



City of Aurora

5th Floor Conference
Room of City Hall
44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Planning Commission Meeting Minutes

Wednesday
February 20, 2019
7:00 PM

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 p.m.

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds and Ms. Tidwell. Mrs. Duncan called in and excused herself from the meeting. Mrs. Head was absent.

OTHERS PRESENT

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

Others Present: Steve Hendry (788 2nd Avenue), Andy Cross (APA) and Carrie Davis (APA).

APPROVAL OF MINUTES

19-0127

Approval of the Minutes for the Planning Commission meeting on February 13, 2019.

A motion was made by Mr. Chambers, seconded by Mr. Cameron, that the minutes be approved and filed. The motion carried.

PUBLIC COMMENT

Chairman Pilmer said if you are here for an item that does not have a public hearing and you wish to speak to the Commission, we can give you 3 minutes to do so.

I'm Steve Hendry, 788 2nd Avenue. Back on December 24th, I went to the Zoning office and wanted to find out about the 781 Benton Street that I understood was owned by the city. So when I went to talk to them, when I wanted to find out more about it as far as any kind of purchase or anything, they said to talk to Invest Aurora, so I went over there and talked to John and then we started more talking about gardens because I'd also been told at Zoning that the property was too small, but then there are others, like in Maywood for instance, where they are adjacent, I'm not adjacent to

this property, so that kind of rules me out anyway. But just the way this whole thing went, from one person I'm hearing that the zoning depends on lot width, 60 feet. That was brought in a while ago and from another person I'm hearing square feet, 7,000. Actually on theirs it is both. So I don't know what's going here. Which one is it or is it both for people that are inquiring about this that are adjacent? The other part I guess is the fact that the realtor that's in on this property now told me when I complimented him on the property that we was pretty sure he could get the lot from the city for the buyer. It shouldn't be a problem. That's what he told me. I thought that was pretty bold. Then I talked to the brother of the person that bought it after somebody flipped it for a quick 10. Didn't even do a survey to find out with the angled lot. One of the stakes, if you stand in back of the house perpendicular, you're behind a back window looking in the kitchen because it is at an angle. So they did all kinds of improvements outside of their own property. It seems kind of strange, but the people that bought it, they made a bid. They are closing. It is all happening. Now after him telling me that, I was just kind of like well okay. Then I talked to the brother of the developer and he tells me the other day that last fall in September or October when they were finishing up pretty much, that somebody from the city approached them about buying this lot because of what is an adjacent lot. So I'm down here doing all of this stuff and nobody tells me. Nobody has the gentlemanness or gentlewomanness. Nobody has the rights to tell me that there is already stuff going on with that lot. I think everybody gets the point.

No one else came forward.

AGENDA

[19-0128](#)

Planning Commissioner Training

Mr. Sieben said we've got several new members on the Planning Commission, so we thought we'd get the APA, the American Planning Association, in to do some training for Plan Commissioners. They do that as part of their mission. I'll turn it over to you guys.

My name is Andy Cross. I'm a city planner up in Highland Park, up in the North Shore, North Chicago right on Lake Michigan. I've been a professional planner for about 15 years. I started out in Minnesota where I'm from, the home country, and moved out here about 5 years ago to work in the Chicago area. It's been a thrill and I'm happy to be working on this training.

My name is Carrie Davis. I've been a municipal planner for 15 years and worked in several northwest suburbs and then have now been in the private sector at an architecture firm for about 8 years, so it is nice to see both sides of the fence from the development standpoint and then, of course, the dark side as everyone would call it and then, of course, the municipal sector.

Mr. Cross said this is a fun profession, city planning, but there is a lot that goes into it and this training is just it, citizen planner training. Some of you will crane your necks, but I think you all have a printout. I'll be pointing that way, but don't feel you have to look every time because there is a lot that goes into this and you as volunteer citizen planners, there's a lot to take in and a lot to recognize and you take time out of your busy lives to volunteer time to serve on the Commission. There is a lot that goes into it. The American Planning Association recognizes that and has worked with Chaddick Institute with DePaul University to put together a training program to kind of go over the basics. It is a lot of stuff that is the bread and butter of professional planners and it

can help to really break it down into smaller pieces. We'll take kind of a bird's eye view of what city planning is, how it got to be where it is and what the tools of the trade are and what goes into planning and what your role is as a citizen planner, how you can contribute and realizing how things are on the other side of the table as an applicant coming into the city, what their expectations are and really setting shared expectations. Before we continue, I'd like to introduce Emily. She is an Assistant City Planner with the City of Elmhurst. She will be volunteering with the American Planning Association in future sessions and so is just sitting in tonight as an observer. We have a number of slides here. I have found it takes about 80 or 90 minutes to go through them, so we won't be here all night, but more than anything, I want to encourage you to ask questions. There are complex topics here and they are topics that we are used to, but you may not be and wouldn't be expected to be. What can help out a lot is if there is a local example that triggers in your mind. If there is something that resonates with you, we'd love to talk about it because there are a lot of commonalities among communities that we run into and a lot of situations where citizen planners run into frustrating kind of how we do address this, so that's why we are here tonight to kind of help out on. This is what we'll call a sanctioned event with the Planning Association, so you will receive a certificate tonight, so we just want to make sure we have your signature on there.

