



City of Aurora

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Legistar History Report

File Number: 25-0190

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Type: Petition

Status: Draft

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General Ledger #:

In Control: Building, Zoning, and Economic Development Committee

File Created: 02/28/2025

File Name: Eola Liberty LLC / SW Corner of Liberty St and N. Eola Rd / CUPD/Revision

Final Action:

Title: An Ordinance Approving a Revision to the Liberty and Eola Plan Description on 5.61 Acres and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto for approximately 0.9 acres of the parcel to an underlying zoning of OS-1 Conservation, Open Space, and Drainage District Zoning for the property located at the southwest Corner of Liberty Street and N. Eola Road (Eola Liberty LLC - 25-0190 / NA20/1-25.038 - CUPD/Ppn/Psd - JM - Ward 7) (PUBLIC HEARING)

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2025-02-28 - 2025.038, Exhibit "B" Plan Description Revision - 2025-02-28 - 2025.038, Land Use Petition and Supporting Documents - 2025-02-05 - 2025.038, Updated Qualifying Statement - 2025-02-28 - 2025.038, Aerial Map - 2025-02-28 - 2025.038, Staff Report - CUPD - 2025-03-03 - 2025.038

Enactment Number:

Planning Case #: NA20/1-25.038 - CUPD/Ppn/Psd

Hearing Date:

Drafter: JMorgan@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	03/05/2025	Forwarded	Building, Zoning, and Economic Development Committee	03/12/2025		Pass
Action Text: A motion was made by Mr. Gonzales, seconded by Mr. Lee, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 3/12/2025. The motion carried.							
Notes: Mrs. Morgan said good afternoon, Jill Morgan, Senior Planner. So, as a reminder, this is the property that we're looking at, the southwest corner of Liberty and Eola. So, the Subject Property is currently							

zoned B-2 (C) General Retail District with Conditional Use Planned Development, and OS-1 (C) Conservation, Open Space, and Drainage District with a Conditional Use which is part of the Liberty and Eola Subdivision Conditional Use Planned Development.

The Petitioner is requesting a Plan Description Revision to the Planned Development to change about 0.9 acres of the property from B-2 (C) General Retail to OS-1 (C) Conservation, Open Space, and Drainage District. The details of the request include changing the approved plan description from 3 lots zoned with the underlying B-2 to 2 lots zoned as B-2, and then the previous 3rd buildable lot will be consolidated with a stormwater detention facility and will be rezoned OS-1. So, I believe some of you probably recall this. This came before the Commission back in 2023. So, originally, there was an additional 3rd buildable lot right here. And there was a small...it was a concept plan but a small retail with parking was planned. So, now they are removing that 3rd buildable lot and consolidating it and basically expanding their stormwater detention facility.

So, back in 2023, we did the Liberty and Eola Subdivision Conditional Use Planned Development to allow for the property to be rezoned to permit the development of a single-bay carwash, future commercial development that was 2 buildings at that time, and stormwater management. The details of the plan description allowed modifications to the uses and the bulk restrictions. The following aspects of the plan description remain unchanged. So, it still allows for the single-bay carwash on Lot 2, which this is Lot 2 here at the corner, while it also prohibited some additional uses. The minimum interior side yard setback on the western property line of Lot 1, over here, was increased from 20 feet to 50 feet. So, typically, it would've been 20 feet, so the plan description increased that to 50 feet to provide additional buffers to the residential. The landscaping and screening requirements were amended to require the installation of a 3-to-5-foot berm and an 8-foot privacy fence along the western property line right along here. At the time of development of Lot 2, the carwash, or Lot 1 if the Lot 1 would happen to be developed first, whichever would be developed first. And then the perimeter and buffer landscaping on that berm would also be required to be installed with the carwash development. So, it would all come in at the time when this developed.

Concurrently with the proposal, the Petitioner is requesting approval of a revision to the Preliminary Plan and Plat for the carwash single bay use and future commercial building. The Preliminary Plan and Plat is very similar to the original. The major change is that consolidation of the 3rd lot into the detention lot. The project still proposes an approximately 5,000 square foot carwash on an approximately 60,000 square foot lot. It also proposes a 2nd lot of approximately 72,000 square feet for future commercial development. And we just have laid out a very concept plan kind of showing the amount of really impervious pavement that you could possibly have for that future Lot 1.

The final plans for future Lot 1 are not specific. And then, this lot, the detention lot became...the 3rd lot became a larger 94,000 square foot lot.

The access remains the same. So, if you recall, Staff worked really early on with the Petitioner to put this entrance off of Eola Road as far back as possible to not interfere with any issues with that intersection. We have a left turn lane into the development. We also have an access going down onto Eola Road. The one change to this at the time, this was looked at...they were looking at a full access here. So, this has become a $\frac{3}{4}$. And then there was an additional right turn lane on Eola Road was added into the development.

The carwash still includes 3 queueing lanes, so plenty of lanes so there will be no backlog onto Liberty Street. And then it still the vacuums, approximately 26 vacuums in the front of the building.

The only other change is to...now, if you recall, elevations are actually not approved until Final, so this has to come through to Final Plan and Plat approval. But we did show at the time some drafts of elevations. Those have changed. The Petitioner went with a different branding of the carwash since there was some issues with copyrights of some of the looks of the previous one, as well as some of the material just really was not really feasible for a high-powered carwash, but we tried to keep the elements...we still have those 2 towers, we still have some of the horizontal look of the carwash, but just changed to some materials that made a little more sense for the high-powered carwash.

