant. The BAR side will also contain a three-sided glass cube where all our fresh pasta will be prepared for guests to watch. Specialty drinks will all speak from Italy along with most of our wine and beer offerings. The happy hour will feature oysters and sparkling wines each day. The BAR side will seat around 116 guests inside and will overlook out at patio dining, no one under the age of twenty-one will be allowed on the bar side. The DINING side will also feature a two-sided glass fireplace that will span 20 feet down the middle of the dining room. This room will seat 70 guests and will also look out at our patio. There will also be a very private speakeasy type room to dine in for up to 12 guests with its own private patio. The restaurant will only be open after 3:30pm and close no later than 11pm during the week and offer lunch beginning at noon on Saturday and Sunday. Two small patios will sit on each side of the entrance and seat 70 guests total. The patio on the BAR side will again be for only guests over twenty-one years of age. The restaurant will be closed on Tuesday and no children's menu will be offered.

FORTUNATO

DELI & MARKET

The DELI will handle all to go orders for the restaurant and will feature a large selection of 12-inch pizzas to go. Deli sandwiches will be available along with our lobster roll and baked meatball sandwich, our meats, cheeses, breads, soups and sauces from our other restaurants will also be sold and displayed in this MARKET atmosphere. A small selection of wine will also be offered for sale along with cocktails to go. Hours and days open will mirror the main restaurant. The DELI will have its own entrance and be accessible from the BAR room.

APPLICATION FOR SPECIAL USE

VILLAGE OF NORTH AURORA
Board of Trustees
25 East State Street
North Aurora, IL 60542

PETITION NO. 20-06

FILE NAME ORCHARD Common PUD Amend.

DATE STAMP

RECEIVED

AUG 18 2020

**VILLAGE OF
NORTH AURORA**

I. APPLICANT AND OWNER DATA

Name of Applicant SPECWARE LLC
Applicant Address 2000 WEST ORCHARD ROAD North Aurora IL 60542
Applicant Telephone # 630-906-9300
Email Address PARKS@RECREATION@AOL.COM

Property Owner(s) LANDWARE LLC
Owner Address 2000 WEST ORCHARD ROAD North Aurora IL 60542
Owner Telephone # 630-906-9300

II. ADDRESS, USE AND ZONING OF PROPERTY

Address of Property JUST SOUTH OF 2000 WEST ORCHARD
(indicate location if no common address)

Legal Description: 15-06-126-006

Parcel Size 1.69 acres

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

Present Zoning District B-2 COMMERCIAL BUSINESS DISTRICT PLANNED
(Zoning Ordinance Classification) UNIT DEVELOPMENT (PUD)

III. PROPOSED SPECIAL USE

Proposed Special Use PUD AMENDMENT
(Zoning Ordinance Classification)

Code Section that authorizes Special Use _____

Has the present applicant previously sought to rezone or request a special use for the property or any part thereof? NO

If so, when? _____ to what district? _____

Describe briefly the type of use and improvement proposed _____

FULL SERVICE RESTAURANT AND TOGO DELI/PIZZA
7200 SQUARE FEET TO SHARE 226 PARKING
SPOTS WITH HANDICAPPED ACCESSIBLE

What are the existing uses of property within the general area of the Property in question? _____

PARKING LOT / VACANT

To the best of your knowledge, can you affirm that there is a need for the special use at the particular location? (Explain) _____

YES WE ARE ENCOURAGING ON SUBURBS

Attach hereto a statement with supporting data that the proposed special use will conform to the following standards:

1. The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located.
2. The proposed special use is deemed necessary for the public convenience at that location.
3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.
4. The proposed use is in conformance with the goals and policies of the Comprehensive Plan, and all Village codes and regulations.

5. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.
6. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located.
7. The proposed special use is compatible with development on adjacent or neighboring property.
8. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.
9. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this Ordinance.
10. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.
11. The proposed special use conforms with the requirements of this Ordinance and other applicable regulations.

IV CHECKLIST FOR ATTACHMENTS

The following items are attached here to and made a part hereof:

1. Introduction Letter. Please include information relevant to the proposed use of the property and business operations (hours of operation, number of employees, etc.).
2. Legal Description of the subject property(s).
3. Illinois Land Surveyor's plat of survey.
4. Site Plan illustrating all existing and proposed improvements.
5. Statement and supporting data regarding Standards for Special Uses (above).
6. Filing fee in the amount of \$300.00, if paid by check make payable to the Village of North Aurora.
7. Specified escrow deposit (\$4,000 minimum). May be included with filing fee. Remaining funds refundable upon project completion.
8. Visit the Illinois Department of Natural Resources' website www.dnr.state.il.us and initiate a consultation using DNR's EcoCat online application.
9. Visit the Kane DuPage Soil and Water Conservation District's website www.kanedupageswcd.org for a Land Use Opinion Application

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 United States mail notices to 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.

