

PLAN COMMISSION AGENDA TUESDAY, JUNE 1, 2021 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/84461443017

Meeting ID: 844 6144 3017

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 May 4, 2021.

PUBLIC HEARING

- 1. <u>Petition #21-05 (232 Mistwood Lane)</u>: The petitioner, David and Cheryl Lewis, request a variation to allow a building addition within the forty (40) foot rear yard in the R-1 Single Family Residence District, pursuant to Chapter 7.3 of the North Aurora Zoning Ordinance.
- 2. <u>Petition #21-06 (Lots 1 & 2 Orchard Commons)</u>: The petitioner, Orchard Commons North Aurora LLC, requests the following actions in the B-2 General Business District, Planned Unit Development:
 - a) Special Use Planned Unit Development Amendment with deviations to the Planned Unit Development, North Aurora Zoning Ordinance and Sign Ordinance
 - b) Site Plan Approval
 - c) Preliminary Final Plat of Subdivision

NEW BUSINESS

- 1. <u>Petition #21-05 (232 Mistwood Lane)</u>: The petitioner, David and Cheryl Lewis, request a variation to allow a building addition within the forty (40) foot rear yard in the R-1 Single Family Residence District, pursuant to Chapter 7.3 of the North Aurora Zoning Ordinance.
- 2. <u>Petition #21-06 (Lots 1 & 2 Orchard Commons)</u>: The petitioner, Orchard Commons North Aurora LLC, requests the following actions in the B-2 General Business District, Planned Unit Development:
 - a) Special Use Planned Unit Development Amendment with deviations to the Planned Unit Development, North Aurora Zoning Ordinance and Sign Ordinance
 - b) Site Plan Approval
 - c) Preliminary Final Plat of Subdivision

(The petitioner has requested a continuance.)

OLD BUSINESS

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

VILLAGE OF NORTH AURORA PLAN COMMISSION MEETING MINUTES MAY 4, 2021

CALL TO ORDER

Chairman Mike Brackett called the meeting to order.

ROLL CALL

In attendance: Chairman Mike Brackett, Commissioners, Anna Tuohy, Jennifer Duncan, Tom Lenkart, Mark Bozik and Connie Holbrook

Not in attendance: Commissioners Aaron Anderson and Doug Botkin

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 April 6, 2021

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

PUBLIC HEARING

- 1. <u>Petition #21-04 (209 Hansen Blvd.):</u> The petitioner, Gerald Hyundai, Inc. requests the following actions in the B-2 General Business District:
 - a) A Special Use to allow for the expansion of a Motor Vehicle Sales and/or Service establishment
 - b) Site Plan Approval

Jeff Gerald, Gerald Hyundai, stated that they are proposing an expansion to the current Gerald Hyundai location at 209 Hansen Blvd. Gerald stated that there is a dire need to double the service department. The expansion will include new façade and new fascia on the outside. They will be expanding the service department directly east of where the existing service department is. The expansion will allow for the dealership to service many more cars, provide jobs, etc.

Toth stated that the addition will be 12,220 SF, including 24 additional bays. The property is located at 209 Hansen Blvd on the east side of the road, south of Orchard Gateway. The underlying use is motor vehicle sales and service. A special use is required due to the expansion. Site plan approval is required due to the expansion of 25% of the floor area business. Toth stated that the proposed request meets the zoning code and staff recommends approval.

Chairman Mike Brackett opened the public hearing for public comment. No comment.

Chairman Mike Brackett closed the public hearing.

NEW BUSINESS

- 1. <u>Petition #21-04 (209 Hansen Blvd.):</u> The petitioner, Gerald Hyundai, Inc. requests the following actions in the B-2 General Business District:
 - c) A Special Use to allow for the expansion of a Motor Vehicle Sales and/or Service establishment
 - d) Site Plan Approval

Commissioner Holbrook stated she had no questions.

Commissioner Lenkart asked who will be affected by the loss of parking spaces. Gerald responded that the parking spaces are used for vehicles waiting to be serviced. With the expansion, those vehicles can be stored inside. Gerald stated that they also own six (6) other properties so if there is ever an issue, they can use the other lots for overflow, but they don't intend on running into that problem. Lenkart stated it was a nice plan and had no further questions.

Commissioner Duncan stated she had the same question about parking and had no further questions.

Commissioner Tuohy asked where cars pull in and out of onto the property. Gerald responded that there are two entrances off of Hansen Blvd which allow vehicles to easily turn into the dealership. Tuohy stated she had no further questions.

Commissioner Bozik asked where the dumpster enclosure will be located. Toth responded that they will be required to maintain the dumpster enclosure and install the proper screening. Gerald stated that the dumpster enclosure will be in the south east corner of the property where it currently is. Bozik stated he had no further questions.

Toth stated that there are no additional conditions, besides obtaining a building permit.

Motion for approval of a Special Use to allow for the expansion of a Motor Vehicle Sales and/or Service establishment was made by Commissioner Lenkart and seconded by Commissioner Holbrook. Vote: Duncan – Yes, Bozik – Yes, Holbrook – Yes, Lenkart – Yes, Tuohy – Yes, Brackett – Yes. **Motion approved**.

Motion for approval of Site Plan Approval was made by Commissioner Bozik and seconded by Commissioner Tuohy. Vote: Duncan – Yes, Bozik – Yes, Holbrook – Yes, Lenkart – Yes, Tuohy – Yes, Brackett – Yes. **Motion approved**.

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Mike Toth announced that Commissioner's Jennifer Duncan and Connie Holbrook will not be seeking reappointment and Mayor Gaffino will be appointing a new Plan Commissioner on May

17. Toth also mentioned that the Mayor, Three Village Trustees and Village Clerk were sworn in at last night's Board meeting and the Village Board also approved the Randall Terrace Apartments at the meeting. There will be a Plan Commission meeting on June 1 and asked if everyone was comfortable having an in-person meeting on July 6.

ADJOURNMENT

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

Respectfully Submitted,

Jessi Watkins Village Clerk

Staff Report to the Village of North Aurora Plan Commission

FROM: Mike Toth, Community and Economic Development Director

GENERAL INFORMATION

Meeting Date: June 1, 2021

Petition Number: 21-05

Petitioner: David and Cheryl Lewis

Request: A variation to allow a building addition within the forty (40) foot rear yard in the R-1 Single Family Residence District, pursuant to Chapter 7.3 of the North Aurora Zoning Ordinance.

