



City of Aurora

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

Planning and Zoning Commission Meeting Minutes

Wednesday

March 22, 2023

7:00 PM

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 pm

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Roberts

Mr. Kuehl was excused.

OTHERS PRESENT

The following staff members were present: Mr. Sieben, Mr. Broadwell, Ms. Burden

Vicky Modslinger (Re: Aurora Metal Recycling/West New York St)

Sandra Nevarez (Re: Aurora Metal Recycling/ West New York St)

Eva Nevarez (Re: Aurora Metal Recycling/West New York St)

Laura Lopez (Re: Aurora Metal Recycling/West New York St)

Colin Anderson/Anderson & Uddin P.C. (Re: Aurora Metal Recycling/ West New York St)

Ruben Hernandez (Re: 791 North Farnsworth)

John Tebrugge/Tebrugge Engineering (Re: 791 North Farnsworth)

APPROVAL OF MINUTES

23-0225

Approval of Minutes from 3/8/2023 Planning & Zoning Commission Meeting

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Chambers

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mr. Roberts

NAYS: 0

ABSTAIN: Mrs. Owusu-Safo

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

PUBLIC COMMENT

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

No one came forward.

AGENDA**23-0171**

An Ordinance Amending Chapter 49 of the Code of Ordinance, City of Aurora, by Modifying the Zoning Map Attached thereto to Rezone Property located near the Northeast Corner of North Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District, to M-1, Manufacturing District - Limited.

Mr. Broadwell said thank you Chairman. Good to see you all again. My name is Steve, I'm here with the City of Aurora Zoning Division. As we just heard, this is the rezoning for the property on North Farnsworth. I will pull up the aerials of the property. So, really the nature of the proposal is that the Petitioner, Mr. Hernandez; he'll be invited with his design team to come up in a little bit to speak, but they're requesting to rezone this highlighted 6 acres here of vacant land near the northwest corner of Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District to M-1, Manufacturing District. Here's the aerial of the property as it exists. So, here's the zoning map. Mr. Hernandez, I believe, he lives right there in the house to the west, north of the subject property. There's the current zoning map and then here's the comprehensive plan. For a little bit of background, the comprehensive plan designates the eastern part of the 2 properties as Industrial and then the western portion as Open Space, Conservation so that the zoning history. The Petitioner has provided a site plan, I think that really shows you the kind of the scope of the proposal but really the nature is for the rezoned properties to be used for outdoor storage on the eastern parts. Essentially, he's going to, I believe....well, I'll let John speak more to that, but he's going to use this for outdoor storage with...it'll be fully screened with a 6 foot solid fence and then a 25 foot landscape buffer around the entire perimeter where it's adjacent to residential. I think that's everything. Any questions for Staff at this point?

Chairman Pilmer said could I just ask...I know it said in the Staff Report there's no access from Farnsworth and they'll come from the adjacent property, but where...I'm assuming the property directly to the east but....is that through an easement or...?

Mr. Sieben said so I think John can....hi, Ed Sieben, Director of Zoning and Planning....I believe they are going to enter into a contract to purchase the property from the business to the east, which is I believe American....Mid-American Water. You can see they're to the east on Mountain. There's really no access to the site, so that was one of the issues with this property because of the creek to the west and we didn't want access to Farnsworth so it made sense then to allow an expansion of that business to the east to come out with some additional storage and then the appropriate screening, like Steve said.

Chairman Pilmer said makes sense. Thanks. Any other questions of Staff?

Mr. Choudhury said do we know what type of storage.... what will be stored over there?

Chairman Pilmer said why don't I just swear in....

Mr. Sieben said yeah.

Chairman Pilmer said so this is a Public Hearing, so I'll just ask the Petitioner and anyone with...I'll swear you in before you speak. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Hernandez and Mr. Tebrugge both said I do.

Chairman Pilmer said if you'll just state your name and address for the record please.

Mr. Tebrugge said John Tebrugge with Tebrugge Engineering.

Mr. Hernandez said Ruben Hernandez, owner.

Chairman Pilmer said and I think you just wanted to ask what.... somebody did...what type of storage?

Mr. Choudhury said yeah, what type of substance will be stored over there in the storage area?

Mr. Tebrugge said if the purchase does go through with Mid-American Water, they are a pipe supplier; fire hydrants, different types of water products, so that area would have piping and different types of water products stored just like you see in the aerial view now in that property.

Chairman Pilmer said so the Petitioner's asking for zoning and then likely will lease or sell to the neighboring property?

Mr. Tebrugge said yeah, we couldn't store anything there without the rezoning.

Chairman Pilmer said got it. Thanks. I don't know if the Petitioner want to add anything additional or if there's other questions.