The undersigned hereby agrees to reimburse the Village for all costs of court reporter fees for attendance at and transcript of hearing(s) and other professional service fees for services rendered in connection with this application as defined in Appendix B of the North Aurora Zoning Ordinance. Such reimbursement shall be made promptly upon receipt of invoices from the Village, whether or not this application for special use is approved.

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

7.21.20

Date

Owner

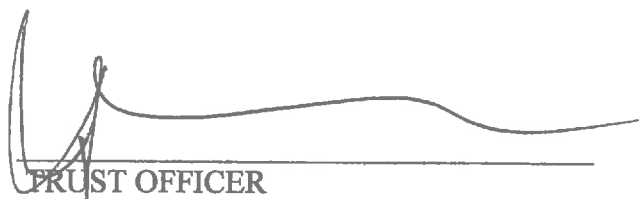
Date



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, Tammy Goldstein, being first duly sworn on oath depose
and say that I am trust officer of LANDWANE LLC and that the following are all of the
beneficiaries of the _____.

TAMMY GOLDSTEIN
KRISTOPH GILLIS
BRUCE BURZ
ALYSSA WARRIN
BRIAN SCHWARTZBURZ



TRUST OFFICER

SUBSCRIBED AND SWORN TO

Before me this _____ day of _____, 20_____.

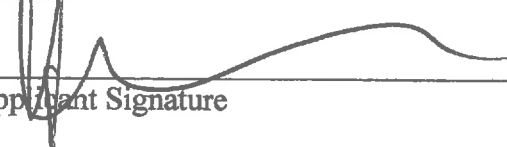
A Notary Public in and for such County

Following are the names and addresses of all property owners within 250 feet of the property in questions for which the special use being is being requested.

TAX PARCEL NO.	PROPERTY OWNER	MAILING ADDRESS
<u>15-06-100-005</u>	<u>FORSELL, JUDITHA S Jnr</u>	<u>4 CHANDLERWICK CT</u>
<u>15-06-126-007</u>		
<u>12-31-300-017</u>		
<u>12-31-311-005</u>		
<u>15-06-127-001</u>		
<u>15-06-126-008</u>		

SEE
ATTACHED

I, _____, being first duly sworn on oath certifies that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct.


Applicant Signature

8.16.20
Date

SUBSCRIBED AND SWORN TO

Before me this _____ day of _____, 20____.