Subject Property(s): 232 Mistwood Lane

Parcel Number(s): 12-33-376-005

Parcel Size: 13,504 sq. ft.

Current Zoning: R-1 Single Family Residence District

Contiguous Zoning: North – F – Farming District (Unincorporated Kane County), South – R-1 Single Family Residence District, East - R-1 Single Family Residence District, West - R-1 Single Family Residence District

Contiguous Land Use: North – Single-Family Residence, South – Single-Family Residence, East – Single-Family Residence, West – Single-Family Residence

Comprehensive Plan Designation: Single Family-Detached

PROPOSAL

The petitioner is proposing to construct a 204 square foot enclosed porch 37 feet from the rear (north) property line. Per Chapter 7.3 of the North Aurora Zoning Ordinance, the rear yard minimum for the R-1 Single Family Residence District is 40 feet; therefore, a variation to allow three feet of the enclosed porch to be located in the rear yard is being requested. The submitted plans also include a new unenclosed deck adjacent to the proposed porch. Unenclosed decks are classified as a permitted encroachment in the rear yard while enclosed porches are not. As the porch would be 17 feet wide, the total square footage that would be built in the rear yard would be 51 square feet.



APPLICATION FOR VARIATION

PETITION NO. 21 - 05

	nte Street prora, IL 60542	FILE NAME 232 M	RECEIVED		
		DATE STAMP			
I.	APPLICANT AND O	NUNER DATA	APR 1 2 2021 VILLAGE OF		
ı.			NORTH AURORA		
	Name of Applicant*	David and Cheryl Lewis			
	Address of Applicant	232 Mistwood Lane, North Aurora, IL 60542			
	Telephone No	630-728-3852			
	Name of Owner (5) *	David and Cheryl Lewis			
	Address of Owner (5)	232 Mistwood Lane, North Aurora, IL 60542			
	Telephone No	630-728-3852			
		dclewis@theWebThing.com			
		an owner, attach letter of authorization from Owne	ï		
		real estate was acquired by Owner on			
II.	Address of Property 232 Mistwood Lane, North Aurora, IL 60542 (inducate location of common address)				
	Legal Description:	232 Mistwood Lane, North Aurora, IL 60542			
	Parcel #: 1233376005				
	Parcel Size0.31 Acres				
	Present Use Reside				
	Present Zoning Distric (Zoning Ordinance Classifi				
Ш	PROPOSED VARIA	TION(S)			
	Variation requested (st	ate specific measurements) Rear Yard: 2 feet			
	Code Section that pert	ains to Variation Code of Ordinances 7.3			

VILLAGE OF NORTH AURORA

xplanation of purpose to which property will be pur	Residential room addition.

- 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. <u>Please provide a written response to each of the following standards for variations:</u>
 - 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.

- 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.
- 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.
- 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

X = 25 copies of an S 3 : x 11" or S 3 : 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)

X A list containing the names of registered owners, their addresses and tax parcel number of all properties within 250 feet of the location for which the variation is requested.

X Legal description.

<u>X</u>	Proof of ownership by deed or title or insurance policy.
X	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.
NA	Letter of authorization from owner, if applicable.
NA	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 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.

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

4/12/2021 Date

IV. Findings for Fact Variations

The practical difficulty of improving and expanding on this property is that this property is built on a corner lot, with a street in front and on one side. The unique physical condition of this property consists of one side yard and a back yard. The second side yard is considered by the village to be a front yard and governed by the restrictions of a front yard. This physical condition is not the result of any action or inaction of the property owner.

When the property was purchased, the Plat of Survey indicated zoning requirements of side yard - 8 foot minimum, rear yard - 30 foot minimum. When new zoning was implemented, it indicated that if the property was platted before the current ordinance, side yard setbacks would need to comply with the zoning ordinance of 1990. The owners are requesting a setback variance on the backyard, supported by the 1990 ordinance, but only encroaching the current ordinance setback by 2 feet.

The variance requested is not for business use or financial gain. The variance requested will not degrade property values for the owner or any of the neighbors, nor will it inhibit access to any utilities or easements.

Other alternatives to the addition will either interfere with existing utilities, will not be in harmony with the general and specific purposes of this ordinance, or will detract from other property owner's values. The owners of this property have considered many options, balancing cost, benefit, and the welfare of the neighbors by considering the placement of the addition eliminating any issue of light supply, air quality and movement to all adjacent properties. Therefore the request for this specific placement of the addition and to limit the variance request to 2 feet.

Serious consideration has been given to this project, ensuring that there is no detriment to the public welfare or injurious to other property or improvement in the neighborhood in which this property is located. As previously stated, the placement of this addition will not impede light or harm air quality to any of the adjacent properties, or endanger the public safety within the neighborhood in any way. Neither will the variation produce excessive noise or oder to the detriment of the health and welfare of the public or comfort of those living in this community.

As owners, we appreciate your consideration of this request.

David and Cheryl Lewis

List of names of registered owners, their addresses, and tax parcel numbers:

- William and Susan Gardiner
 226 Mistwood Lane, North Aurora IL 60542
 Parcel Number (APN): 1233377006
- Heinz Schumacher and Ilona Mellin
 227 Mistwood Lane, North Aurora IL 60542
 Parcel Number (APN): 1233382009
- 3. Anthony and Linda Powers
 228 Mistwood Lane, North Aurora IL 60542
 Parcel Number (APN): 1233377007
- 4. Kevin and Deborah Kraabel 229 Mistwood Lane, North Aurora IL 60542 Parcel Number (APN): 1233382008
- Gwen Wiley
 230 Mistwood Lane, North Aurora IL 60542
 Parcel Number (APN): 1233377008
- 6. Melissa,D Lindsay Living Trust 231 Mistwood Lane, North Aurora IL 60542 Parcel Number (APN): 1233382007
- 7. John Cooper 233 Mistwood Lane, North Aurora IL 60542 Parcel Number (APN): 1233382006
- 8. Michael and Rebecca Kohles 234 Mistwood Lane, North Aurora IL 60542 Parcel Number (APN): 1233376006
- 9. Matthew and Melissa Mahon 236 Mistwood Lane, North Aurora IL 60542 Parcel Number (APN):1233376007
- Randy and Geraldine Crawford
 336 Hilltop Drive, North Aurora IL 60542
 Parcel Number (APN): 1233326020
- Michael and Linda Kopp
 335 Hilltop Dr, North Aurora IL 60542
 Parcel Number (APN): 1233376001
- Michael Rumple
 315 Eastview Road, North Aurora IL 60542
 Parcel Number (APN): 1233376016