Mr. Chambers said yeah, I have a question. You had mentioned that there's a property owner in order to be able to have access egress and ingress to the storage area. What if this property owner decides not to sell to you?

Mr. Hernandez said it is a good question. I own the property to the north which will give access all the way to Sheffer from Sheffer, so it's covered. We're actually working on.... before we were working on the plans of the entire complex, but this was needed to take care of first because we had a violation. This, we've been working on this since 2015 and Army Corps, it was a construction there for 3 years, they used my property for storage to do the construction from my property which I allowed them to do it just, you know, no charge. So, it delayed since 2015 to get to this point, but if Mid-American decides not to buy, we're going to present the entire project to go all the way to Sheffer.

Mr. Chambers said okay, thank you.

Chairman Pilmer said yeah, I think that was my.... I think the confusion was we thought the Petitioner was going to utilize the property.

Mr. Hernandez said well, it's, you know, we don't want to just close all the doors, but Mid-American has really been very interested. They're one of the main suppliers for water mains, sewer, water for all the cities around that and they really need this property so they.... they would not commit to buy it unless I have the zoning.

Mrs. Owusu-Safo said I have a question. Are you planning to remain on your property, the one with the house? Are you planning on keeping that still as your residence?

Mr. Hernandez said that house is going to be residential, yes.

Mrs. Owusu-Safo said it's still going to remain residential?

Mr. Hernandez said yes.

Mrs. Owusu-Safo said and you intend to sell but not lease that property, right?

Mr. Hernandez said no...right. Not the house. Not the house. We've owned the house since '02 and originally we purchased the house with 4 acres and just been buying to the north, to the south, to the east, and we have close to 20 acres there. Another background; we...in City of Montgomery we have developed truck parking facilities. I think we have 4 that we developed and complete, so we have intention to do some buildings and truck parking on this property.

Mrs. Owusu-Safo said what are the hours of operations for Mid-American next door?

Mr. Hernandez said usually they are from 7 to 5. It's just they run a forklift to pick up material, bring it up to the front, load them in the truck. They've been there for years.

Chairman Pilmer said any other questions? Thank you. This is a Public Hearing. If anyone in the audience would like to speak to the Commission regarding this case, they will have the opportunity to do so. And note for the record that no one has come forward so we will close the public hearing and ask for the Staff to review Findings of Fact.

Mr. Broadwell said okay:

1. Staff feels that the proposal is in accordance with the applicable development plans and policies of the City of Aurora. The Petitioner has submitted plans for Zoning and Engineering review to ensure that the Subject Property is developed to code.

2. Staff believes that rezoning the property from R-1 to M-1 will allow for the Subject Property to be utilized for outdoor storage, which is consistent with the M-1 zoning, as well as the Comprehensive Plan's designation of the property as Industrial and Conservation, Open Space, Recreation, and Drainage. The Petitioner has also gone to great length to provide adequate screening for the adjacent residential properties in the form of fencing and landscaping.

3. Staff believes that the proposal is consistent with the desirable trend of development in the area as it adequately buffers the adjacent residential properties from the Subject Property's expanded outdoor storage, which will be utilized by the existing, adjacent company to the east.

4. Staff believes that rezoning the property to the M-1 zoning district will allow for it to

be developed more suitably by the adjacent business for outdoor storage than in the current R-1 zoning district. The floodplain and the creek also limit development of the property as a single-family residential use.

5. Staff believes that rezoning the Subject Property is a consistent extension of the existing land uses, zoning classifications, and essential character of the general area as the outdoor storage is permitted in the M-1 zoning district, in addition to also being fully screened from the adjacent residential properties.

Chairman Pilmer said thank you. Does Staff have a recommendation?

Mr. Broadwell said yes. So, Staff.... we've been through these conditions with the Petitioner so if you guys have anything you want to add here, please do. Staff would recommend Conditional Approval of the ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone property located near the northeast corner of North Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District, to M-1, Manufacturing District - Limited, with the following conditions:

1. No site improvements or use of the properties can begin until the Final Engineering Plan has been approved by the Engineering Department.
2. Stormwater management (detention and Best Management Practice mitigation) must be in place and construction found to be acceptable prior to use of the Subject Property.
3. Engineering fee and security for all site improvements will be required and must be submitted to the Engineering Department for engineering site plan approval.
4. A Plat of Easement over the stormwater management facilities will be required and shall be recorded prior to final acceptance and release of the engineering security.
5. No access onto North Farnsworth Avenue will be permitted for the Subject Property.

Chairman Pilmer said thank you. You've heard Staff's recommendations with the conditions noted. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Martinez

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said the Staff also read into the record the 5 Findings of Fact. Are there any additions or corrections? Hearing none, is there a motion to accept those Findings of Fact as read?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Gonzales

MOTION SECONDED BY: Mr. Choudhury

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. Then if Staff will just state where this will next be heard.

