

## **City of Aurora**

44 E. Downer Place Aurora, IL 60505 www.aurora-il.org

## **Legistar History Report**

File Number: 25-0776

File ID: 25-0776 Type: Ordinance Status: Agenda Ready

Version: 2 General In Control: Building, Zoning,

Ledger #: and Economic
Development
Committee

File Created: 10/02/2025

File Name: Sheila M. Brown Trust / South of Sunrise Rd, East of Final Action:

Frieder Ln / Annexation Agreement

Title: An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for ORI(C) Office, Research, and Light Industrial District with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located south of Sunrise Road and east of Frieder Lane on Vacant Land in DuPage County, Aurora Illinois

60563

Notes:

Sponsors: Enactment Date:

Attachments: Exhibit "A" Annexation Agreement - 2025-10-03 - Enactment Number:

2025.244, Land Use Petition and Supporting Documents - 2025-08-12 - 2025.244, Location Map

1K

Planning Case #: NA04/3-25.244 - AA/A/RZ/CUPD Hearing Date:

## **History of Legislative File**

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zo Commission	ning 10/08/2025	Forwarded	Building, Zoning, and Economic Development Committee	10/15/2025		Pass
	Action Text:	A motion was made by Mrs. Martinez, seconded by Mr. Gonzales, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 10/15/2025. The motion carried.					
	Notes:	See attached Court Rep	orter Transcript.				

## **RECOMMENDATIONS:**

Staff recommends APPROVAL of the Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for ORI(C) Office, Research, and Light Industrial District with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located south of Sunrise Road and east of Frieder Lane on Vacant Land in DuPage County, Aurora Illinois 60563.

MOTION OF APPROVAL WAS MADE BY: Mrs. Martinez

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr.

Roberts NAYS: 0 ABSTAIN: 0

Aye: 7 Chairperson Pilmer, At Large Lee, At Large Chambers, At Large Pickens, At Large Roberts, At Large Martinez and At Large Kuehl

Text of Legislative File 25-0776

1	CITY OF AURORA					
2	PLANNING AND ZONING COMMISSION					
3	October 8, 2025					
4						
5	Proceedings held before the following					
6	Members of the Planning and Zoning Commission:					
7						
8	CHAIRMAN DON PILMER					
9	COUNCIL MEMBER PEDRO GONZALEZ					
10	COUNCIL MEMBER BRUCE KUEHL					
11	COUNCIL MEMBER ANDERSON LEE					
12	COUNCIL MEMBER NANCY MARTINEZ					
13	COUNCIL MEMBER ROBERT PICKENS					
14	COUNCIL MEMBER BRENNEN ROBERTS					
15	STAFF MEMBERS: TRACEY VACEK and JILL MORGAN					
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CHAIRMAN PILMER: Good evening. I'd like to call to order the City of Aurora Planning and Zoning Commission for October 8, 2025. Please call the roll.

(Roll call.)

CHAIRMAN PILMER: Before you are the minutes from our last meeting held on September 24, 2025. Are there any additions or corrections? Hearing none, is there a motion?

COUNCIL MEMBER: Move to approve.

COUNCIL MEMBER: Second.

CHAIRMAN PILMER: Motion has been made and seconded please call the roll.

(Roll call.)

CHAIRMAN PILMER: Motion carries. And before we begin tonight's agenda, in accordance with the Illinois Open Meetings Act, if anyone in the audience would like to address the Commission regarding an item that's relevant that's not on the agenda, they will have three minutes to do so. I'll just state for the record that no one has come forward. So we will move to our agenda items this evening.

The first three items I will read in

our next two agenda items which are related. Agenda item number 25-0776, an ordinance providing for the execution of an annexation agreement with the owners of record providing for ORI Office, Research, and Light Industrial District with a conditional use zoning for the territory which may be annexed to the City of Aurora located south of Sunrise Road and east of Frieder Lane on vacant land in DuPage County, Aurora, Illinois, Sheila M. Brown Declaration of Trust date September 6, 2017, Ward 10. This item is a public hearing.

Agenda item number 25-0778, an ordinance establishing a conditional use planned development approving the Sheila Brown Trust property plan description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of ORI, Office, Research, and Light Industrial district for the property located south of Sunrise Road and east of Frieder Lane, in the Sheila M. Brown Declaration of Trust dated September 6, 2017, Ward 10. This item is also a public hearing.

MS. MORGAN: Jill Morgan, senior planner. I am going to go ahead and start presenting and Tracey

will bring up the two documents I was going to have her bring up.

The Petitioner is requesting approval for an annexation agreement for 6.3 acres which includes provisions of the property we'll be annexing ORI(C) Office, Research, and Light Industrial District with a conditional use for potential future development. The details of which are currently unknown.

The details of the request include an agreement that outlines that upon annexation the property will have an underlying ORI, Office, Research, and Light Industrial District zoning, and outline that the developer would extend the existing curb, gutter, and payment on the north and south side of Sunrise to the easterly property line. And here is the location map of the property. Looking at the large parcel and a small parcel as well which is south of Sunrise Road.

Currently with this proposal the Petitioner is requesting the annexation of this property which will meet up with the annexation agreement at the Building, Zoning, Economic Development Committee.

The Petitioner is also requesting the

establishment of a conditional use planned development pursuant to the annexation agreement with the underlying ORI zoning. The planned description provides for a standard ORI bulk restrictions with no modifications.

And additional elevations to be approved with a final plan and would be evaluated based on the quality of writing of the building material. It also allows for only one full access to the eastern most entrance and a restricted right in and left out access on the western most entrance for semi-trucks and signs indicating should be posted. Agency use should be concept plan. No development is being approved at this time. It is strictly the annexation agreement, annexation and the planned development.

Tracey, can you share the concept plan?
The owner provided a concept plan to describe a
general idea how the site could be developed. The
plan does adhere to the standard ORI bulk
restrictions including setbacks, a large setback to
the east which abuts the residential and the
parking, et cetera.

Once a specific development is proposed,

the developer will have to submit for approval. Any variations to the ORI requirements will require revision to the plan description which would necessitate a public hearing and final approval by City Council.