- James and Linda Peters313 Eastview Road, North Aurora IL 60542Parcel Number (APN): 1233376015
- 14. Robert Wagner225 Mistwood Lane, North Aurora IL 60542Parcel Number (APN): 1233382010
- 15. Salvador Mercardo Jr238 Mistwood Lane, North Aurora IL 60542Parcel Number (APN): 1233376008

Legal Description of Property Where Variance is Sought:

232 Mistwood Lane, North Aurora, IL 60542 Parcel #: 1233376005

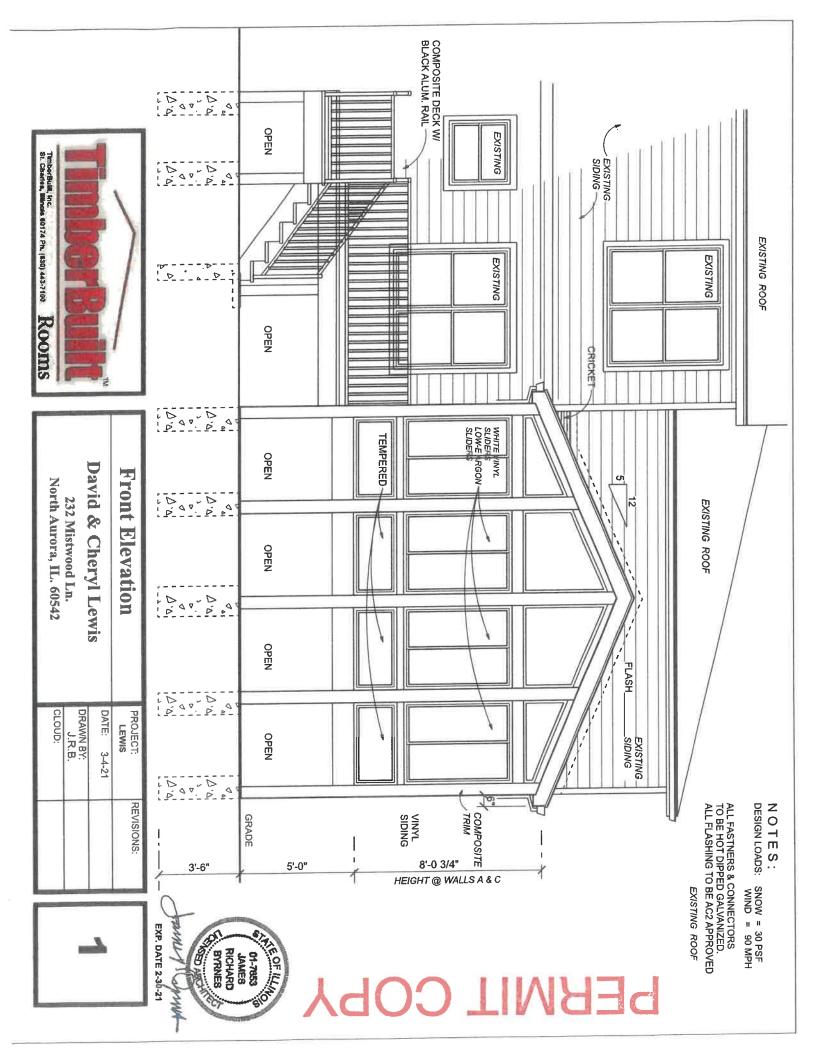
PLAT OF SURVEY FOR WISENAM NUCRES ENTERPRISES THE WISENAM NUCRES ENTERPRISES OF THE WISENAM NUCRES ENTERPRISES OF THE WIND PRINCIPAL IN KANE COUNTY, ILLINOIS.