Mr. Broadwell said this will next be heard at the Building, Zoning, Economic Development Committee March 29th at 4 pm in City Hall City Council Chambers.

Chairman Pilmer said good luck.

A motion was made by Mr. Chambers, seconded by Mrs. Martinez, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 3/29/2023. The motion carried.

23-0238

An Ordinance Establishing a Conditional Use Planned Development, Approving the Aurora Metal Recycling Plan Description and Amending Chapter 49 of the Code of Ordinances, City of Aurora, by Modifying the Zoning Map Attached Hereto to an Underlying Zoning of M-1, Manufacturing District - Limited, for the Property Located West of Highland Avenue, and South of West New York Street.

Mr. Broadwell said sorry....Legistar closed.

Chairman Pilmer said we thought that only happened to us, Steve. (laughs)

Mr. Broadwell said what's that?

Chairman Pilmer said we thought that only happened to us.

Mr. Broadwell said yeah (laughs). Okay, alright....so as you just heard, this is the rezoning and planned development for Aurora Metal. I have the subject property up here on the map. Essentially, this is the rezoning and establishment of the conditional use planned development for this .15-acre lot, which is a little bit west of North Highland Avenue, south of West New York Street, and the intent is for us to allow off-site employee parking. A little bit of background; the property...here's the zoning map.... you can see it, zoom in a little bit right there. That's the property, it's zoned R-2 which is the One Family Dwelling District. Per the plat of survey, the lot is approximately 40 feet wide and has an area of 6,400 square feet. It's not buildable per the R-2 zoning district's minimum lot width requirement for buildability is 60 feet and the area requirement is 8,000 square feet. So, you can see, I'll show you where this is the Aurora Metal Recycling; that's their principle site. It's the west side of Highland, north of Spruce, south of Charles. We'll get to that later. Comprehensive plan designates the property at Utilities. You can see on the aerial it's just west of the BNSF property. As you can see in the Staff Report, there's a little bit of history here. On May 6 of 2022, the Property Standards Division, City's Property Standards Division entered an active zoning violation for construction of the fence without a permit. I'll show you pictures of the fence right now. We had a DST meeting, I think we have the Petitioner here, the first was on June 1 of 2022, the second one was on February 16 of 2023 and Aurora Metal's principle site is 601 Spruce Street. So, here's the fence....10

feet, solid metal on the sides, chain-link fence with a padlocked gate on the front. You can see the train tracks are right there on the west. Then the Petitioner put up a...you can see the bubble sign there for the homeowner to back out of their driveway. Then this is a picture of driving up toward the train tracks. The first part of this is the plan description, kind of going through that. So, we've worked with the Petitioner to basically craft the plan description allows for the Parking Facilities, Non-Residential Use. Typically, it's allowed in the M-1 zoning district as only an accessory use but we're allowing it as permitted use. My understanding is that the Petitioner is intending to use the property for off-site employee parking and then we have provisions to allow the fence to be reduced to 8 feet, like I said, it's 10 feet, and then allow for the fence material to be solid corrugated steel with a padlocked chain-link gate and then also reducing the setback of the....I'll pull up the site plan which I think shows the current state of the property. Really, the Staff is requesting that the fence set back.... I'm not sure why it's angled toward the side.... but you can see New York Street there on the right. Staff is reducing the fence and the parking to be set back 25 feet from New York Street, reducing the interior side yard setback from the adjacent residential from 25 feet to zero, so that's the north and the east...north and the west property line and setbacks being reduced from 25 feet to zero and then reducing the interior eastern side....interior eastern property line and the southern from 15 feet both to zero. And then the principle site for Aurora Metal is approximately 460 feet. The Zoning Ordinance requires a minimum of 400 feet, so they're requesting to change that from 400 to 460. So, I think that's kind of the background there. Then, as far as the discussion, Ed do you want to add anything before we start the discussion?

Mr. Sieben said before their attorney comes up....so, we've been working with the attorney and the owner of the property. Just to clarify what Steve said; the only direction that we're recommending a setback would be the front, so we're recommending to the north along New York Street a 25-foot setback. What that'll do is...that's the standard setback for M zoning to a local street....it'll allow the neighbor to see backing out of the driveway. If anyone's walking on the sidewalk, that'll allow people to see and also, as Steve mentioned, going eastbound you can't see if there's a train coming from the south. I know the trains go slow, they blow the horn, they're super slow there but it'll allow people to see that come up to that intersection with the railroad. So, the other 3 sides would be zero. Staff is not really doing a recommendation on this, but we have been working with the property owner, we've been talking with the Alderman of the ward...I know he's been having neighborhood meetings. All the conditions or what we've put in the plan description is what if it were to be approved by the City, that would be what we would recommend. Again, 25-foot setback, fence gets cut down to 8 feet; that's typically the highest that we allow in the City. We would have landscaping in that front 25-foot setback. The property would need to be paved; any vehicle parking lot needs to be paved. Engineering would like to see an engineering plan with that. They would like some best management practices so there's not drainage going on the neighbor to the west. That may be a little bit of a...not a rain guard, but a bit of a drain...along that west edge of that new parking lot just so there's not any drainage that goes on to the neighbor to the west. So, that's kind of where it stands. If there's any other questions of Staff, otherwise we can turn it over to the Petitioner.