Notary Public

**APO Letters
Petition #20-05**

15-06-100-005

FORSELL, JUDITH A & JOHN C
ET AL JANE M JUNGELS
4 CANDLEWICK CT
NORTH AURORA, IL, 60542

15-06-126-008

AMERICAN EAGLE BANK,
BARRY KRECZMER 556
RANDALL RD
SOUTH ELGIN, IL, 60177

15-06-126-007

ORCHARD PLAZA LLC,
1051 KETEL AVE STE 200
NORTH AURORA, IL 60542

12-31-351-005

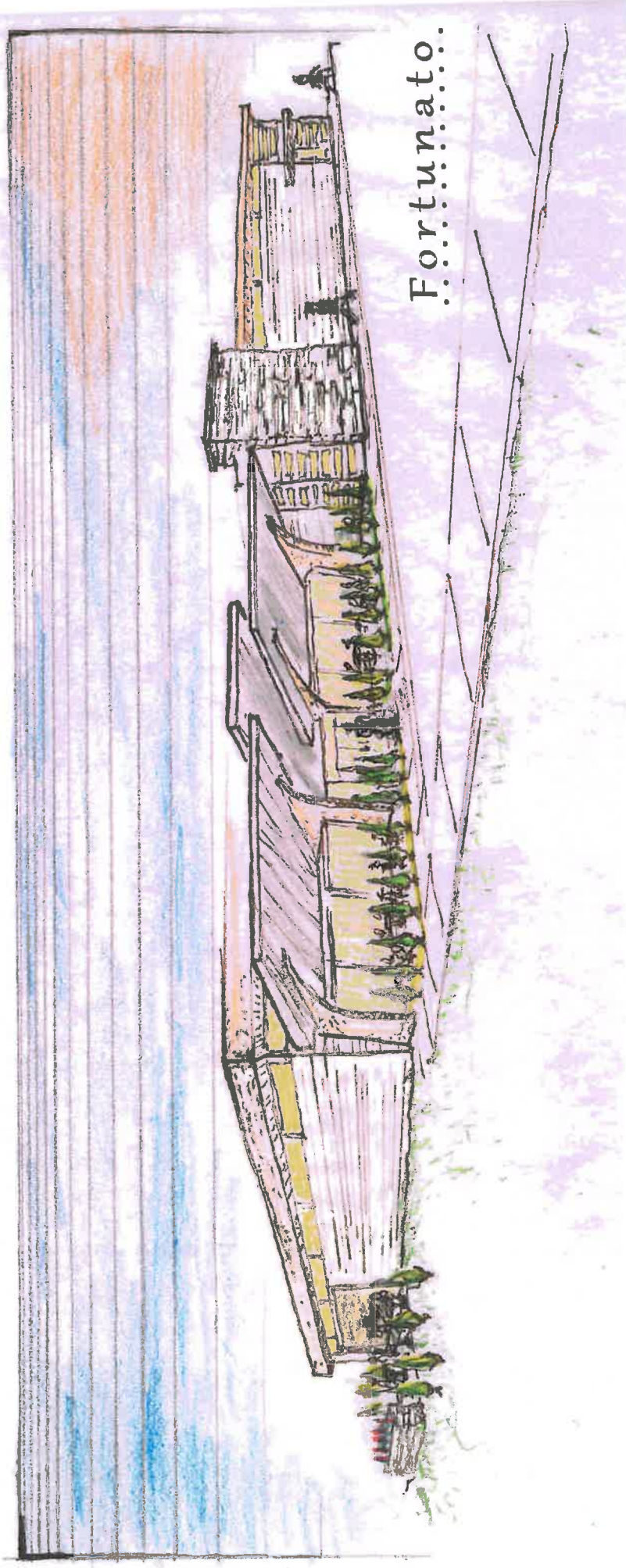