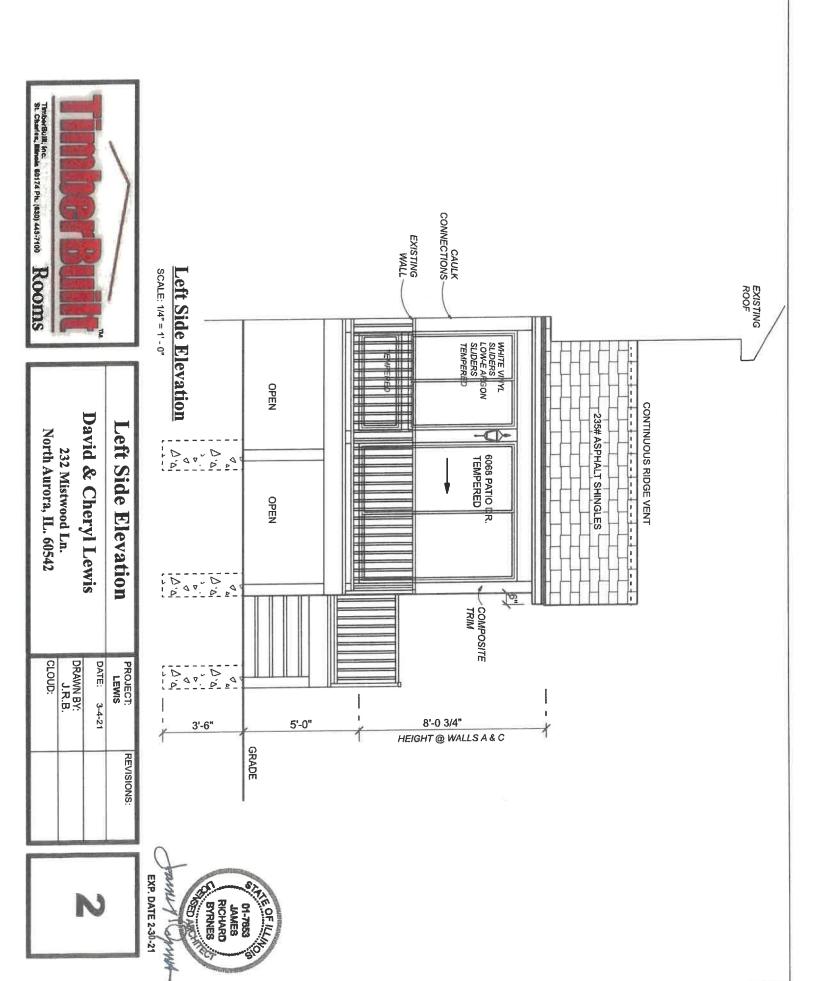
15, x 13-8") roposed 12 x 17 x 12

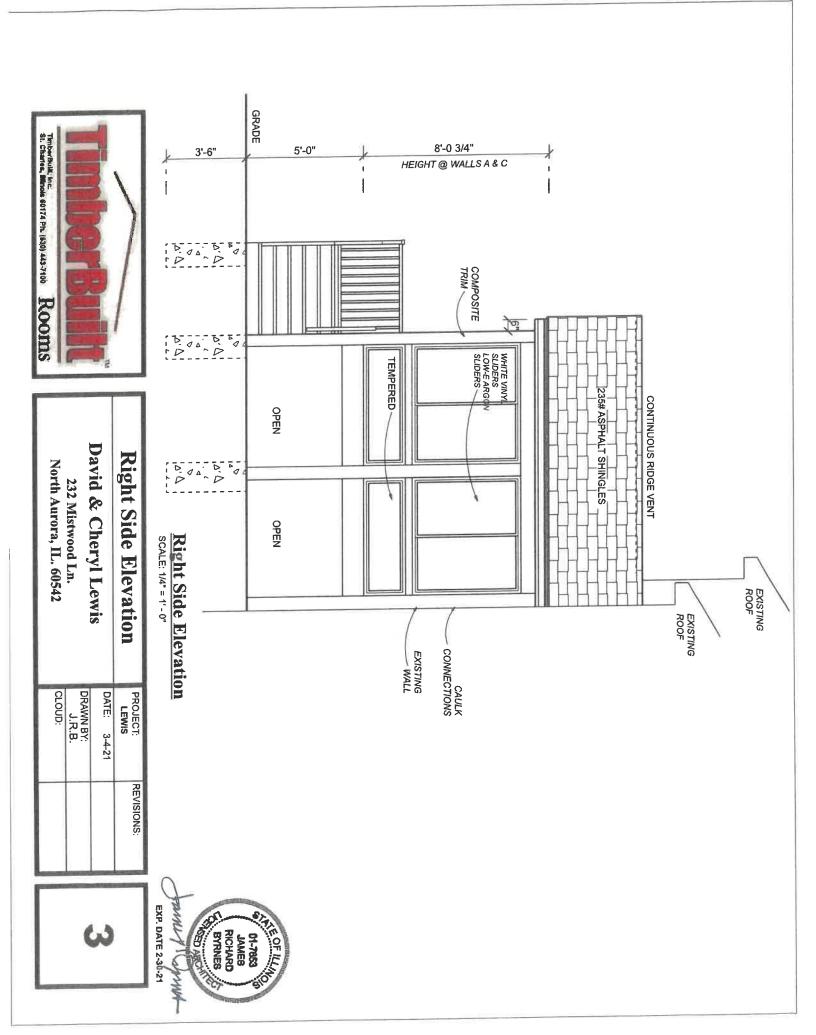
STATE OF ILLINOIS) SS. COUNTY OF DUPAGE SS. I. R.S. BOOWECT Surveyor, do hereby car

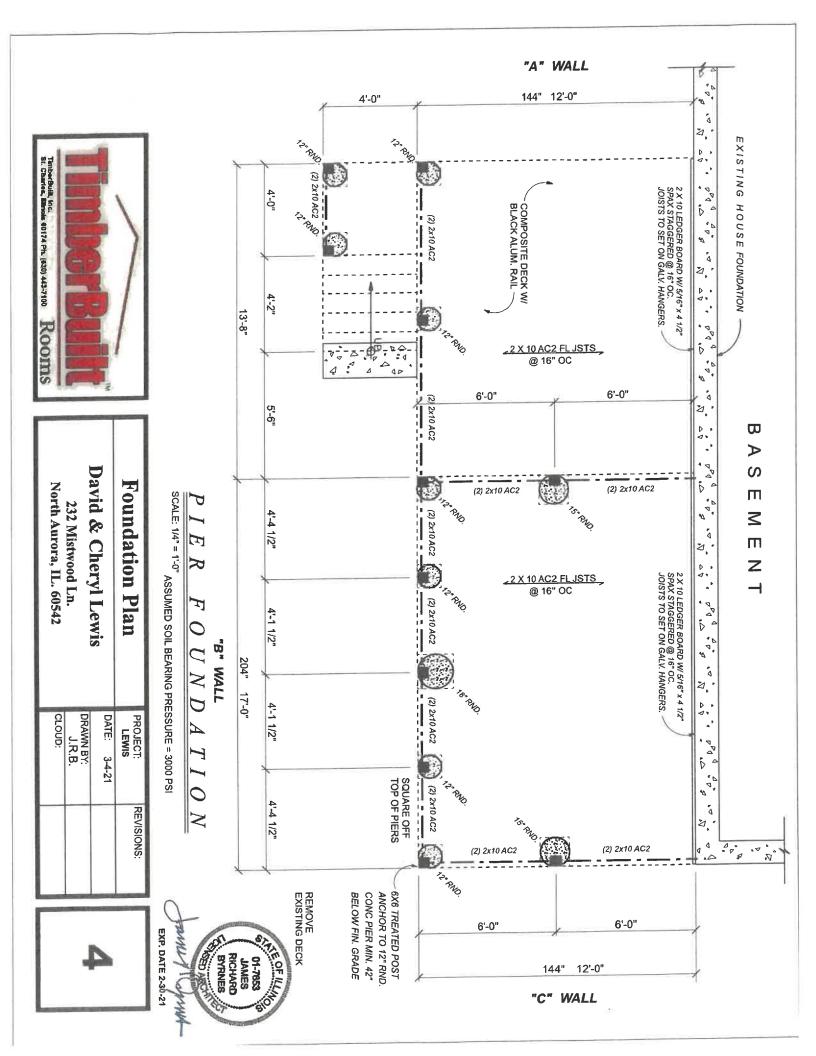
ZONING REQUIREMENTS
SIDE YARD : B' MIN.
FRONT YARD : BO' MIN.
REAR YARD : BO' MIN.