Mr. Chambers said I do have a question for Staff. So, this picture, if I'm comprehending this correctly, so this fence was built without a permit, correct?

Mr. Sieben said correct.

Mr. Chambers said and then once they were notified, without a permit...

Mr. Sieben said then we started discussions, so I think what Steve said that we had a DST meeting last year and it's been a little slow-going, admittedly. It should've been a little quicker, but we've been working with the Petitioner to try to get it to the best situation possible. Just a little history of this property: this lot is not...it's like Steve said...it's not a buildable lot so the rail line that came through there, there's kind of narrower lot on each side of the spur track that was originally owned by the railroad. Over the years, they were never going to add another rail line, so they sold off that narrower strip. Most of it to the north went to those industrial businesses that were already there. I don't know who owned this before because it really wasn't worth anything, per se, but this property south of New York Street has historically been residential. I believe this was downzoned in 1978...was it downzoned or was it originally residential? Anyway, south of New York Street is really where the residential started for everything outside the railroad properties, hence the need to rezone it to the M-1 and then the PUD.

Mr. Chambers said I drove by this particular property and I just was trying to wrap my head around, thinking about a staff parking lot and how cars would actually be able to park in there, to back out of there, I couldn't figure out how that would even be possible.

Mrs. Owusu-Safo said considering how close it is to the tracks.

Mr. Chambers said not only that...

Mr. Sieben said well, it's enclosed so they're not going to hit the tracks but, I mean, you could do parking along one side and then come out with an aisle, you know. It is possible. So, it would fit for perpendicular parking on one side.

Mr. Chambers said alright, thank you.

Mr. Choudhury said excuse me, the 25-foot setback is going to take it to the same level as the front of the house, right?

Mr. Sieben said right.

Mr. Choudhury said coming out of the house, you'd be able to see the street?

Mr. Sieben said yes, yes. Right now, it's zero, it'll go back to 25 feet, correct.

Chairman Pilmer said I think the Petitioner provided a...in the packet, there's a site plan and that gives a pretty good idea of what the future would look like.

Mr. Sieben said so unless there's any other questions, the Petitioner's here.

Mrs. Owusu-Safo said I have one question about if it's staff parking, so there's not going to be any heavy vehicles in there?

Mr. Sieben said I'll let the Petitioner answer that.

Mrs. Owusu-Safo said and noise pollution?

Mr. Sieben said yeah, I'll let the Petitioner answer.

Mrs. Owusu-Safo said or complaints from next door?

Chairman Pilmer said any other questions of Staff? At this time, I just ask the Petitioner to come forward and I will swear you in.

Mr. Anderson said good evening.

Chairman Pilmer said good evening, if you'll just raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Anderson said I do.

Chairman Pilmer said thank you. If you'll just state your name and address for the record.

Mr. Anderson said good evening, Colin Anderson, authorized agent and attorney for Aurora Metal Recycling. My office is located over at 54 West Downer Place here in Aurora. My residence, if you should need it, is located at 934 West Downer Place.

Chairman Pilmer said thank you. I know there were a couple of questions, but I don't know if you want to address those first or if you have additional presentation or anything you might want to....

Mr. Anderson said I think Mr. Broadwell handled it nicely and I appreciate his remarks on it. As we stand here today, it's an unusable piece of property for residential or for commercial and so what my client is looking to do is the be able to use this property for something and as the Commissioners have stated, it's for employee parking and to answer Miss Safo's question, yes there would be limited number of....I don't want to call them commercial vehicles...during business hours and the reason the need for this would be because of the Aurora Metal Recycling's business operations both within their facility and then on the street there. Right now, the area is incredibly congested. The other industrial sites around the area, not Aurora Metal Recycling, parks their large tractor trailers along the streets so there's no parking for employees. In addition to that, my client's business operations require them to be constantly moving trucks and things of that nature and so this would give them an opportunity to use what is currently unusable land and give them an opportunity during business hours to move their vehicles in and out, not congest the streetways, not have these large vehicles out on the street, in both residential and the commercial areas, and just kind of keep them out of sight, out of mind as they're moving stuff around inside. Notably there will be no recycling materials, no industrial operations within this very small premises. It would simply be somewhere to store vehicles during business hours. After business hours, the vehicles would go back inside the main premises. And the reason for, in addition to the congestion on the streets, there is a lot of petty crime in the area so the vehicles are getting tagged with spray paint, things like that, and this would give them some sort of semblance of protection.