The ultimate goal is eventually incorporate the properties to the east to allow for the entire area to be developed. So the Petitioner is willing to bring it in to go ahead and have that zoning to identify it as future ORI. Any questions for Staff?

CHAIRMAN PILMER: Questions at this time?

COUNCIL MEMBER PICKENS: Yeah, I have one -- or a couple actually. So this is being annexed to Aurora. I understand there's Naperville properties nearby. Is there a city line somewhere near this property that we should be aware of or is this becoming an island of City of Aurora?

MS. MORGAN: Tracey, could you go back to the other location map. So the property to the north of this all along Sunrise, all that property between Meridian Road to Frieder Lane is all in the city of Aurora. The boundary between City of Aurora and Naperville basically goes down Meridian. And all

that property from that line where Tracey is pointing west is going to be City of Aurora. That bottom property along the tollway is currently the city of Naperville. So the City of Aurora has kind of north Sunrise. Naperville will eventually annex everything to the east of Meridian according to our agreement with Naperville. This is kind of the last -- this parcel and there's three other lots are kind of the last parcels that would be annexed to the City of Aurora.

COUNCIL MEMBER PICKENS: Another question.

Regarding the current utilities in the area, is there sufficient utilities that would serve the proposed facility and are they Aurora owned utilities?

MS. MORGAN: Yes. Aurora does have utilities that would serve this parcel. We currently -- There is a building to the north of Sunrise that is being served within Aurora and being served by Aurora utilities. This area, just to note, a little sliver portion of the area that was north of Sunrise has been zoned for part of that Butterfield PDD since 1970s.

The area has been kind of been --

Originally at one point it was going to go to
Naperville. Naperville has identified in their
comprehensive plan for ORI type of uses. And then
we changed the boundary agreement to the property
west of Meridian would go to the City of Aurora. So
the area in general has been coming to ORI. That
would eventually annex into Aurora or Naperville or
some type of ORI type zoning.

COUNCIL MEMBER PICKENS: My last question is it

COUNCIL MEMBER PICKENS: My last question is it currently appears to be like farmland. And once it's annexed in, can it still remain farmland until they decide to actually develop it or is it going to just be abandoned and become a weed crop?

MS. MORGAN: It can remain -- I'm not sure if the Petitioner knows if there is -- if they're considering continuing farming or not. They should have the answer to that.

COUNCIL MEMBER PICKENS: Thank you. That's all I have.

CHAIRMAN PILMER: Any other questions of Staff?
Thank you. At this time I'd ask the Petitioner to
come forward. I'll swear you in.

(Petitioner sworn by Chairman.)

ATTORNEY PHILIPCHUCK: Good evening. My name is

John Philipchuck. I am an attorney with offices at 111 East Jefferson Avenue in Naperville, Illinois. I'm here this evening representing the Sheila Brown Trust. With me is Matt Warline, our civilian engineer from Semcon Engineering, and Nigel Brown and Malcolm Brown who are trustees of the Sheila Brown Trust.

Staff has done a nice job with their reports and summarization. Bottom line is the property, as was pointed out, is adjacent to the southerly line of a property is the boundary agreement between Aurora and Naperville.

My clients are not developers. And what they are trying to do is get as many of the entitlements as they can now to make it a more attractive parcel for a buyer to come in. They would then spend less time in the process of going through the development.

So what we try to do is have Mr. Warline give us kind of a concept plan that would meet the requirements of the ORI district. And the comp plan of Aurora calls for this area to be ORI, light industrial also. Then we agreed to the conditional use that it would be developed as a planned

development.

So depending on what we have in the way of a user, ultimately they would have to come back with their final engineering, final plan and get approval from the city landscape plan, you know, the normal things. So we wanted to give you an idea of how it would possibly look under the conditions.

But the nice thing is that we have a good road that's been designed for this type of traffic to exit out onto Frieder Lane which then gets them out to Ferry Road. And we are able to connect to an existing sanitary sewer. You asked about that.

And, of course, to be able to bring into the city.

We are next to Fox Metro. So we get that step taken care of as part of what we are going to be doing here.

We will be next to -- in this case it will the Warrenville Park District. So we will do that annexation and the library district. All those things will be taken care of. So a buyer is going to have a minimal amount of things that they would have to do. That's the reason why we're in petitioning for the annexation, this underlying zoning. And as the report that the Staff prepared

states this has been designed in this area for these types of uses since the 1970s. And we are finally out there and things are happening.

Just a couple of years ago, we annexed the portion of the property to the north. And there's a big warehouse building that was approved and put on that site. You might remember that. So yes, we will be doing some additional street improvements in the future just to extend the street to our easterly property line. We will be extending the connection to the sanitary sewer. And, of course, putting in our own storm water management.

That's the thought process behind what we'd like to do. And we would ask that the Planning Commission would recommend approval and allow us to go to City Council with this proposal. Happy to answer any questions that you might have.

CHAIRMAN PILMER: Thank you. Any questions of the Petitioner?

COUNCIL MEMBER PICKENS: I guess go back to my last question about the farmland. Would it remain farmland?

MR. PHILIPCHUCK: Yeah, we have a current lease. Obviously we will continue to keep it farmed. There

is a small residence and a couple of out buildings on the property. Those are going to remain for now. Again, we didn't want to tear anything down or get involved in anything other than getting it annexed zone. So yes, it will continue to be a farm. Beans this year, maybe corn next year.

CHAIRMAN PILMER: Thank you. This is public hearing. If anyone in the audience would like to address the Commission, they will have the opportunity to do so. Anyone that wants to speak has the right to. I might have everyone stand up who wants to speak and I'll swear you in and then we will bring you forward.

(Participants sworn by Chairman.)

CHAIRMAN PILMER: Again, I'll have you state your name and address for the record. And then we will listen to all your questions and testimony and then once complete, we will ask either Staff and try to get answers from the Staff or the Petitioner.

MR. PETERSON: Arno Peterson. Address is 4S, as in south, 271 Meadow Road Naperville.

As I stated my name is Arno Peterson. I live on Meadow Road. I've lived there for 38 years. We are part of the Ferry Road subdivision. It's

been a great place to raise our children, quiet, close to the prairie path, and you knew everyone that drove past your house. As time passes, things change and it is not quite so serene as it was then.