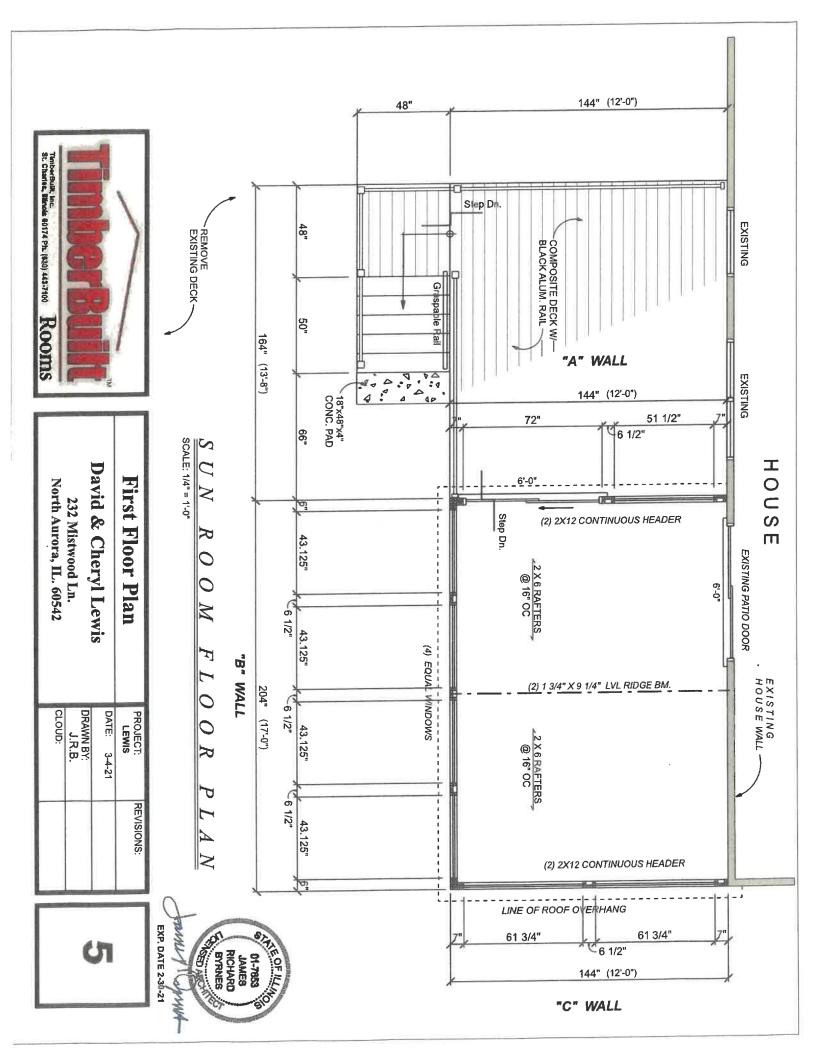
O.U.E.= Easement for Public utility

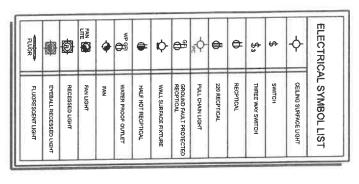


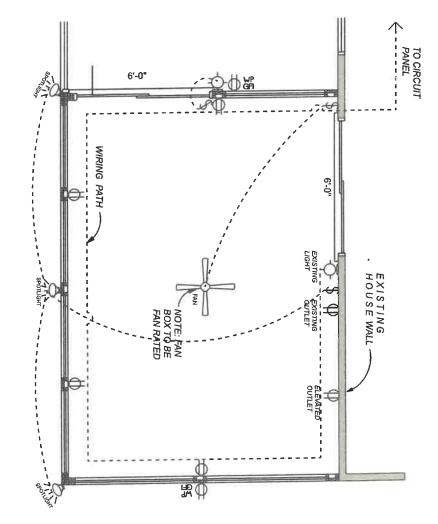






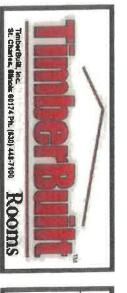






LECTRICAL PLAN

SCALE: 1/4" = 1'-0"



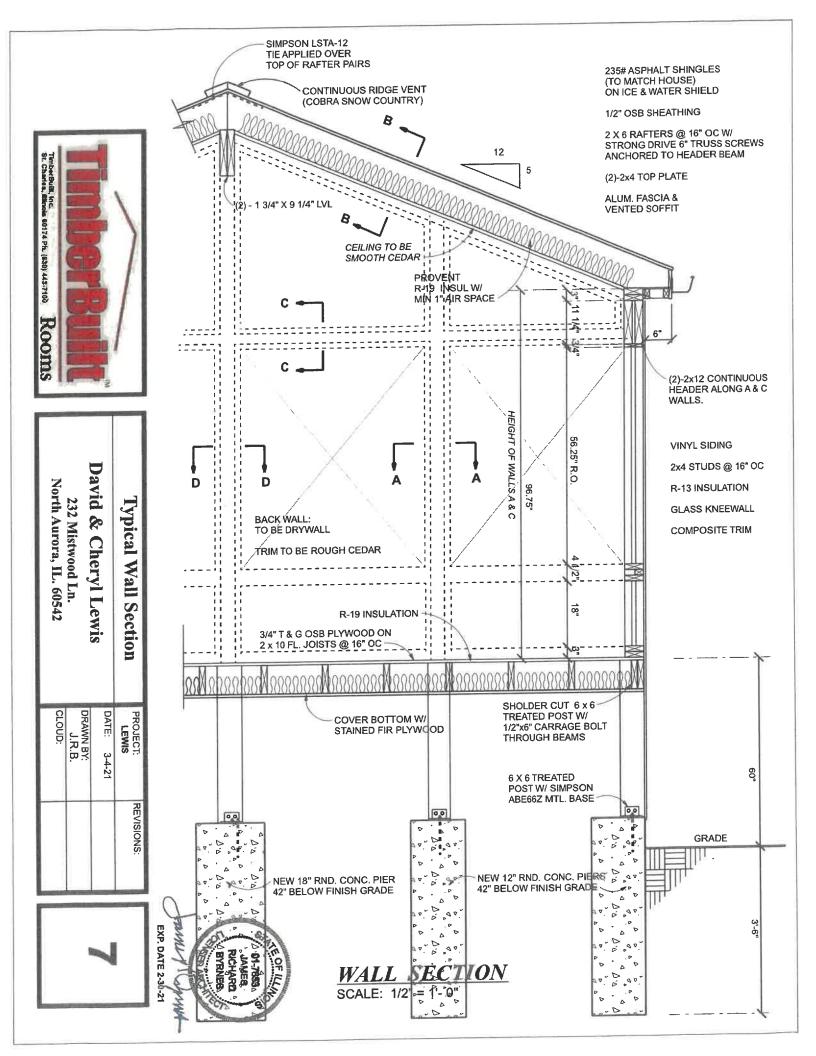
North Aurora, IL. 60542	232 Mistwood Ln.		David & Cheryl Lewis	Electrical Plans
CLOUD:	J.R.B.	DRAWN BY:	DATE: 3-4-21	LEWIS
				KEVIOIONO.