Mr. Cross then gave a brief history of planning and went over the Comprehensive Plan and the steps you go through to implements updates/changes to the Comprehensive Plan.

Ms. Davis then went over the foundations of development regulations, regulating development, of which the prime ones are the building code, subdivision ordinance, the zoning ordinance and the sign code. These are overarching things that feed out of the Comprehensive Plan. There are many advisory tools in place such as the 1984 Comprehensive Land Use Plan and Policies, the Station Boulevard Transit Oriented Development Plan, different historic districts like the FoxWalk, the Bicycle and Pedestrian Plan and the Route 59 Corridor Plan.

Ms. Davis then went over zoning and the various zoning districts and keeping them current. She talked about Planned Developments and the processes we go through for them, subdivisions, subdivision regulations, and the building and sign codes. A brief discussion was then had on murals.

Mr. Cross then touched on other committees and other organizations that touch on planning issues in the area and how they all interact on a daily basis. Another organization to be aware of is CMPA, Chicago Metropolitan Agency for Planning.

Mr. Cross then went over the role of the Planning Commission. City Council has a very global view of what's going here. They rely on the Planning Commission to serve your purpose and make solid recommendations based on solid principles and findings of fact. That's the roll of the Planning Commission. He then went over the role of the elected officials, and the role of the Planner and working with the Planners. It is helpful to read the staff reports. It has a number of consistent elements here. The public plays a key role and it is incumbent on the Plan Commission to do your very best to welcome that and facilitate a discussion with the public as often and as efficiently as you can as appropriate. The developer's role and developer's perspective were also discussed.

Ms. Davis then went over the responsibilities of the Planning Commission members, the responsibilities of the Chairman and the taking of testimony.

Mr. Cross quickly touched on the Findings of Fact. You know this is how you make your recommendation. You look through the standards and you make your vote based on the standards through the Findings of Fact. The standards are how you differentiate every petitioner from everyone else.

Mr. Cross then went over Special Uses. Special uses allow a chance to evaluate a proposed land use on its merits, evaluates its potential impacts and put in place conditions to regulate it. There are special use standards that you can look at when evaluating the special use.

Ms. Tidwell said I'm relatively new to the Planning Commission, although I lived for 38 years in Minnesota, so we'll talk later. It is my understanding that there is an ordinance in Aurora that says that video gaming licenses shall not be granted if granting it would put it within a half a mile of an existing license. To my understanding, there are no conditions. The ordinance seems quite clear, carved in stone, as I can see it. So we have applicants who come who want video gaming licenses over here or over there and they are within a half a mile of an existing license. I kind of say well it violates the ordinance.

Mr. Sieben said what it is, is they can ask for a relief through a Special Use. It is actually part of our liquor. We didn't use to have a separation. If you met certain conditions of the liquor code you could get a video gaming license. There was some worries of saturation in some areas of town so they put the half mile restriction to another one. However, you can go through relief through a special use through our process. I think what the answer is going to be, and maybe this is just specifically to video gaming, there are standards of a special use that can be gone through. I'll let you elaborate specifically with the video gaming. It doesn't mean that if it's within a half mile we cannot grant the special use. There are standards; parking and whatever else.

Mr. Cameron said could I add one thing? Of the first 8 projects, 4 of them came through a special use, which is really the question of if the ordinance was set up to be that way, just the fact that 50% of them are exceptions means that the ordinance is, in my opinion, not well designed.

Chairman Pilmer said initially, anyone that had a liquor license then would be able to have video gaming, so the city put in the ordinance so that there was one extra screening. It wasn't put in to eliminate. It was just put in as an additional screen to get the license. I think what we hear is we just passed this ordinance that says no one within a half mile and why are we getting all of these variances, but it was more of a filter. Isn't it Ed?

Mr. Sieben said right. There was concern. We do have a casino in the downtown. There were some concerns of saturation and for whatever reason, they went with the half mile radius. We have about 40 some in town.

Ms. Tidwell said the question that I raised, or the request that I had at our meeting was if we are going to award these licenses, then what are the criteria that we need to be using to give Harry one, but not Mabel because consistence, of course, is important. That request is still outstanding.