Mrs. Anderson said what are their business hours?

Mr. Anderson said I believe their normal business hours are 9 to 5 and I can certainly confirm that before we convene the evening.

Mrs. Owusu-Safo said so there will be no usage of this facility after hours in terms of is it going to be lighted, how many parking stalls could possibly be put in there, is everything backing out, you know...is there enough space for vehicles to maneuver or

just back out only? I'm just trying to picture how this is going to look.

Mr. Anderson said absolutely, so my understanding, to answer your first question; there may very well be vehicles parked there during the evening but they will be out of sight, below the 8 foot mark and they certainly won't be moving causing any sort of noise pollution to the nearby residents. With regards to the movability of the vehicles within, my client seems to have that figured out and that's why he purchased the property, that's what he intended to use it for so he seems to think it will be able to move vehicles in and out in a less congested, less hectic manner than what they're dealing with right now on the streets which, again, if you go in that area there's trailers everywhere on the public streets, really congested and it not only prohibits them from doing their business but they don't want to contribute any more to that and so that's why they thought this location abutting the railroad tracks would be a good use of this property.

Chairman Pilmer said any other questions of the Petitioner?

Mr. Chambers said I have one last question. In regards to staff parking, when I'm thinking staff parking, staff vehicles themselves, has there been any consideration of asking the church could they use their large parking lot there just to the east of the railroad tracks?

Mr. Anderson said I don't know that, to be honest with you. I know that the Aurora Metal Recycling and specifically their principal, David Giordano, is very active in the community over there, part of our submission was a signed petition by multiple neighbors including the co-chairs in the area, but to be honest with you I can't answer whether any questions were asked of the church. That being said, I'm not sure that the church parking lot, even if they were willing to be generous with their space, would want people constantly coming and moving and that's sort of the thing, is it...my understanding is when, you know, they need this space within the interior of their current premises, they've got to move some vehicles out, they don't want to just park them on the street, this is a nice space for them to park it in, move it out as well as employee parking. In addition to that is it's a nice spot of, you know, 'get your cars out of the street, give us space, and put your personal vehicles in this space during business operation business hours.'

Chairman Pilmer said thank you.

Mr. Anderson said thank you so much.

Chairman Pilmer said this is a public hearing. If anyone in the audience would like to address the Commission about any item on this case, I'll need to swear you in so anyone wants to...if anyone there, I'll just swear you in first and then one at a time... Hold on just a second. If you'll just raise your right hand and I'll swear you both in together. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Nevarez and Ms. Lopez both said yes.

Chairman Pilmer said and if you'll just state your name and address for the record, thanks.

Ms. Nevarez said oh, I already put it...my name's Sandra, I'm the owner of 630 West New York Street. I don't know if this property is residential or commercial.

Chairman Pilmer said okay, what I'll do is I'll take all the questions and then once we're done, we'll get them answered.

Ms. Nevarez said okay, yeah. I know you said a comment about something about spray painting. The place was already spray painted where they built this thing and kids are like going there, throwing rocks at it, so I feel like it's a dangerous thing to be there, so we're not agreeing with it. We're against it.

Mr. Sieben said is 630 next door?

Ms. Nevarez said yeah, 630 right....

Mr. Sieben said so, you the house next door?

Ms. Nevarez said yes, uh huh...yes.

Mr. Sieben said okay.

Ms. Lopez said hi, my name is Laura Lopez. I am at 523 Spruce Street and I'm actually here with the West Park Neighbors Group and we are actually okay with it because not only has Aurora Recycling been a sponsor of ours, but we have not had anyone at our meetings with great complaints about the situation going on and so I just wanted to let you know that. But I will definitely....I know our Alderman has been there. I have not seen anyone who is sitting here at our meetings, although going forward, they can. I know our notices go out quarterly and when we met in March, this was mentioned and a few things were discussed but we are actually okay as a group meeting but...and we would also like to see if, speaking to the owner, they would like to do a...the community would like to do a community mural there because I know we've had opportunities to help them paint and do some other things that I know of have been done. And so, yeah, that is my statement.

Chairman Pilmer said thank you. Would anyone else like to say....oh, go ahead.

Ms. Lopez said really quick, and do we have to have permission for the mural from just the owner...

Mr. Sieben said yes. Yeah, you can contact me later.

Ms. Lopez said okay.

Chairman Pilmer said anyone else? I'll just need to swear you in as well. If you raise your right hand; do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms.(Eva) Nevarez said yes.