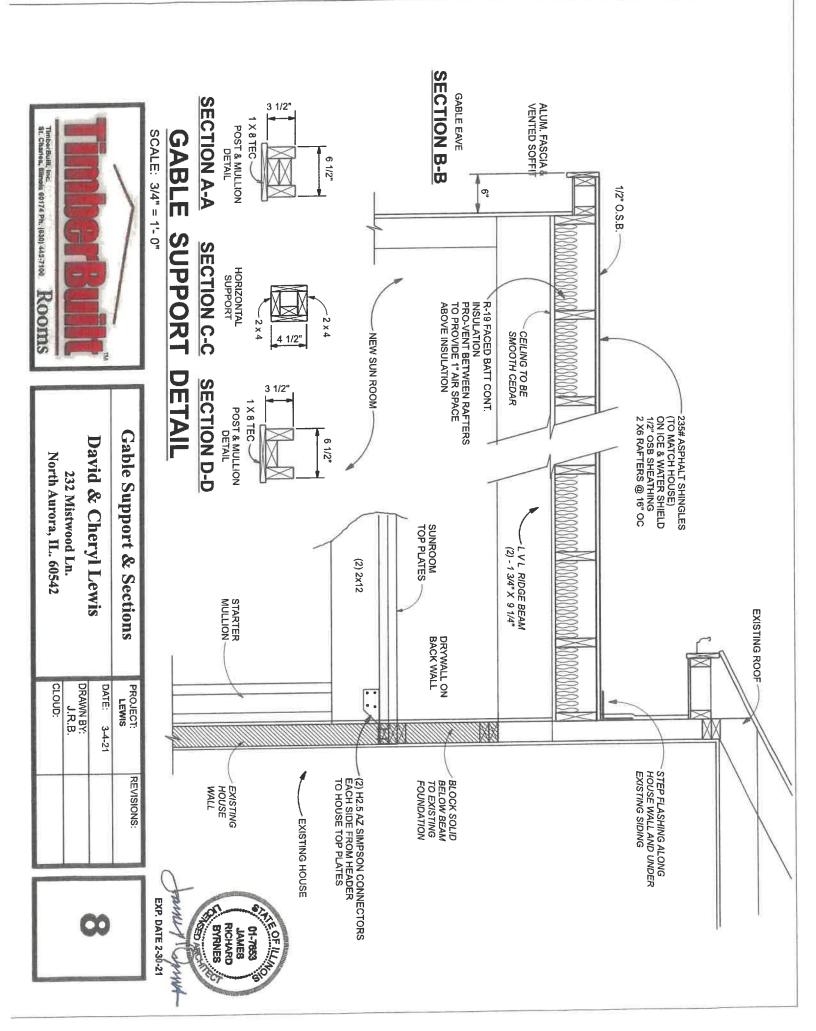
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EXP. DATE 2-30-21

JAMES RICHARD BYRNES

TE OF ILLIAND







May 19, 2021

Village of North Aurora Attn: Michael Toth 25 E. State Street North Aurora, IL 60542

RE: Plan Commission Continuance at the Northwest corner of Oak & Orchard, North Aurora, IL

Mr. Toth,

Please use this letter as notice that Vequity would like to seek a continuance for the project located at the Northwest corner of Oak and Orchard in North Aurora due to site plan changes.

We would like to be placed on the July 6, 2021 Plan Commission meeting.

Please let me know if you require any further information.

Thank you,

Kim Ward, on behalf of Vequity k.ward@vequity.com

Jm & Ward



APPLICATION FOR SPECIAL USE

	AGE OF NORTH AURORA	PETITION NO	21-06
Board of Trustees 25 East State Street North Aurora, IL 60542		FILE NAME_	CHARD COMMONS LOTS 1 \$2
	,	DATE STAMP	RECEIVED
I.	APPLICANT AND OWNER DATA		APR 2 9 2021 VILLAGE OF
	Name of Applicant Orchard Commons		NORTH AURORA
	Applicant Address	et Suite 300, Chicago	o, IL 60607
	Applicant Telephone # 312.985.0987		
	Email Address k.ward@vequity.com/ c	.ilekis@vequity.con	1
	Property Owner(s) SEE ATTACHED SI		
	Owner Address		
	Owner Telephone #		
II.	ADDRESS, USE AND ZONING OF PR	COPERTY	
	Address of Property Northwest Corner of	of Oak & Orchard, N	lorth Aurora
	(indicate loc	cation if no common a	ddress)
	Legal Description: SEE ATTACHED S	HEET	
	Parcel Size SEE ATTACHED SHEET		
	Present Use LAND (business, man	ufacturing, residential, etc	c.)
	Present Zoning District B-2 GENERAL (Zoning Ordin	BUSINESS DISTR	RICT

III. PROPOSED SPECIAL USE

Proposed Special Use	
(Zoning O	rdinance 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 improvem	ent proposed
This project consists of three lots, Lot 1 w	vill be a retail building with proposed fueling station
with convenience store (liquor), Lot 2 and	Lot 3 will each have a restaurant/retail building
with proposed drive-thru	
	he general area of the Property in question?
Existing uses within the general area of the	ne property are most generally vacant land. On
the adjacent corner there is a PNC Bank a	and an Affordable Dentures and Impants. Further North
of the site there is a Gastropub and brewe	ery.
To the best of your knowledge, can you affirm	
particular location? (Explain) Yes, according	g to Section 8.2 of North Aurora's code the following an
required uses for a Special Use Permit in Z	Zoning District B-3; Drive-Through Facility,
Convenience Store, Gas Station, and the s	ale of Liquor

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.).