Are any of you familiar with the area of our subdivision with respect to that? Okay.

By re-zoning this property to ORI, that would open the door to about anything being built commercially. And as stated -- I guess one question I'd like to confirm is it sounds like since this is a concept plan, would we be invited back when there would be a real or final plan for that being developed is one of the questions.

Another question is with relationship to this property, is there anything specific that the City of Aurora would like to be developed there?

That would be another question.

all of Aurora's developments bordering our subdivision to the west and to the north have been warehouses. To name a few there's two Amazon fulfillment centers; U.S. Foods is just finishing up; there's Fellowes; there's Baxton Studio Furniture; there's Shorr Packaging; USPS Chicago; and a warehouse at 4275 Ferry Road which was just

built recently but it is nameless. There's no sign on that facility.

Since the building of the two warehouses the most recent ones to the west of our subdivision, the USPS Chicago at 2350 Frieder Lane and the other one at 4275 Ferry Road which is bordering Meridian Road, we've had more traffic through our neighborhood, both commercial trucks and personal vehicles.

We've had trucks parked overnight while idling on Sunrise Road, on Meridian, as well as Meadow Road which is far to the east side of our subdivision. And all of these are posted no parking. But it goes to show even though the posting of signs, that doesn't stop the traffic from coming through. We've had trash thrown along the streets including bags with human waste.

The other thing is noise from the trucks mainly leaving and entering these facilities and getting onto Ferry Road. These developments need to allow adequate parking, need to include overnight parking for trucks, as well as washroom facilities for the drivers.

To be a little more specific with the

traffic issues, an example is the Ryder warehouse at 2800 Diehl Road which is near the corner of Eola and Diehl Road. Its entrance is gated outside of normal operating hours. Therefore, we have Ryder semi-trucks overnight in our neighborhood waiting for the facility to open.

It's not just trucks within the neighboring warehouses, it's others slightly away from there. This is also true for the Amazon trucks with the two Amazon warehouses, the one on Ferry Road directly north of this property and the other one on Duke Parkway directly north of Meadow Road.

They're allowed to gate the entrances to their warehouses. But there was a gate on Sunrise just west of Meridian prior to the building of the warehouse at 4275 Ferry Road. When that was built, the gate was removed and never put back up. So where is the gate to protect our neighborhood from this traffic? As planners we hope that you can help control these problems for us.

Another concern arises long after the planning stage when the facility is completed. What is being stored in these facilities? Right now it's warehouses around us. The latest warehouse, as I

stated before, 4275 Ferry Road, it doesn't even have a sign up for what their business is. What do they have to hide if they're not willing to put up a sign on their business? It's a huge warehouse. You know, what's in there? Are there dangerous chemicals being stored that could impact our neighborhood in the event of a disastrous spill or a fire with deadly fumes?

An example I raise to you is the June 29, 2021 lithium battery fire at Morris, Illinois where approximately 184,000 pounds of lithium batteries were stored in that warehouse with close proximity to a residential neighborhood. City of Aurora had no idea this large amount of lithium batteries were stored there. A half mile evacuation of the nearby residents was ordered by the Grundy County Emergency Management Agency due the presence of the hazardous substances within that building.

The evacuation order was lifted after five days on July 3rd allowing the residents to go back home. The EPA had been monitoring every day the air quality to be able to let them to go back in. A half mile evacuation from any of the warehouses along Ferry Road would impact our entire

subdivision. It's just a scary thing to think about.

What is the City of Aurora doing to protect the safety right across the street from many of residences from a warehouse like the one at 4275 or on the property in question that's being re-zoned? Do you know what is being stored in any of the current warehouses there?

You as planners may say or think that you don't have any control of that. But when you allow the property in question to be re-zoned to ORI, that opens the door to any commercial development bordering our residential area. You do have the control and it's your job to protect us.

It's a disheartening thing is that these decisions are always only about money and not about the people. I repeat, these decisions are always about money and not about the people.

Four years ago during a public hearing for the warehouse of 4275 Ferry Road, Mr. Philipchuck representing logistics for that development had written off our subdivision like it didn't exist since our area was planned for new development. We are still there slowly turning over to another

generation of families and we are not going anywhere any time soon. As a matter of fact, we had one of the largest houses in our subdivision, a new family move into it this July.

I ask you to take our subdivision in consideration and make decisions on the development next door to our neighborhood and think about how it will impact us; traffic on our streets, our environment, our environmental safety and health and quality of life. Thank you.

CHAIRMAN PILMER: Thank you. Who is next? I might just ask if everyone -- if you haven't signed in, make sure we have you sign in before or after you have speak.

MR. WITTNEBE: Good evening. My name is Jim Wittnebe. I live at 4S300 Meadow Road, across the street from Arno Peterson. And I had planned a real quick talk about just all the topics that impact us. But then I also see that there's been some stuff that I don't agree that's been said already or doesn't make sense to me. So I wanted to add that.

I live 1,100 feet away from the corner of the Browns' property. It's in Mackintosh Ferry Road Farm subdivision which was created before the

Butterfield PDD. So anyway the key is that we have anywhere from 1 to 6 and a half acre lots. There are 16 homes that have people in them right now. There's also some vacant. One of the people here tonight is planning on building another home. And the original purpose of zoning, which is what you're planning and zoning, is to protect the existing people from new things that come in that could impact them. And so that's the whole reason why zoning was created to begin with. It sort of changed a little bit over time but we'd like to get back to that.

And we know that after the annexation and the change to ORI, that with the magic of Butterfield PDD anything can be built on that property. So if you are allowing that to happen, you're allowing anything to occur.

And what doesn't make logical sense is that the estate of Sheila Brown is getting this done without having it being sold because they're going to incur some expenses. My understanding is they're going to fix and put roads and curb on that side of the road. Right now that last warehouse only did one side of the road. So now they're going to have

to do the south side. And if they don't sell it, they have an expense. They are renting it out for farm. But because it's such a small six acre area, you don't get much rent. In fact in some cases, you have to pay the farmer so you can have such low taxes.