MILLER, JEFFREY A & SUSAN M
03S955 DEER OAKS RD
NORTH AURORA, IL 60542

12-31-300-017

ZEPELAK, STANLEY L TR,
TRUSTEE,
17753 LUCAYA DR
LAKEWOOD RANCH, FL, 34202

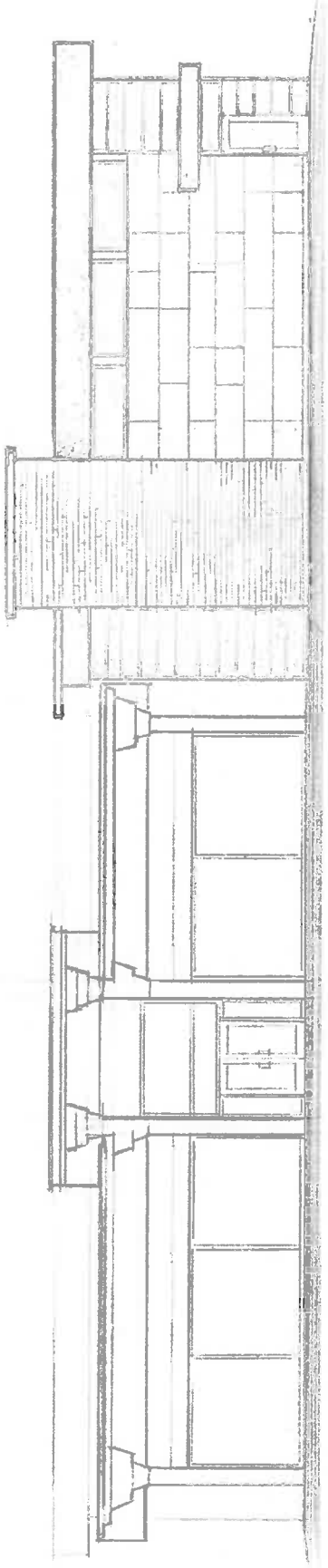
15-06-127-001

CONTINENTAL 366 FUND LLC,
W134N8675 EXECUTIVE PKWY
MENOMONEE FALLS, WI, 53051



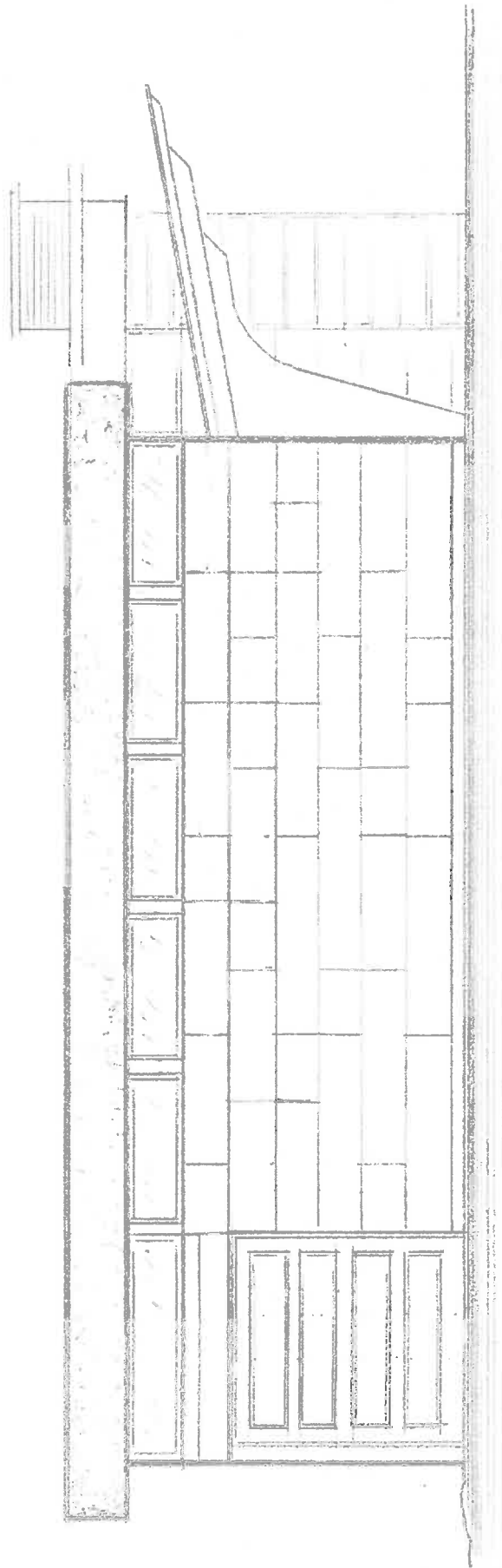
Fortunato..