Legal Description of the subject property(s).

Illinois Land Surveyor's plat of survey.

Site Plan illustrating all existing and proposed improvements.

Statement and supporting data regarding Standards for Special Uses (above).

Filing fee in the amount of \$300.00, if paid by check make payable to the Village of North Aurora.

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	hard Jumans Normanira
Applicant or Authorized Agent	Date
Owner	 Date



AMERICAN EAGLE BANK

556 RANDALL ROAD * SOUTH ELGIN, IL 60177 2255 N. WESTERN AVE. * CHICAGO, IL 60647 847-742-7400 * Fax: 847-742-7824 773-328-2350 * Fax 773-328-2390 Website: www.amEbank.com

April 13, 2021

Village of North Aurora 25 East State Street North Aurora, IL 60542

To Whom It May Concern,

American Eagle Bank, as owner of Lot 1 of Orchard Commons, hereby gives authority to Vequity and all affiliated parties the right to apply for a Special Use Permit.

Thank you,

Barry Kreczmer
President & CCHB





Village of North Aurora 25 East State Street North Aurora, IL 60542

To Whom It May Concern,

Orchard Plaza, LLC, as owner of Lot 2 of Orchard Commons, hereby gives authority to Vequity and all affiliated parties the right to apply for a Special Use Permit.

Thank you,

Knownu PC

STATE OF ILLINOIS)) SS
COUNTY OF KANE)
I, Kim Word , being first duly sworn on oath depose and say that I am trust officer of Orchard Commons Normand that the following are all of the beneficiaries of the LLC .
Chnopper lekis Andrew Copen
TRUST OFFICER
SUBSCRIBED AND SWORN TO Before me this 29th day of April , 20 21.
A Notary Public in and for such County OFFICIAL SEAL MOLLY CATHCART NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:10/31/21

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
15-06-155-011 15-06-127-001 15-06-126-004 15-06-126-03 15-06-126-003	VATIONAL CITY BANK Continental 344 Find Thomas Tanner SPECWary LLC " " " " " " " " " " " " " " " " " "	130 S. Jefferson St. Sult 300 Chuchquile bould Menomone Menomone W134NBUTF Executive PKWY FRIS, WI BOHT VAN EMMON YORKUITE, IL WOSED 1032 Forest Tri Sugar Grove IL WOSEY " 11
I, Kim Ward above statements and the correct. Applicant Signature	, being first duly statements contained in any papers of	sworn on oath certifies that all of the r plans submitted herewith are true and 4/39/81 Date
SUBSCRIBED AND SW Before me this Zath Notary Public	day of , 20 OFFICIA MOLLY C NOTARY PUBLIC -	AL SEAL ATHCART STATE OF ILLINOIS I EXPIRES: 10/31/21

Parcel 1:

Lot C-2SA in the subdivision of Lot C-2S in Parcel C-2 in Louis Joliet Mall, Recorded as Document Number R88-49116 dated October 13, 1988, being a subdivision of part of the East 1/2 of Section 26 and part of the West 1/2 of Section 25, all in Township 36 North, Range 9 East of the Third Principal Meridian, in Will County, Illinois.

Note: The land can also be described as follows:

That part of the East 1/2 of Section 26 and part of the West 1/2 of Section 25, all in Township 36 North, Range 9 East of the Third Principal Meridian, more particularly described as follows: Commencing at the part of intersection of the Northwesterly right of way line of Tonti Drive with the Northeasterly right of way line of Colorado Avenue as recorded on June 7, 1983 per Document Number R83-15542; thence along said Northeasterly right of way line of Colorado Avenue. The following 2 courses: (1) South 89°38'16" West a distance of 13.84 feet to a point; (2) North 44°09'45" West a distance of 171.16 feet to the point of beginning; thence North 44°09'45" West, continuing along said Northeasterly right of way line of Colorado Avenue a distance of 202.18 feet to a point; thence North 43°27'31" East a distance of 274.95 feet to a point on the Southwesterly right of way line of Route 30 (also known as Plainfield Road); thence South 46°32'29" East, along said right of way line of Route 30, a distance of 202.00 feet to a point; thence South 43°27'31" West a distance of 283.35 feet to the point of beginning. All in Will County, Illinois.

Parcel 2:

Easement for detention pond benefits, in favor of Parcel 1, as created by Detention Pond Agreement dated July 26, 1985 and recorded July 31, 1985 as Document Number R85-24384, by and between American National Bank and Trust Company of Chicago, Trust Number 39344 and Homart Development Co.

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May 6, 2021

RE: Proposed development of the Northwest Corner of Oak + Orchard, North Aurora, IL

Introduction

Vequity is submitting plans for the proposed subdivision and development of the northwest corner of Oak and Orchard Avenue, North Aurora, IL. Vequity is proposing to subdivide the existing 2 parcels into 3 individual lots within the development as follows:

Lot 1 is a proposed gas station and convenience store. The proposed building with convenience and restaurant component will be approximately 4,800 SF with 34 parking spaces.

Lot 2 is a proposed 3,025 SF fast food restaurant with a drive thru and 20 parking spaces. The drive thru as shown is able to accommodate the appropriate vehicle stacking per code. Vequity is in communication with two separate major fast-food retailers to lease the space.

Lot 3 is a proposed 2,235 SF Starbucks with drive thru and 35 parking spaces. This new prototype for Starbucks drive thru is a singular drive thru with a bypass lane to allow for better circulation of vehicles within the site. The drive thru currently has a stacking plan that is able to accommodate 8+ vehicles. The Starbucks plan also includes an outdoor patio for customers which is shown at the front of the restaurant.