So now this comes to the City of Aurora. They're telling you they don't have any plans to necessarily build right away. What tax base revenue are you going to get from this property if you annexed and its farmland? Which is what they said they were going to do. So it is something that is going to cost you money because you have just a little bit of lane miles of road and you have to take care of the water and the sewer and stuff like that.

Plus this property is currently serviced
-- there's three different fire departments that
service our subdivision. But that property I think
is serviced by Naperville because the Naperville
land that's behind it which we call the bowling
alley. That's the 17 acres. Then there's also the
Meridian Road extension is also City of Naperville.
So we just have these five parcels that everyone is

waiting to get into the City of Aurora.

And by the way, the sum of those five parcels is less than ten acres. Plus two of the residents that have no intention of going anywhere that aren't selling are here tonight. So might be hearing from them what you're doing. Plus ten acres is not that much of an area.

In other words, this big warehouse that got built across the street was on 17 acres. The other warehouses that were talked about by Mr. Peterson are 16 acre, 18 acre, 23 acre, 22 acre, and 23 acres sites. Now you're talking about something that's a little bit less than ten acres and besides that you have a moratorium on warehouses. So what's going to go in there?

And if you say, oh, well, we'll put a truck servicing department or something like that, that's going to impact us more than a warehouse would. So anyway it doesn't -- there's something not adding up to this right now when we don't know what's going in there.

So anyway the other thing is the previous statement about the services that are going in that you just voted for, they had a big thing about the

fact that was it consistent with land use around it.

And in this particular case, on one side it's

consistent because there's warehouses. But on our

side, we were there before those warehouses were

built and we are impacted a lot by having this

commercial property in our neighborhood.

As Mr. Peterson said, actually our little area we used to call it little Wisconsin when we first got there. There was 13 head of cattle back in '88 when I moved in. And there were four different places that had horses. Now we just have one place with horses. The roads are only 21 feet wide. They are paved but no curbs, no sidewalks, no street lights. So it ends up being more of an issue for us. But when we were quiet, it wasn't -- we liked that, having that little bit of an area.

So then the last thing is right now we are doing -- the previous three times I've been here in the past years, there was always a four-part plan. Part one, annex; part two, re-zone; part three, put it into the Butterfield PDD; then part four, get the approved of the site plan. Those were four things in a row. And Mr. Philipchuck was involved with the last one of those that did go through.

So I'm trying to figure out why we are not waiting. Why is it going to cost Aurora more money than what the real estate taxes that they would get? Why is it not doing the way that the previous ones have been done with the four-part thing and get the whole thing together? Furthermore, they said they might wait for these other properties to come available. I think you might find out they're not coming available soon.

So anyway the last list of things just so it's on record is the issues and problems that we have are safety is one category and that's with the traffic. Residents have to walk on the road. They walk their pets, ride horses, kids, and also a disabled person in the neighborhood have to use the roads.

Hazardous materials, as Mr. Peterson said, we don't know what's in those warehouses. I don't know what Aurora has. I would make sure my fire department know when they went in a building what they were going into. So there should be intermittent or intervals for inspections of what's inside the buildings so I don't send my firemen into a dangerous hazardous situation.

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Furthermore, we all have well and septic. Our wells they go about 150 to 200 feet deep. Any of these warehouses could impact -- if they end up polluting our wells, it would end up being a problem for us and we might end up with having issues with that.

So then the quality of life, we have talked about the noise pollution with the traffic, the engines, the fans, compressors; light pollution, not only from the building, the parking lot lights, but also the vehicle traffic where the headlights of the vehicles are pointing at us; vibrations, which is one of the reasons why the latest moratorium has come in with the (inaudible) centers; odors, there is one building across the tollway that does provide a nice bad odor every once in a while.

If one of these places, depends on how -are they open just during the day, evenings,
weekends? If we lose our evening and weekends, it's
quality time because of traffic or because of noises
or whatever, that impacts us. Financial losses and
trash on our road, as we have talking about. The
other thing you always hear is sight lines.
Whatever is built there is going to block out our

sunset. That's not -- I think I'm trying to get everything covered that can possibly come in the future.

And I'll say thank you for letting me talk, even though it was a little bit back and forth on things. And please consider this in your decisions and adding any contingencies that you may have. Thank you.

CHAIRMAN PILMER: Thank you. Who is next?

MR. SAVAGLIO: My name is Ben Savaglio. I live
at 30w651 Sunrise Road. That's the southwest corner
of Meridian and Sunrise, not too far from the
Browns' property.

I understand that they want to sell the property, get the money for the property. I completely understand that. I don't agree with the annexation of the land to you guys, the City of Aurora, because there's an ongoing issue with the warehouse in front of my house due to all the lighting and constant semis that come up and down Sunrise. I get it all the time.

I told the City of Aurora the last time when I was here that there was going to be a problem with truck traffic. They said no, we are going to

have enough signage over there that they won't use Meridian or they won't use Sunrise, they'll certainly use Frieder. That's not the case. I call like every other day the Aurora police to get these semis off of Sunrise Road. You guys got no parking signs, there's no truck signs on these roads. And yet these guys still drive these trucks, park these trucks on Sunrise. They'll be on Meridian every once in a while. If it's not every other day, I'm calling every day to get these guys off the road. It's terrible.

Like I said, I understand they want to sell the property. They have a farmer farming it right now kind of the same farmer that farms all the land that's behind their house and the same farmland that's to the east of me. I say keep it deemed all farmland. It's great. It's all soybean out there. It's great. There's deer. We got wildlife all over the place. It's beautiful.

We don't need to cram another warehouse in that area. That would be three warehouses there. That's going to add more semi traffic through that. If they're only supposed to use Frieder Lane, which they should be, you're going to cram up three

warehouses that run trucking through three warehouses that use Frieder Lane. That won't happen. They're going to turn east and take Sunrise up that way, then up Meridian; not only the semi drivers but all the workers that are working at these warehouses. It just can't be.

I say deem it all agriculture land. That would be great. Like I said, the light pollution from that warehouse across from me, it's an ongoing issue. They never can dim it down at nighttime. I don't understand why it can't be dimmed down at night. Thanks.

CHAIRMAN PILMER: Thank you.