Chairman Pilmer said thank you.

Ms.(Eva) Nevarez said well, we're not agreeing to the....

Mr. Sieben said can you give your name and address? I'm sorry.

Ms. (Eva) Nevarez said for 630 West New York Street, I live close to it. So, the other day, I was really nervous because the person was walking with their dog and I couldn't

see because he had his string so long and I almost hit the little puppy. So, I was so scared and I said "I'm so sorry" but I just couldn't see him because the thing that is there, the...what is it called...the mirror is not letting me to see all the way over there, it's just like right there. And then I don't know if you guys know there's a school like right on the corner. There's a lot of kids passing by there and we're very close to it. It's so hot in summer, that you couldn't believe it's a hundred and something degrees out there, just with that big fence, you know. And besides that, when I get out of work in the the night, I feel so scared because crime is so bad that people could just, you know, hit me and take whatever they have...whatever I have...you know, that's not very nice. And then he was, with no permanent work in there, people passing by they're looking at me like 'oh, so what about you. We don't care about you standing there.' And I was "what is these people doing here?" I mean, that's not really nice, you know. So, we're not agreeing, me and my daughter. Because I have little grandkids. They come over and they're walking down there, they're going to be driving back and forth with those cars or whatever he's going to do. I just don't know. We're not agreeing, me and my daughter.

Chairman Pilmer said and you live next door?

Ms. (Eva) Nevarez said yes...wherever it...yeah, right there.

Chairman Pilmer said right, got it, okay.

Ms. (Eva) Nevarez said thank you.

Chairman Pilmer said thank you. Anyone else? I just might ask the Petitioner to come forward. There was a couple of questions, if you could just address them.

Mr. Anderson said I can, thank you.

Chairman Pilmer said thank you.

Mr. Anderson said so, I think the concerns over the visibility as stated by Staff would be resolved by the 25-foot setback line. That will prevent any sort of, you know, seeing as that will be, as mentioned, parallel to the house itself, so it will be abutting with that and I don't think there's going to be any concerns there. As for the mural, we think it's a great idea and, of course, the City approval...you know, again, my client being "mea culpa" on this and building without a permit, that's something we've been working with. We do appreciate this City's accommodation in allowing us before you to get this issue resolved and with the City's permission, the mural will not only beautify this area, but maybe will stop some of the spray paint tagging, and that is the one thing that I neglected to mention before is right now, we have a vacant lot up against the railroad tracks with loud trains that go by and whereas the fence isn't necessarily an architectural, you know, brilliance, it does intend to beautify the area both with landscaping and things like that. I do agree, I think the mural is a great idea to make an otherwise sort of industrial area a little bit more vibrant.

Chairman Pilmer said thank you.

Mr. Anderson said I think I addressed all the questions.

Chairman Pilmer said thank you.

Mr. Anderson said thank you so much.

Mr. Sieben said is there any more public speakers?

Chairman Pilmer said if no other public speakers at this time, I will close the public hearing.

Mr. Sieben said just to make another statement; as Mr. Anderson stated, I think the issue with the visibility, I agree that it is bad now. I think the 25-foot setback will help. We'll do some, you know, low landscaping in that 25-foot setback to help beautify it between the sidewalk and the fence. I do want to also stress...I think there was a question that with the rezoning, they will not be able to store scrap metal here like they have at their main facility to the north. This is strictly just being zoned for vehicle parking so that's all that can be there, so I just wanted to stress that too.

Chairman Pilmer said correct, thank you. I don't know, Steve, if it's helpful to pull up the rendering that would show the...I know the key issue is the fence is right on the sidewalk, so pushing it back 25 feet there's a visual rendering there....about the fifth....there we go. That'll look considerably different than...and that'll be in line with the property to the west.

Mr. Sieben said yeah, so this kind of shows it set back but this shows full width of paving in the 25 foot. That would have to be grass, except for the drive and the....

Chairman Pilmer said the drive through, correct.

Mr. Sieben said so, it kind of half shows it.

Chairman Pilmer said correct.

Mrs. Owusu-Safo said I thought it was going to be...I don't know...the rendering is showing a heavy vehicle there, some kind of equipment as well. I mean, if I lived right next door, I would have some concerns with that, and I'm just surprised that they're showing a rendering with truck and equipment.

Mrs. Anderson said right, because it was stated that the vehicles would be below the fence line...8 foot, right? So, you wouldn't see it, shouldn't see it.