NORTH

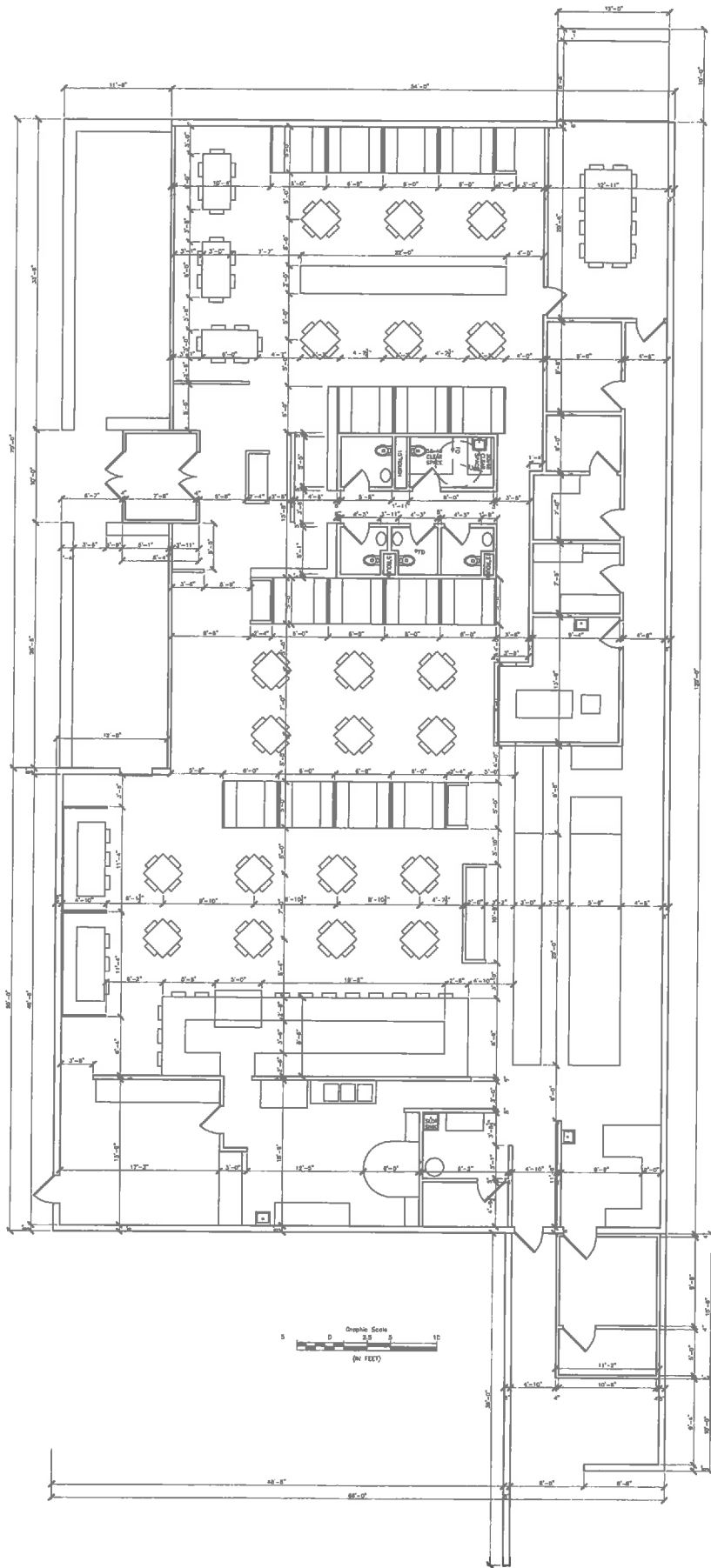


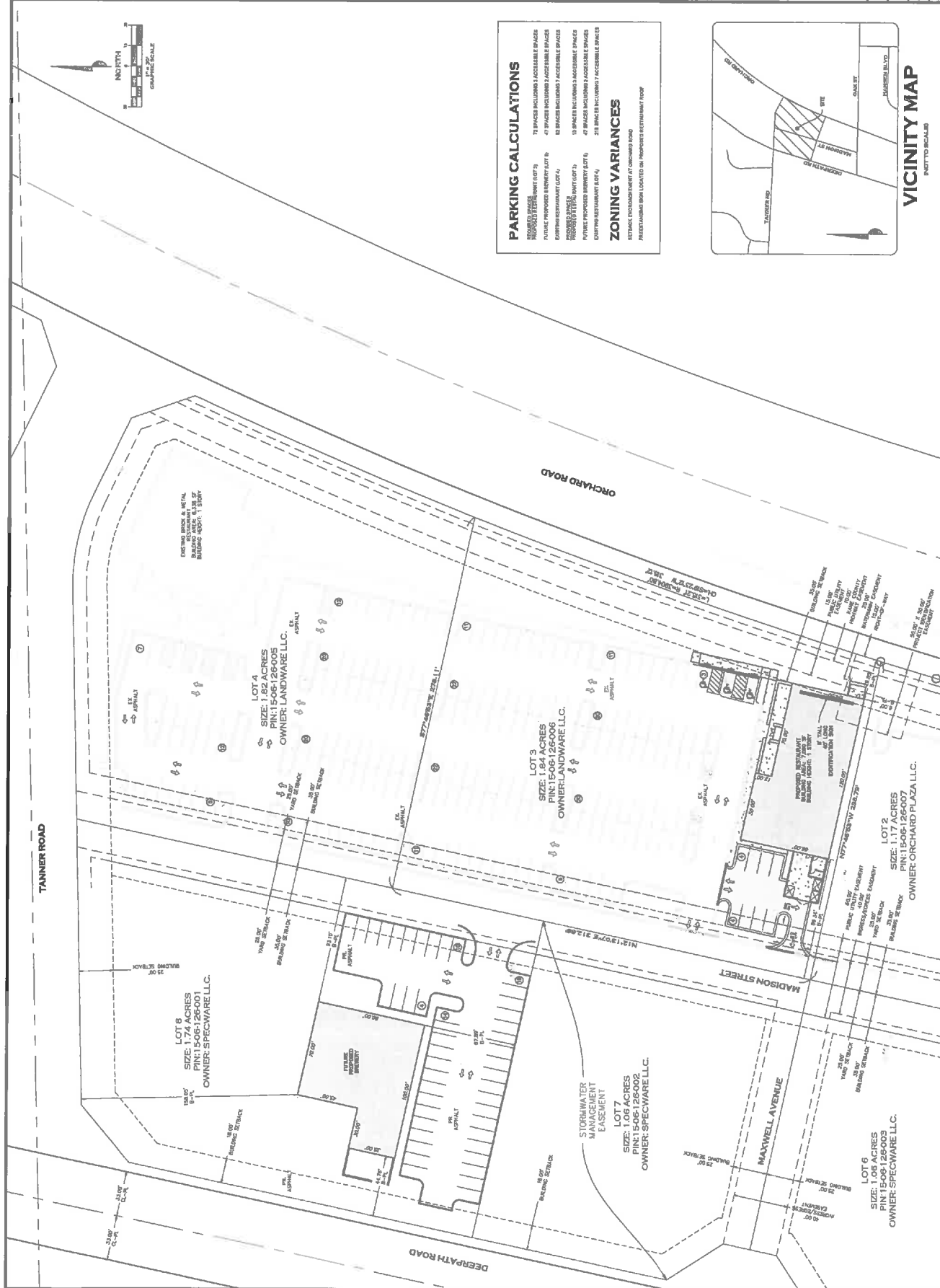
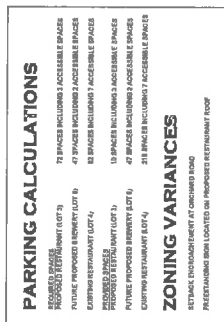
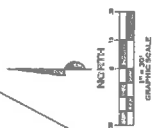
South