MR. JONES: Hi, I'm Robert Jones. I have the property at 4S366 Meadow. And we were here before for them building another warehouse. We were told they were going to put up big trees to block out the light. But the trees and shrubs that they put in, it's going to take at least 30 years for them to grow to block any sort of light. It's ridiculous the amount of light.

I agree with everything that my neighbors have said. And then also what they also did -- and everybody is on well and septic -- is that they took

the water that fills up on their side of the road and transports it to the east side of the road on Meridian. So the pool of water that we had on our side that wasn't contaminated from runoff on their property is now contaminates our properties and is going to go into the well water. That's ridiculous.

You know, they have a water problem, they need to take care of their own water problem instead of shoving it off onto other properties. It's a one way. If you look at the way the sewer is setup, it's set up to go one direction only to the east side, nothing flows back. It's only to the east side. That's not right.

As far as the traffic, it's terrible. I'm constantly cleaning up garbage and human waste. It's terrible. I shouldn't have to have that on my property every single week when I go to mow my lawn, spending 20 minutes picking up garbage. It's all from trucks laying there. We don't get too much foot traffic through our neighborhood. It's either people live there or it's from the warehouse. There was nothing before the warehouse. We had no problems with garbage before the warehouse.

Now, I mean -- and this doesn't make any

sense. On everything else that we have had as far as them building properties, they had someone else to be saying we're going to build this on here before they come to the city to try to switch anything over. And now they want to just blanket switch it over so we don't know what's going to be there.

I mean, the whole idea of this being formed as a subdivision back in 1940 was to protect us. Subdivisions are to protect residents. They're to keep chemicals from going from outside business into residential areas. They're for our protection. We are supposed to have protection from any of this, from your annexing, whatever. You're PDD, that came after the fact of the subdivision was established. So once the subdivision was established, you had no business changing anything.

That warehouse that was there shouldn't have been built. It's just a nuance for everybody. Is makes it unsafe condition for everybody in the neighborhood. They don't care. They don't keep up their lawn. I mean half the time their lawn in that warehouse is all full of weeds and looks terrible. It's ridiculous. The trees look like they're half

1 dying.

I mean, we were told they were going to block out the light, it was going to be safe, we will hardly notice they're there. That's not true whatsoever. So all we've been is lied to. They say they're going to take care of everything. Nothing has been done. Now you want to add something else. That's not fair to people -- to everybody who lives around there. It's ridiculous.

So that's all I have to say. Once again, I want to reiterate I agree with what my neighbors have said. Thank you.

CHAIRMAN PILMER: Mr. Jones, just a question. You said the water drains east over Meridian Road.

MR. JONES: No, it's under. They dug a tunnel under the road.

CHAIRMAN PILMER: To the existing properties to the north of Sunrise?

MR. JONES: To the existing properties to the east of Meridian. So they have their pool of water that parallels Ferry Road there and they put a drain to drain into the east side. And as the City of Aurora knows, because they went through this with the Illinois EPA 15 years ago about the runoff from

1 businesses is as dirty as sewage water. That's what 2 they're contaminating our water which then leads to 3 everybody's drinking water in the area. 4 CHAIRMAN PILMER: Thank you. MR. JONES: So I want to know where their fines 5 are for that? 6 CHAIRMAN PILMER: Thank you. 7 8 MR. JONES: Thank you. CHAIRMAN PILMER: I think there was one more 9 10 that was going to speak. Anyone else? Does anyone 11 else want to talk at this time? If not, I'm going 12 to close the public hearing. Actually I might ask 13 the city staff --14 MS. TULLES: I have one question. CHAIRMAN PILMER: I'll need to swear you in and 15 16 have you come forward. I'll reopen the public 17 hearing. If you can raise your right hand. (Participant sworn by Chairman.) 18 19 CHAIRMAN PILMER: I'll need you to state your name and address for the record. 20 21 MS. TULLES: Sure. Jacqueline Tulles. I'm at 22 4S371 Meridian, right on the corner of Meridian and 23 Sunrise. My question is safety. I've had people

trespassing from the warehouse that's already there

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1 across the street onto my property about 20 feet in, 2 which I'm sure is beyond the easement and smoking 3 and doing who knows what else. And what is my 4 rights for safety? CHAIRMAN PILMER: 5 okay. MS. TULLES: My partner just passed in April so 6 7 I'm currently alone. 8 CHAIRMAN PILMER: I will try to get that addressed. Thank you. 9 10 MS. TULLES: Thank you. 11 CHAIRMAN PILMER: I'll close the public hearing. 12 I might -- I'm sorry. Go ahead. Reopening the 13 hearing. Go ahead. Does anyone else want to say 14 anything else? I think I already swore you in. 15 MR. WITTNEBE: Yes. So I did see a sign. I 16 didn't get a --17 CHAIRMAN PILMER: If I can just get your name 18 again. I'm sorry. 19 MR. WITTNEBE: My name is Jim Wittnebe, 4S300 Meadow Road. I did see a sign posted on one of the 20 21 two parcels that you're trying -- my understanding 22 is that -- and the sign says that this parcel is up 23 for zoning. There's no sign on the other parcel. And that's a technicality. I just want to make sure 24

1 it's on record.

CHAIRMAN PILMER: Thank you. Anyone else? I'll close the public hearing. I do have a question of Staff and I might ask if they can -- before we go back to the petitioner. So maybe we have heard a lot of testimony regarding truck idling which then leads to potential human waste and trucks on streets. Isn't there a recent ordinance?

MS. MORGAN: There is. The City does have that. There was issue with trucks parking on city streets or these types of areas. The City passed an ordinance prohibiting truck parking on city streets. That would apply to -- We have started ticketing and eventually we'll be towing for that. That does apply to only the city portion of Sunrise. But we did have that issue throughout some of these areas when we passed that ordinance.

CHAIRMAN PILMER: I thought that was recent. It sounds like it's ongoing and probably daily. Maybe talk to the alderman.

MS. MORGAN: Yes, I'll talk to the alderman of the ward, make sure they also know that this area is having that issue as well.

CHAIRMAN PILMER: Thank you. If the

Petitioner -- or actually can Staff also address ORI, what can be built there, building height?