Mr. Anderson said I can address that. So, the rendering was prepared at the outset of this, before conversations with the City. I don't believe my client even has a big rig truck. This was provided by the landscaper's visual renderings. My client's obviously a metal recycler so he does not have the capabilities or the know how to make a visual rendering. So, I think the idea was to make sure to know that, yes, there will be metal recycling vehicles in there, but not big rigs and as I mentioned before, certainly after hours there's not going to be any vehicles, showing any vehicles moving in or out and the primary use of it is for 9 to 10 employee vehicles at any given time.

Chairman Pilmer said I think based on what you said earlier to clarify too, this would free up some of the existing space in their yard by moving employee vehicles over to this site, it frees up their yard for them to conduct their operations.

Mr. Anderson said correct, yes.

Mr. Choudhury said are we allowed to ask any more questions?

Chairman Pilmer said sure.

Mr. Choudhury said so, in your site plan and in the rendering, I don't see any extra lighting provided over there during nighttime. Is there a plan to provide any extra light?

Mr. Anderson said no, there's no plan to provide any lighting, and in fact we thought that would contribute to more, you know, light pollution for the neighbors not having lights....it was a concern for my client because, again, it's to safeguard vehicles but primary focus is during the day and again, he wants to make a minimal intrusion into the neighboring properties and he was of the opinion that having lighting there, whereas it may make his vehicles and equipment safe, would make the area less desirable for the neighboring properties, particularly the residential properties.

Mrs. Anderson said is he looking also looking at maybe some security cameras or something?

Mr. Anderson said yes, he was thinking about non-cabled security cameras on the inside, but nothing that would require any lighting or electrical work to be done in the area. It would simply be the corrugated fence and remote security cameras, if anything.

Mrs. Martinez said and then on the side of the neighbor, you guys are doing metal as well?

Mr. Anderson said yes, it would be a corrugated metal.

Mrs. Martinez said and then is that the only thing the City allows for that side?

Mr. Anderson said I don't know, and I would defer to the Staff for that.

Mrs. Martinez said because I know their concern was that in the summers it gets really hot.

Mr. Sieben said it's what they have at their existing site. I mean, it's uniform. We don't, per se, have anything against it; that is the request. I mean, it does match with what's on the other 3 sides so Staff doesn't have any issue as long as it's uniform color and things like that, and all cut down to the 8 foot.

Chairman Pilmer said and it's now 10, so it'll come down by 20%.

Mr. Sieben said it's like 9 foot 8 or something or close to 10.

Mrs. Anderson said and it won't rust or anything like that, really rust over time or...?

Mr. Sieben said it would have to be maintained. The City can watch that, but it has to be maintained.

Mrs. Anderson said okay.

Mr. Anderson said and if I can just briefly address the concerns over the heat. If there's a legitimate heat concern, you know....again, my client has as demonstrated by the neighborhood council, you know, he's a neighborhood guy and he wants to help and work in whatever way there can be. So, if there's a legitimate heat concern coming off of this, then that's something that he certainly would consider at the request

of the land owner, the neighboring land owner, to replace it with material. That being said, with all due respect, I think the neighbors' concerns are....you know...they don't own this property, but they certainly have been able to use and enjoy it as an extension of their yard and I....you know, again, with all due respect...I think that may be a motivating factor that has gone unspoken tonight as to why they're objecting to this proposed use. As the yard they've been, you know, enjoying for however long they've lived there, is now going to be actually used for purposes other than their own.

Mrs Owusu-Safo said may I ask one more question? Was the site considered for...if there's no storage, if the vehicles are not going to be stored overnight, why does it have to be in an enclosure? Couldn't it have been a nicely landscaped area which would beautify the neighborhood and the residence next door as opposed to like a corrugated metal fence right next to their house? I just have a little visual problem with that.

Mr. Anderson said I think the primary need for the fencing enclosure is for the protection and safety of the vehicles. Again, this area has experienced a lot of petty crime and theft and with this being out of sight of the principle facility, there would be nobody to maintain watch and particularly at night if there's vehicles stored there, one, that'll be more unsightly than a fence that's surrounding them and not showing them and two, this particular area along the railroad tracks which frequently gets tagged, there's frequent petty vandalism and theft, the cars would essentially be sitting ducks if there's anything there overnight. So, that would be the need for the fencing.

Chairman Pilmer said I might just add if I recall, at one point the Petitioner when they first operated, I think their fence was multiple colors and I think one of the things they did was create some consistency so as Ed mentioned earlier, their property to the one block to the north, if you look at it, has been cleaned up immensely from what I remember for years, so they have a very consistent and clean look to their property line, which is probably why we heard the testimony from the neighborhood group, so I think this fits into kind of their mission of their image of their business. This is my assumption.

Mr. Anderson said one hundred percent and that's demonstrated by the main facility on...on, um....the road name escapes me right now, but the main facility you can see that there are efforts to beautify it and keep it painted and they get it tagged a couple times a month and are always out there with their employees painting over it and keeping it beautified to the extent they can.