Mr. Cross said that's a good question, but let's back up about 3 steps. First the City Council decided to make them just a by right if they were a half mile away from each other. But they contemplated alright if they are going to be closer than a half mile,

there might be some negative externalities that we need to contemplate. What are those? So that's something to noodle. Maybe that's a question for staff to run up the flagpole. Alright City Council, what did you see as the danger of having these clusters or having them closer and then look through these special use standards on your own and say okay as a Plan Commissioner I feel like that if we get a cluster of these then look at the second to the last standard there, maybe it is going to negatively the developability and the ability of adjacent neighbors to really fully appreciate and use their property. If that's how you feel when these are within a half mile of each other, then I feel it is going to be an attractive nuisance and I just don't feel like it meets these standards and I vote nay.

Ms. Davis said those are all really good points, then just building off of what Andy just said, if you expect that you are going to be getting more of these, this may be something you want to get ahead of the curve on and take a look at this. If what you have now is not clear and it is not really going to help guide you and you are the ones in charge here, you don't want to open yourselves up to liability because these people have big money. You want to protect yourself and the community, so it may be that you need to think about some amendments to more adequately address some of these issues.

Mr. Cameron said that's really what we are asking for. One of the first ones we had was 500 feet away from the other one, but by the same owner.

Mr. Hull said it was different owners, but then the second one, the one that was within the half mile, was the same owner.

Mr. Sieben said we've only had 2. It was the one over on Route 59, the guy that did Tracey's. It was within a half mile of Hooters and then his own. The second one was AC's Pub over on W. Galena on the south side of Galena. Those are the only 2 we've done.

Mr. Cross said when they are within a half mile of each other, that gives you a chance to look at parking and traffic flow and evaluate that and to see if that's going to be a negative impact. You don't have that opportunity if they are away from a half mile of each other when they are by right, but you can look at traffic patterning and whether or not that's a determiner, you can really start to ask the questions of the property owner and make them make a case for it if you can relate it to the standards.

Mr. Sieben said it is a little unclear. As I've said to the Planning Commission before, we do a lot of filtering before it even gets to this point. We are not like a lot of the other cities where you have these video gaming cafes that really don't serve food, they just serve drinks. You have to be in a bonafide restaurant in Aurora to have one of these, so we already kind of filter it to begin with.

Mr. Cameron said I understand that. I don't have a problem with either of the ones we passed as long as we are given clear guidance as to what the intent of the City Council is. I don't think we got that.

Ms. Tidwell said no I don't either.

Mr. Sieben said we'll talk more to the attorney. I think how it originally was supposed to go was it was going to be at the discretion of the Liquor Commissioner, which is Mayor and when it got to the Committee level, the Committee thought it would be a good idea to put it as a special use as another filter. Then that puts the burden on you

without a lot of guidance.

Mr. Cross said well good questions and glad you are tuned into it.

Mr. Sieben said we'll take these comments and circle back with our Corporation Counsel. If nothing else, looking at the standards you are always safe because it is a special use.

Ms. Davis then went over variances and the variance standards.

Mr. Cross then went over ethics. You can imagine how much effort goes into petitions that come before the Planning Commission and the impacts, your deliberation and recommendation to the City Council have. Ethics are a huge consideration and in the planning profession they are taken incredibly seriously and as citizen planners that falls on you as well. Conflicts of Interest were also covered.

Mr. Cross then talked about the Open Meetings Act. It is something that the public depends upon so that they can be privy to what is going on.

Ms. Davis said obviously we talked a lot about staff. That is probably a good place to start with any questions you have. There are sources available through the American Planning Association that deal with issues that you are dealing with on the Commission and if you have any questions about that, definitely reach out to staff. There is a whole page of links, including the Planning Association. There is the National Planning Association and then there is an Illinois chapter. Those are both very good resources. Even at the Planning Conferences that we have, we have Plan Commissioner training, so just like a little more intensive than what we had tonight. Definitely reach out if you have any questions and take a look at some of those items in your packet.

This item was filed.

PENDING

COMMITTEE REPORTS

A) Amendments

B) Grant and Award Research

C) Comprehensive Plan

ANNOUNCEMENTS

Mr. Sieben said the next regular meeting is March 6th, but I'm not sure we are going to have a meeting on March 6th. March 20th we will definitely have a meeting. We will be having actually 2 zoning variances coming up it looks like. They may be on the 20th. We'll let you know.

ADJOURNMENT

A motion was made by Mr. Cameron, seconded by Ms. Tidwell, that the meeting be adjourned. The motion carried by voice vote. Chairman Pilmer adjourned the meeting at 9:08 p.m.

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