MS. MORGAN: So the ORI restrictions is actually more restrictive than the Butterfield PDD. So the Butterfield PDD does allow more even manufacturing type uses than the ORI. So it's more restrictive. The setback requirement of the ORI, particularly to residential, is more restrictive than the PDD, which is what the north and the west uses.

It is light industrial type uses. Like a truck -- working on trucks like on the term wouldn't be permitted and the ORI actually are aware. We do have warehouses currently. So there might be some additional restrictions to that. We are doing moratorium on data centers. I mean, I don't think that would be a use that would even be able to go here with the noise restrictions. That's limited by the Illinois state requirements.

CHAIRMAN PILMER: But to be clear, the moratorium is on data centers.

MS. MORGAN: And warehouses.

CHAIRMAN PILMER: And warehouses.

MS. MORGAN: Anything that passes comes out of that moratorium would apply to this property.

CHAIRMAN PILMER: Thank you. I might ask the petitioner -- I know Mr. Philipchuck took notes as well.

ATTORNEY PHILIPCHUCK: Yes. We heard some of these same arguments back a couple of years ago when we came in before the planning commission with our petitioner for annexation and zoning. That was a large warehouse building. I never mentioned the word warehouse tonight. Now, is it possible that after the moratorium that someone would consider? I don't know. But at this point in time, we didn't design this for a warehouse. We designed it for ORI use.

And we are not part of the Butterfield PDD like a couple of the gentlemen said. There's four or five processes. One of them is Butterfield PDD. That's not the case here. We are not part of that. There's another gentleman was concerned about the signage. But this is one lot. It has two parcel numbers but it's one lot in the Mackintosh subdivision. There was only a requirement that we need to put up one sign in front of the property. That other parcel, as you called it, is strictly for tax purposes tax parcel number. That's the only

difference. But it's one subdivided lot in that little subdivision.

We certainly are in an area that has taken over with warehouses and large users but that's been, you know, the plans for the City since Butterfield Development came to the City and that just took time to develop. The Naperville property to the south of the subject property that goes down to the tollway, as Staff mentioned, their comprehensive plan calls for it to be employment center and they've got industrial zoning on it.

So the City of Aurora can serve some of those properties. So far the boundary agreement has not been amended. I think it goes up Meridian Road, the boundary agreement does. So the one gentleman I think his home at the southwest corner of Meridian and Sunrise, I think he's probably on the future Aurora side of that boundary agreement. There's two homes there and then there's a vacant parcel that are on the south side of Sunrise.

Otherwise north of our property and west of our property has all been developed with ORI type uses and many warehouses. There are fire inspections that are made. I know the one resident

mentioned the concern about what goes in them.

Mr. Curley is still here. He can certainly address that as to the involvement of the building and the fire department when buildings are constructed and what the uses are that it's going to be to. It's not that we are totally oblivious to the health and safety, not only the occupants of the building but

obviously the neighboring properties also.

What's Aurora getting out of this? Well, quite frankly right now, Aurora doesn't get anything out of it because we don't pay taxes to Aurora because we are not in the city of Aurora. But annexing the property, the City will get taxes. Certainly once we get done with the ag use and a building goes on, the assessed valuation, as you all know, will be considerably higher and the City of Aurora will get more and more in property taxes. Plus we would anticipate bringing more jobs to the community. And so those are the positives things that come from this.

And the access to, you know, having these things in place is a benefit. We are not putting in improvements at this time. We are just setting the stage for that. In other words, as I mentioned, we

will be annexing to the park district. We will be annexing to the library district. We will be annexing to Fox Metro. We are not putting the pipes in the ground at this point. That will be the

future user, the buyer, and the developer of the

6 property.

I think I stated that we are owners of the property. We are not developers. But obviously the highest and best use of the property is not agriculture. And the time has come with that area as it's built and built and built up for this property to be the next in line to follow the Aurora's comprehensive plan which shows this as ORI property.

So I understand that for many, many years folks out there lived in a rural area. But over time it has developed and nonresidential uses. If someone comes out and buys a home, God bless them. But they certainly can stand and look around to see what the trend and development has been in this area. The trend and development has been for industrial and warehouse uses. So this is nothing out of the ordinary. It's planned to be in Aurora. It's on the Aurora side of the boundary agreement.

We are contiguous to the City of Aurora. And there are benefits to Aurora for this property to be annexed to Aurora and developed with ORI type of uses.

The plan that you saw, I know it's just a concept plan, but, again, we showed how we can address parking and how we can meet the setbacks even with the property to the east of us. It's zoned residential in the county. So mindful of that, there is the requirement because we are doing this as a PUD, we are putting that zoning in place. That buyer, that user will come back before you with final plans and developments, plans for what the buildings will look like, the height, et cetera, et cetera.

So that's all to come but this is the first stage. If I can answer any other questions. I was confused about the water issue because the storm water goes west out here. There is a detention facility on that warehouse property north of us and on the west side. And our detention facility will be on the west side of our property also. So I don't understand where there's an issue with where -- that there's water coming somehow --

1 going to the east.

But our plan is not with our development as Mr. Warline has designed it, the water is not designed to go anywhere east. Our water will go to our detention facility that's west of us and then it moves on from there and goes further to the west.

CHAIRMAN PILMER: Thank you. Mr. Curley, if you can assist.

MR. CURLEY: I can speak to the -- Just looking at the storm sewer map. What happens -- So the property that's bounded by -- or the property that's to the west of Meridian and north of Sunrise south of Ferry has a detention facility -- a triangular detention facility on the north side of that building along Ferry Road. That detention facility, when it overtops -- not daily but if you had a hundred year storm, a 500-year storm, that water needs to follow the Overland flood route that existed prior to the development occurring.

So what happens in developments we're responsible to follow with respect to storm water is to detain more water than the property had before.

So we are releasing -- The release rate is lower than was before. But ultimately if a storm overtops

the storm water facility, it needs to follow the Overland flood route.

what happens is that particular triangular detention facility on the north side of that parcel ends up going underneath Meridian Road, as the gentleman mentioned, to another detention facility. That same detention facility is almost also filled with catch basins off of Ferry Road. I don't know the history here but I'm presuming it was developed or at least added to when Ferry Road was initially developed.