Chairman Pilmer said any other questions of the Petitioner? Thank you.

Mr. Anderson said thank you so much for your time.

Chairman Pilmer said does Staff want to address Findings of Fact?

Mr. Broadwell said we're actually going to let the Petitioner respond to the Findings of Fact.

Chairman Pilmer said okay.

Mr. Anderson said we would consent to stipulations. Or do you need me to lay the foundation?

Mr. Sieben said could you for the record?

Mr. Anderson said so, AMR's petition seeks to change the property's base zoning from its current R-2 zoning designation to an M-1 designation and for a setback variation to waive the 25-foot setback line. Per our arguments tonight, we will not be moving forward with the waiver for the 25-foot setback line. We would be complying with that request and accommodation. Again, currently the property is a vacant lot. Because of the current zoning restrictions, it is unable to be used for any purpose due to its size and its current zoning designation as set forth in the petition and other materials submitted to the City's....the City of Aurora Planning and Zoning Division. AMR requests these changes so it may erect an 8-foot solid steel corrugated fence around the perimeter of the property. Again, the fence is necessary in order to safeguard a limited number of vehicles that AMR and its employees intend to park there on a periodic basis.

Chairman Pilmer said thank you. Is there any additional comment from Staff?

Mr. Sieben said we have conditions.

Mr. Broadwell said so Staff, as we heard from Ed earlier, Staff typically provides recommendations for approval or denial. Staff chooses to allow the Planning and Zoning Commission to evaluate this Rezoning and Conditional Use Planned Development proposal, with the following conditions:

1. As a means to help beautify the neighborhood and screen the property from the adjacent residential properties, that the Petitioner install landscaping in the Front Yard setback to meet the minimum two (2) Canopy Tree Equivalents for Perimeter Yard plantings, in the form of four (4) deciduous shrubs and four (4) evergreen shrubs and that the shrubs be 3-feet tall and 3-feet wide at maturity.
2. That, prior to any future construction on the property, that the Petitioner provide the necessary permits to the City of Aurora's Building & Permits Division for review, approval, and issuance.
3. That the enclosed parking lot be improved with a gravel compacted macadam base, not less than four (4) inches thick, and surfaced with asphalt or asphaltic concrete.
4. That, due to the increase in new impervious and paved area, which is less than twenty-five thousand (25,000) square feet, that the Petitioner comply with the Engineering Department's requirements for stormwater mitigation/best management practices, as a means to address stormwater runoff.
5. That the Petitioner provide a formal request to the Engineering Department so that an address can be assigned to the Subject Property.
6. That, per the Building & Permits Division, the Petitioner comply with any and all applicable building code requirements for gated access to the Subject Property for emergency purposes, including review of any lock boxes / padlocks.
7. That, per the Building & Permits Division, the Petitioner comply with and all applicable building code requirements for the construction of a man gate for emergency egress.

Chairman Pilmer said thank you. So, Staff has listed 7 conditions. The Commission will need to make a recommendation. Is there a motion or a recommendation on this case?

MOTION OF APPROVAL WAS MADE BY: Mr. Choudhury

MOTION SECONDED BY: Mr. Roberts

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Choudhury, Mr. Gonzales, Mr. Roberts

NAYS: Mr. Chambers, Mrs. Martinez, Mrs. Owusu-Safo

Motion carried.

Chairman Pilmer said motion carries 5 to 3. We did have Findings of Fact read into the record by the Petitioner. Are there any additions or corrections? Hearing none, is there a motion to accept those as read into the record?

MOTION OF APPROVAL FOR FINDINGS OF FACT WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Choudhury

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Choudhury, Mr. Gonzales, Mr. Roberts

NAYS: Mr. Chambers, Mrs. Martinez, Mrs. Owusu-Safo

Motion carried.

Chairman Pilmer said motion carries and if Staff will just state where this will next be heard.

Mr. Broadwell said this will next be heard at the Building, Zoning, and Economic Development Committee, Wednesday March 29th at 4 pm at City Hall in the City Council Chambers.

Chairman Pilmer said alright, good luck. Any announcements for Planning Commission?

A motion was made by Mr. Choudhury, seconded by Mr. Roberts, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 3/29/2023. The motion carried.

ANNOUNCEMENTS

Mr. Sieben said I believe our next meeting's in 2 weeks, April 5th.

Chairman Pilmer said we will see you then. Is there a motion to adjourn?

ADJOURNMENT

MOTION OF ADJOURNMENT WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Chambers

Motion carried by voice vote.

Chairman Pilmer adjourned the meeting at 7:53 pm

A motion was made by Mrs. Anderson, seconded by Mr. Chambers, that this

meeting be adjourned. The motion carried by voice vote.

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