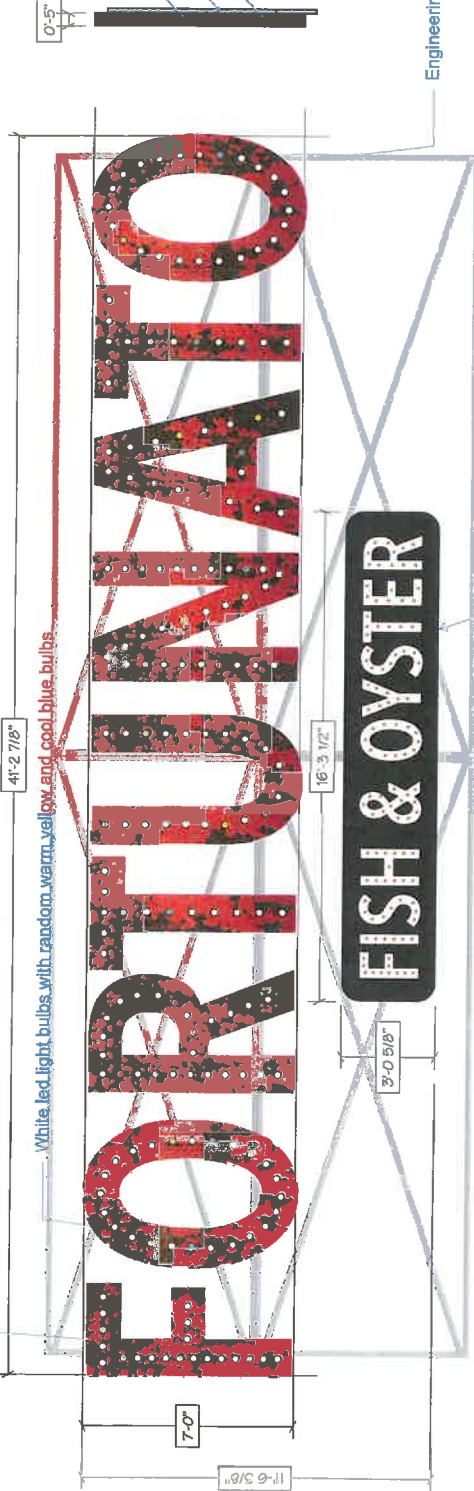


East





Inside of channel letter painted red patina. Paint red over rust patina. Lifetime process, will continue to rust throughout the years. Final look is unpredictable.



SIGN TO
BE UL
LISTED

INSTALLATION INSTRUCTIONS

INSTALL ON BUILDING ROOF.
CONNECT TO ELECTRICAL SERVICE TO
BE PROVIDED BY OTHERS PRIOR TO INSTALL.

See sheet 2 for details

ILLUMINATED CHANNEL LETTERS MOUNTED ON CUSTOM FRAME BRACKETS

SINGLE FACE SIGN

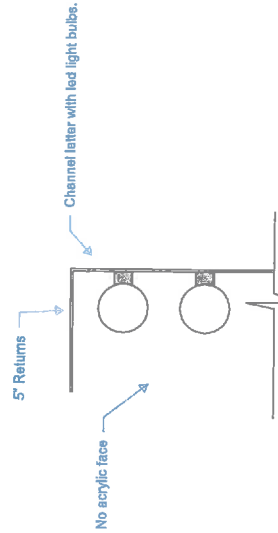
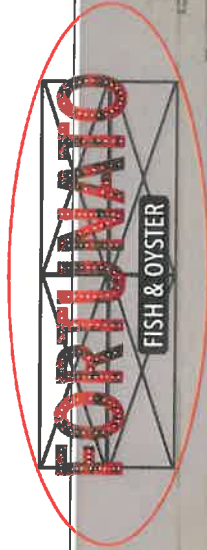
FABRICATE AND INSTALL LETTERS OF ALUMINUM.

ILLUMINATION TO BE WHITE LED BULBS WITH RANDOM WARM, COOL LED BULBS. (2-3 PER LETTER)

INTERIOR LETTERS TO BE COATED RUST PATINA WITH A LAYER OF BLUE PAINT.

CUSTOM FRAME REQUIRED AS SIGN WILL BE MOUNTED ON ROOF.

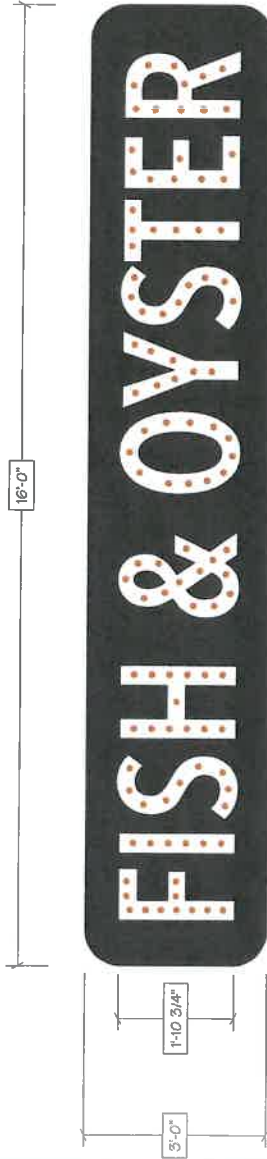
SCALE 1/4"=1'



Computer generated colors are not a true match to any PMS, vinyl or paint.
Rendering shown is for concept only. Actual scale and placement shown are approximate.

1100 Route 34 Aurora, Illinois 60503 JC 630 898 5900 office 630 898 6091 fax	Prepared For FORTUNATO FISH & OYSTER	Address: 2000 W. ORCHARD RD AURORA, IL	Drawn: 200941	Design Date: 9/3/20	LANDLORD APPROVAL SIGNATURE	TITLE:
	Location Name:	City/State:	Rev 1:	Rev 2:	PRINT	DATE:

NOTE: THIS DRAWING IS THE PROPERTY OF AURORA SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AURORA SIGN CO. CHARGES OF UP TO \$2000.00 WILL BE ASSESSED FOR ANY MIS-USE OF THESE DRAWINGS.