That detention facility then overflows to another detention facility which is to the north of Ferry Road. And that detention facility, which is a big swamp land, actually comes back around all of these homeowners' property and then back on the other side of Ferry Road. So what the gentleman is describing -- I understand what he's suggesting but we do need to follow the requirements of both the county and the state for maintaining the Overland flood routes for storm water should we get a 500-year event. So that's what he's saying.

CHAIRMAN PILMER: Thank you. Can you just touch -- I think Mr. Philipchuck did. Can you touch

on -- we have heard a lot of questions regarding permitted use as far as hazardous materials. I think there's fire inspections. Can you just touch on that?

MR. CURLEY: Yeah, so the next part for the development process that would occur after entitlement is obtained through your assistance in our process would be to obtain a building permit. The building permit process includes fire reviews, as well as building reviews. That would ensure that what's being developed meets all the safety requirements for both local, state, and federal law.

Aurora has the highest iso rated building department in the state. So we are more certified than any other department in the state, any other building department in the state. We also have a stellar fire department as well. So I would be proud to show anybody how we handle ensuring safety for our developments when they're being built and obtaining their certificate of occupancy.

But beyond that, what occurs is there's a state -- the State Fire Marshal cedes the authority for its annual inspections to local municipalities. Aurora's fire department does annual inspections.

They would be verifying that what's there is what was permitted and verifying that the storage practices still meet code. If they're not, they are cited and required to become code compliant.

CHAIRMAN PILMER: Thank you. Maybe I know I asked Staff a little bit about the zoning -- or the city ordinance regarding trucking. But I know we talked about this several years ago. I think trucks are directed to Frieder Lane. But based on what we heard tonight, that doesn't appear to always be the case. There's safety issues, as well as trespassing. But can maybe either you or Staff state to us recommendations? I know there's signage out there but it doesn't appear to be working.

MR. CURLEY: Yeah. Again, what this is right at the boundary of our boundary agreement in an unincorporated area that's not annexed into
Naperville. For the roadways they're in Aurora, as you mentioned. There was a recent ordinance passed because we've had some issues with idling trucks in areas in Aurora, not just here. So there has been a relatively recent change. I want to say within the last six months where the police now have the authority to do more than they had, let's say, a

year ago. And I would encourage people to pursue that in order to deal with idling trucks.

With respect to the signage, I think most of it was here but I believe the last time we talked about this in front of you all, we had the city engineer here talking about the residents' desire for a barricade more or less at the eastern side of Meridian, so on Sunrise on the east edge of Meridian. And essentially both -- well, at least our City engineer finds that to be a hazard for drivers and an issue for plowing. And I believe that the residents talked with the township commissioner about the possibility of the township providing a barricade on their side. And I don't know the result of that discussion.

CHAIRMAN PILMER: Thank you. I believe -COUNCIL MEMBER PICKENS: I have a question. A
lot of comments about lighting. I mean, the
property that's being built or has been built, I
presume there was photometric plan submitted and
they were supposed to have less than a foot candle
beyond their property line. Can we go back and
check these foot candles after occupancy to bring
them -- put blinders on their lights or whatever.

MR. CURLEY: We have done that when we have gotten complaints in the past. I'm unaware that we've had complaints specifically about this solely. But we can make those inspections and validate that that's true. But you're correct, that's how we handle it on the front end with photometric drawings indicating what the foot candles will be at the perimeter of the property. And you're right, it's one foot candle.

MS. MORGAN: I was going to add we could add -- as far as like one of the issues with the gate, we can add to the plan description that they can't gate their entrance during off hours to negate idling, waiting for the entrance to open. That's a possibility. We can also require a fence, at least for the lighting along the eastern property side of the plan description. We can add that a six-foot or eight-foot fence even has to be built on the eastern property line. At least the fence has been something we have done in previous plan descriptions.

CHAIRMAN PILMER: I think might be based on what we heard in the neighborhood. I think we've seen that elsewhere in the city, but it would be helpful

to allow for trucking off the street and in their lots. So if we can add a condition they can't have access to trucks at off hours, I think it would be beneficial or at least consideration for that. It might present security issues.

ATTORNEY PHILIPCHUCK: Mr. Chairman, if I might, I think it would be premature to put something in at this point in time let's see what our user is and then let's look --

CHAIRMAN PILMER: Come back for plan and plat.

ATTORNEY PHILIPCHUCK: Exactly. If you think it's a fence or there may be minimal truck deliveries. If it's an industry, could be equipment sales. There are a lot of things that I can anticipate that could be located out there that wouldn't involve that kind of truck traffic and those kinds of things.

CHAIRMAN PILMER: I think it would make sense, just to note for the record, that should be addressed at the plan and plat.

ATTORNEY PHILIPCHUCK: Just be aware of it and take a look at it, yeah, at final plan.

MS. MORGAN: The only issue is so it does have to come through preliminary and final. If they meet

the ORI bulk restrictions, the preliminary comes
before Planning and Zoning Commission through City
Council. It's not a public hearing. There aren't
public notifications if they meet the ORI bulk
restrictions. For the gate and the fence, if they
push back and say no, we don't want to do that, I
don't know if there's anything at the city ordinance

CHAIRMAN PILMER: I'd ask the Commission how they feel. I mean, it is preliminary. There could be a user in six months or there could be a user in six years. It is a lesser zoning classification than what is to the west and to the north.

that we can make them do it. That's why if you put

it in the plan description, they would have to be --

MS. MORGAN: You can also add unless waived by the planning and zoning director to allow if there's a use.

MS. VACEK: I mean, I intend to think that probably we should wait until the final plan of plat. We do have in our landscape regulations, that we can require a fence instead of including landscaping. So we can do both. So I mean, we can do that. If you guys feel that you would rather see the fence than additional landscaping --

CHAIRMAN PILMER: I'll probably fine with that because the more I think about it, it might be a business with limited hours that doesn't have high use of trucks. And require them to leave a gate open, might be a security issue. So I think that has to be looked at in the future. I mean there is the City ordinance. It also requires -- while it doesn't sound like it's being enforced as much as the neighborhood would like, it does need to be enforced to --

MS. MORGAN: We'll make note of that and we will talk to the police department and make sure they are enforcing that area down on the south side too.