Each lot has a proposed monument sign with a 3' masonry base and an 8' x 8' signage panel. The panel is set to be a singular tenant panel but in the case of a multi-tenant building the cabinet can be modified to adjust for a multi-tenant scenario.





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RE: Northwest Corner of Oak & Orchard, North Aurora – Special Use Permit Application

Property Owner: Lot 1

American Eagle Bank 1111 East Wacker Drive, Suite 2800 Chicago, IL 60601 312.4027

Legal Description: Lot 1

LOT I IN THE FINAL PLAT OF ORCHARD COMMONS BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 6, 2007 AS DOCUMENT 2007K081978, IN KANE COUNTY, ILLINOIS

Parcel Size: Lot 1

39,720 SF

Property Owner: Lot 2

Orchard Plaza, LLC 1051 Kettle Avenue #200 North Aurora, IL 60542

Legal Description: Lot 2

LOT 2 IN FINAL PLAT OF ORCHARD COMMONS, BEING PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS, RECORDED AUGST 6, 2007 AS DOCUMENT 2007K081978

Parcel Size: Lot 2

46,229 SF



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SPECIAL USE STANDARDS:

- 1) THE PROPOSED SPECIAL USE IS, IN FACT, A SPECIAL USE AUTHORIZED IN THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.
 - a. According to Section 8.2 of North Aurora's Zoning Code the following uses are authorized as Special Uses in Zoning District B-3; Convenience Store with Gas Station and Drive-Through Facility.
- 2) THE PROPOSED SPECIAL USE IS DEEMED NECESSARY FOR THE PUBLIC CONVEIENCE AT THAT LOCATION.
 - a. The proposed plan is deemed necessary for the public convenience at this location. Petitioner is requesting special use for a drive through on two of the lots as well as a gas and convenience store on the 3rd lot.
- 3) THE PROPOSED SPECIAL USE DOES NOT CREATE EXCESSIVE ADDDITIONAL IMPACTS AT THE PUBLIC EXPENSE FOR PUBLIC FACILITIES AND SERVICES AND WILL BE BENEFICIAL TO THE ECONOMIC WELFARE OF THE COMMUNITY.
 - a. The proposed plan does not create excessive additional impacts at the public expense. The proposed plan will create new opportunities for local citizens and contribute to the economic welfare of the community.
- 4) THE PROPOSED USE IS IN CONFORMANCE WITH THE GOAL AND POLICIES OF THE COMPREHENSIVE PLAN, AND ALL VILLAGE CODES AND REGULATIONS.
 - a. The proposed plan is in alignment with the goals and policies of the North Aurora Comprehensive Plan. Petitioner will be adding national tenants to a regional commercial area along Orchard Road. The petitioner will also be investing in significant infrastructure/utilities that will improve a currently vacant plot of land as well as adding in landscaping that will positively impact the character of the area.
- 5) THE PROPOSED SPECIAL USE WILL BE DESIGNED, LOCATED, OPERATED, AND MAINTAINED SO AS TO BE HARMONIOUS AND COMPATIBLE IN USE AND APPEARS WITH THE EXISTING OR INTENDED CHARACTER OF THE GENERAL VICINITY.
 - a. The proposed plan will allow the petitioner to develop a currently vacant stretch of land that will in turn enhance the northwest corner of Oak and Orchard. The proposed development will contribute to the general welfare of the area as the petitioner will further invest in this property and will make the retail center harmonious and compatible in use and appearance as the intended character of the general vicinity.
- 6) THE PROPOSED SPECIAL USE WILL NTO SIGNIFICANTLY DIMISH THE SAFETY. USE, ENJOYMENTS, AND VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS LOCATED.





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226 N MORGAN STREET SUITE 300 CHICAGO, IL 60607

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- a. The proposed plan will allow the petitioner to develop a vacant piece of land that will in turn enhance the enjoyment and safety of the northwest corner of Oak and Orchard. The proposed development will provide new services to local residents, businesses, and visitors. The proposed uses are in the interest of the public convenience and will contribute to the general welfare of the area as the petition will further invest in this property.
- 7) THE PROPOSED SPECIAL USE IS COMPATIBLE WITH DEVELOPMENT ON ADJACENT OR NEIGHBORING PROPERTY.
 - a. The proposed plan is compatible with the development on adjacent or neighboring properties as all are within the B-3 Zoning District.
- 8) THE PROPOSED SPECIAL USE MINIMIZES POTENTIALLY DANGEROUS TRAFFIC MOVEMENTS AND PROVIDES ADEQUATE AND SAFE ACCESS TO THE SITE.
 - a. The proposed plan minimizes traffic movements by having all vehicular traffic enter and exit onto an access road vs. a main thoroughfare in Orchard Road. This access plan will maintain safe access across the entire 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.
 - a. The proposed plan meets all parking space and maintains parking space requirements. The current parking calculations for this building are set out below. As you can see this plan provides a surplus of 46 parking spaces.

	PARKII	NG CALCULA	NOITA	
TENANT	OCCUPANCY	AREA	PARKING/SF	PARKING REQUIRED
BLDG A	GAS STATION	4,754	2/1000 SF	10
BLDG B	RESTAURANT	±1,007 SF SEATING AREA	1 per 60 sf of public seating area including outdoor area	17
BLDG C	RESTAURANT	±300 SF PATIO ±650 SF SEATING AREA	1 per 60 sf of public seating area including outdoor area	16
TOT	AL BUILDING LEASE AREA		TOTAL REQUIRED	43
- X			TOTAL PROVIDED	89
90 Degree			SURPLUS/(DEFICIT)	46

- 10) THE PROPOSED SPECIAL USE IS SERVED BY ADEQUATE UTILITIES, DRAINAGE, ROAD ACCESS, PUBLIC SAFETY, AND OTHER NECESSARY FACILITIES.
 - a. The proposed plan will be adequately supplied by all new utility tie-ins, drainage, road access, and all other necessary facilities.
- 11) THE PROPOSED SPECIAL USE CONFORMS WITH THE REQUIREMENTS OF THIS ORDINANCE AND OTHER APPLICABLE REGULATIONS.





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a. The proposed plan will confirm with all requirements of this ordinance as well as all other state and county jurisdictions that are applicable to this project.