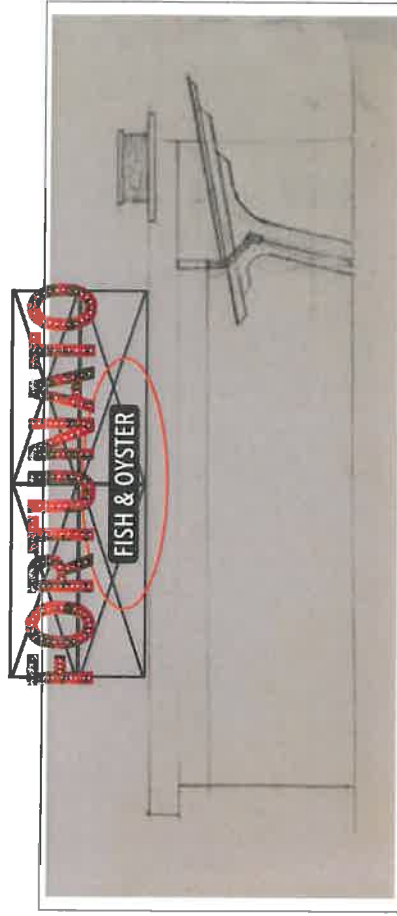
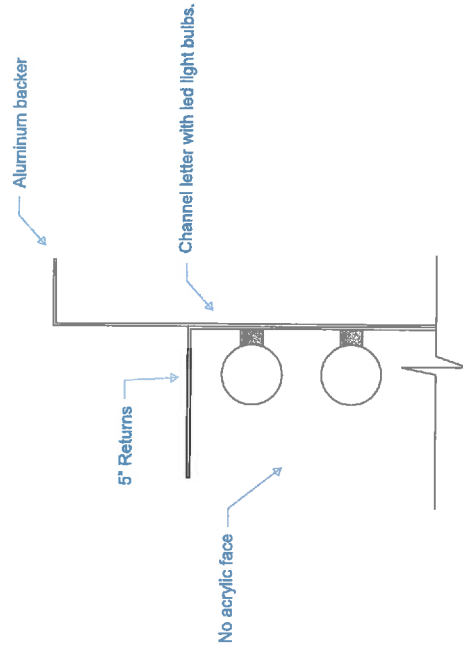
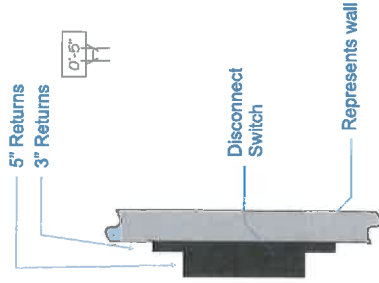


ILLUMINATED CHANNEL LETTERS MOUNTED ON A BACKER

FABRICATE AND INSTALL LETTERS OF ALUMINUM.
ILLUMINATION TO BE WHITE LED BULBS WITH RANDOM WARM, COOL LED BULBS. (1-2 PER LETTER)
INTERIOR LETTERS TO BE COATED WHITE
BACKER TO BE 3" DEEP, PAINTED BLACK
SCALE 1/2"=1'



INSTALLATION INSTRUCTIONS
INSTALL ON BUILDING ROOF.
CONNECT TO ELECTRICAL SERVICE TO
BE PROVIDED BY OTHERS PRIOR TO INSTALL.