CHAIRMAN PILMER: Thank you. So with that would Staff like to read into the record the findings of fact. We will do each of these one at time.

MS. MORGAN: So there's no findings of fact for the annexation agreement. So it should be the conditional plan development.

The Staff has the following comments regarding findings of fact: One, the project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the development is consistent with surrounding

developments to the north and west and is consistent with the comprehensive plans for the area to the east and south.

Two, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values significant industrial, warehouse, and manufacturing uses exist in the general area. Where the interfacing exists with county residential properties, the final plan requirement will ensure design standards, landscaping, and traffic planning will be implemented to protect this area.

Three, the development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in this district as the surrounding are developed for similar uses. The area has been planned for light industrial uses since 1970s. The future plans for the current residential to the east are to annex into Aurora with office, research, and light industrial uses.

Four, the area has adequate water and sewer capacity to serve the project.

Five, Sunrise Road will be improved fully

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along the property frontage. The site can have two access points off of Sunrise Road. The plan description outlines limiting access for semi-trucks to the western access point and restricting the access to a right in and left out to have semi-trucks use Frieder Lane.

Six, the conditional use in all other respects conforms to the applicable regulations of the various zoning districts.

Seven, not applicable it's for hotels.

Eight, the uses are necessary, desirable, and appropriate with respect to the primary purpose of the development as the petition is to annex the property for future development and the uses outlined in the plan description are the by-right uses in the ORI Office, Research, and Light Industrial zoning district, which is the surrounding area to the north and west has been developed with and what the area was identified as in land use plans.

Nine, the uses are of a nature and so located as to not exercise an undue detrimental influence on the surrounding neighborhood as the use is adjacent to light industrial uses to the north

1 and west and the final plan will have developmental 2 setback from residential property to the east with landscaping for screening.

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Ten, the exception so allowed are reflected by the appropriate zoning district symbols and are so recorded on the zoning district map.

Eleven, there are no additional uses being permitted that are not allowed by-right in the ORI Office, Research, and Light Industrial zoning district.

Re-zoning: One, staff has noted below the physical development policies that the proposal meets.

Two, the proposal represents the logical establishment and is consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and character of the area as the general area has been planned for office, research and light industrial uses since the 1970s.

Three, the proposal is consistent with a desirable trend of development in the area as it continues the trend for office and light industrial uses that the area has been planned for and which

has come to fruition of surrounding properties in the past several years. The property's location being adjacent to the tollway and off a major regional collector, makes it a good location for these types of uses.

Four, the re-zoning will allow for more suitable uses. As it is, the area is identified for light industrial uses and is adjacent to similar uses.

Five, the re-zoning is consistent with existing land uses, zoning classifications, and general character as the properties to the north, west, and south are of similar land uses.

CHAIRMAN PILMER: Thank you. You want to provide a recommendation for the annexation?

MS. MORGAN: Staff recommends approval of an ordinance providing for the execution of an annexation agreement with the owners of current providing for ORI(C) Office, Research, and Light Industrial district with a conditional use for the territory which may be annexed to the City of Aurora located south of Sunrise Road and east of Frieder Lane in DuPage County, Aurora, Illinois 60563.

CHAIRMAN PILMER: We have Heard staff's

1 recommendation. Is there a motion? 2 COUNCIL MEMBER: Motion to approve 3 recommendations. 4 COUNCIL MEMBER: Second. Motion has been made and CHAIRMAN PILMER: 5 seconded. Please call the roll. 6 (Roll call.) 7 8 CHAIRMAN PILMER: Motion carries. The Staff will provide a recommendation for the conditional 9 10 use planned development. MS. MORGAN: Staff recommends approval of the 11 12 ordinance establishing a conditional use planned 13 development approving the Sheila Brown Trust 14 Property Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora by modifying 15 16 the zoning map attached thereto to an underlying 17 zoning of ORI Office, Research, and Light Industrial District for the property located south of Sunrise 18 Road and east of Frieder Lane. 19 CHAIRMAN PILMER: You've heard Staff's 20 21 recommendation. Is there a motion? Motion. 22 COUNCIL MEMBER: 23 COUNCIL MEMBER: Second.

CHAIRMAN PILMER:

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Motion has been made and

1 second. Please call the roll. 2 (Roll call.) 3 CHAIRMAN PILMER: Motion carries. Staff did 4 read into the record 11 findings of fact related to the conditional use and five findings of fact 5 related to the re-zoning of property. Are any 6 7 additions or corrections? Hearing none, is there a 8 motion to accept those findings of fact as read into the record? 9 10 COUNCIL MEMBER: Motion to accept. 11 COUNCIL MEMBER: Second. 12 CHAIRMAN PILMER: Motion has been made and seconded. Please call the roll. 13 (Roll call.) 14 Motion carries. The Staff 15 CHAIRMAN PILMER: 16 will state where these two cases will next be heard. 17 MS. MORGAN: They will next be heard at the 18 Building and Zoning Economic Development Committee 19 meeting Wednesday, the 15th at 4:00 o'clock. Good luck. Any announcements 20 CHAIRMAN PILMER: 21 for the Commission? 22 MS. MORGAN: No. We will be having the meeting 23 in two weeks. October 22nd is our next 24 CHAIRMAN PILMER:

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meeting. Is there a motion to adjourn?
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           COUNCIL MEMBER: Move to adjourn.
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           COUNCIL MEMBER: Second.
           CHAIRMAN PILMER: Motion has been made and
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       seconded. All those in favor say aye.
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           THE COMMITTEE: Aye.
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                             Opposed? We will stand
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           CHAIRMAN PILMER:
       adjourned.
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                          (End of hearing.)
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I, MaryJo D'Avola, a Court Reporter for the State of Illinois, do hereby certify that the foregoing Report of Proceedings was reported in machine shorthand by me and is a true, correct, and complete transcript of my machine shorthand notes so taken at the time and place hereinabove set forth to the best of my ability. marygo s'avola MARYJO D'AVOLA Dated October 12, 2025