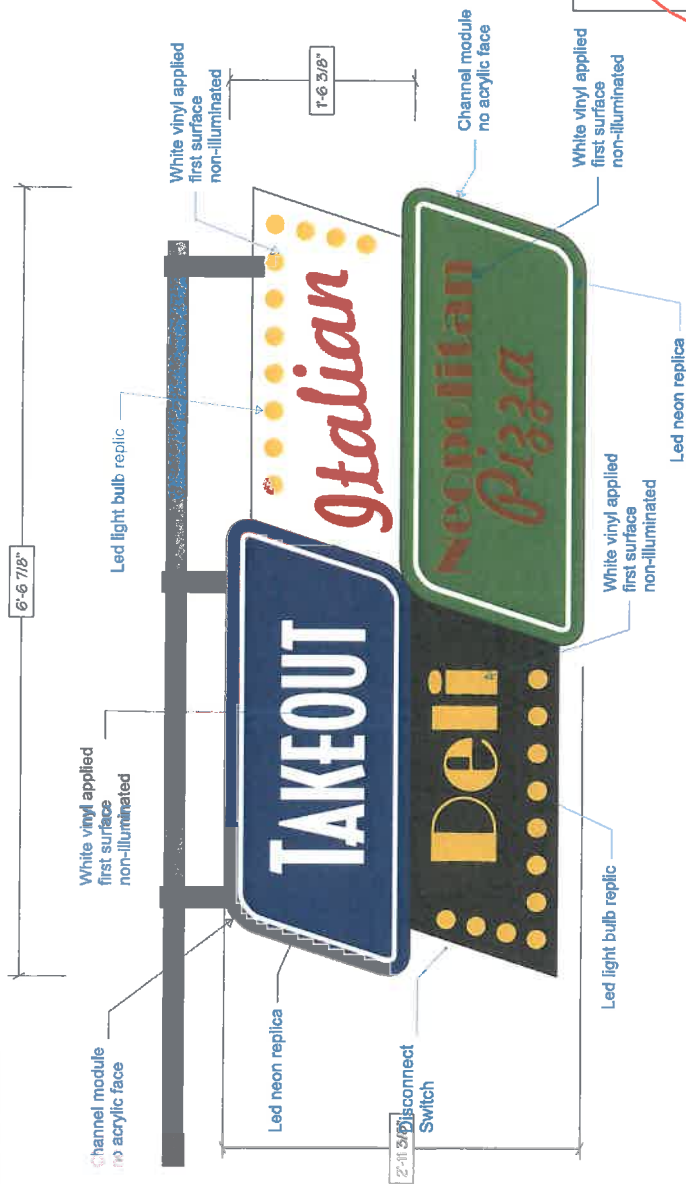
Computer generated colors are not a true match to any PMS, vinyl or paint.
Rendering shown is for concept only. Actual scale and placement shown are approximate.

1100 Route 34 Aurora, Illinois 60503 JC 630 898 5900 office 630 898 6091 fax	Prepared For: FORTUNATO FISH & OYSTER Location Name: AURORA, IL	Address: 2000 W. ORCHARD RD City/State: AURORA, IL	Draw: 200941 Rev 1: Rev 2:	Sheet: 2 Design Date: 9/13/20	LANDLORD APPROVAL SIGNATURE PRINT	TITLE: DATE:
---	--	---	-------------------------------------	--	--------------------------------------	-----------------

NOTE: THIS DRAWING IS THE PROPERTY OF AURORA SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AURORA SIGN CO. CHARGES OF UP TO \$2000.00 WILL BE ASSESSED FOR ANY MIS-USE OF THESE DRAWINGS.

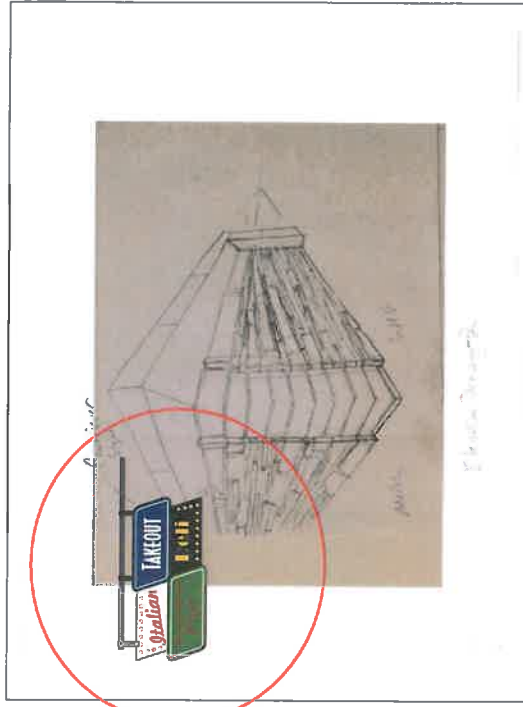
SIGN TO
BE UL
LISTED

ALL SIZES TBD



DOUBLE FACE ILLUMINATED SIGN
FABRICATE AND INSTALL SIGN OF ALUMINUM AND ACRYLIC.
ALL EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE.
SCALE 1"=1'

INSTALLATION INSTRUCTIONS
LOCATION TBD.
CONNECT TO ELECTRICAL SERVICE TO
BE PROVIDED BY OTHERS PRIOR TO INSTALL.



Computer generated colors are not a true match to any PM5, vinyl or paint.
Rendering shown is for concepts only. Actual scale and placement shown are approximate.

1100 Route 34 Aurora, Illinois 60503 JC 630 898 5900 office 630 898 6091 fax	Prepared For: FORTUNATO FISH & OYSTER Location Name:	Address: 2000 W. ORCHARD RD City/State: AURORA, IL	Dwg: 200941 Rev 1: Rev 2:	Sheet: 5 Design Date: 9/8/20	TITLE LANDLORD APPROVAL SIGNATURE	DATE:

NOTE: THIS DRAWING IS THE PROPERTY OF AURORA SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AURORA SIGN CO. CHARGES OF UP TO \$2000.00 WILL BE ASSESSED FOR ANY MIS-USE OF THESE DRAWINGS.