Is there any questions for Staff?

Chairman Pilmer said questions of Staff?

Mr. Pickens said yes. The pond, Lot 3. Is that...right now, it's a wetland, it's a swamp...

Mrs. Morgan said yes.

Mr. Pickens said and when they're working that area, is that now going to become a pond?

Mrs. Morgan said it's going to be a natural detention pond. It won't be like a lake, but it will become like a stormwater detention...

Mr. Pickens said it'll be a wet bottom, but a soggy wet bottom.

Mrs. Morgan said yes.

Mr. Pickens said okay. And then, I just wanted to note that the landscaping plan did not match that configuration, the pond, so...

Mrs. Morgan said right, we are still working on some of all that. This site is very difficult with, like, the detention, the utilities, so that we are still trying to work through that Final Plan so all that...the stormwater detention, the utility locations will all be figured out before we bring it to Final Plan.

Mr. Pickens said that's all I had. Thanks.

Chairman Pilmer said any other questions?

Mr. Gonzales said question for the west side of the facility there. I see the 3-foot-high landscape berm. Is the fence going to be located on top of the berm?

Mrs. Morgan said no, it's going to be along the property line. So, the little line with the squares is the fence.

Mr. Gonzales said 6-foot?

Mrs. Morgan said 8.

Mr. Gonzales said 8-foot?

Mrs. Morgan said yeah, 8-foot.

Mr. Gonzales said okay, thank you.

Chairman Pilmer said any additional? This is a Public Hearing. If...actually, I will...does the Petitioner want to add anything? So, this is a Public Hearing. If anyone in the audience would like to address the Commission, they'll have a right to do so at this time. I will need to swear you in, so if anyone wants to speak, I just...we can have you stand in place, and I'll swear everyone in at once. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

From Audience: I do.

Chairman Pilmer said thank you. And then, I'll just take one at a time. If you'll come up and...I think this side...if you'll just state your name and address, please, for the record.

Mrs. Morgan said (off mic) actually, sorry...

Chairman Pilmer said oh, I'm sorry. I gave you bad directions.

Ms. Plummer said I can sign before I leave. Alright, my name is Michelle Plummer, I live at 2828 Kendridge Lane in the Oakhurst North subdivision. For starters, I have a quick question about the zoning because the notice we sent said it was currently B-2 (C) General Retail District with Conditional Use. If I heard correctly, it's changing to an OS-something or other, and I will be quite frank, on our notice it says the proposed zoning is also B-2 (C) General Retail District with a Conditional Use. So, is there a change in the zoning?

Chairman Pilmer said I will get an answer. I'll take all the questions and then I'll get all the answers at that time.

Ms. Plummer said so, that is one question I have. The only other question I have, because I was not able to be at the previous meetings surrounding this plat survey, and we did go through this a number of years ago when the gas station was proposed for this site. For Lot 1, if it is a Conditional Use, what retail businesses are prohibited from being on that lot? The neighbors are hearing that there is potentially some sort of drive-thru and obviously you can have different types of drive-thru. But depending on what it is is extremely concerning. Obviously, a food drive-thru is different than having a bank drive-thru. So, those are my concerns, and I don't know if those are something that can be answered or shared.

Chairman Pilmer said we will get answers.

Ms. Plummer said okay. Thank you.

Chairman said I think there was another...sure, come on up.

Mr. Bass said (off mic) does it matter which?

Ms. Plummer said my side.

Mr. Bass said hi, I'm Dennis Bass. We're at 2858 Kendridge Lane, that's the lot directly adjacent to this. Only question I had...I guess a couple of questions...is it looked like...is the turn in...I guess I address you guys...the turn in lane off of Liberty, has that been moved further west than what it was previously?

Chairman Pilmer said I'll...we will find out.

Mr. Bass said and...I guess just the question is any of the conditional...kind of I guess a follow-up...any of the conditional, I guess, conditional...not permits but the conditional...

Mr. Sieben said (off mic) uses?

Mr. Bass said yes, thank you. Conditional uses changed at all since the last time?

Chairman Pilmer said alright.

Mr. Bass said I think that's all I had. Thanks.

Chairman Pilmer said thank you. Sure, come on up and I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mrs. Bass said yes.

Chairman Pilmer said thank you.

Mrs. Bass said hi, I'm Cindy Bass, I'm Dennis's wife, and like Dennis said our lot backs immediately up. So, a couple of questions: the turn lane on Liberty...so that if you were going west on Liberty, you're gonna turn left in...what, like, I'm just concerned from a traffic standpoint. Like, how is that being addressed? So, that's concerning to me. And then also when it comes to the landscaping pieces, is it for sure that we will have privacy before all this goes up? Because that's gonna directly affect us. So, I had those 2 concerns.

Chairman Pilmer said I will get those answers.

Mrs. Bass said awesome, thank you.

Chairman Pilmer said thank you. I'm going to have... I think Staff can you start with the zoning and what was approved and what's changing?

Mrs. Morgan said yes, so when I did the initial notice, I was looking at it as a Plan Description Revision, just consolidating the lots. And then, as I thought through how I was wording the Ordinance, I'm really...it's a Plan Description Revision, still is a Plan Description Revision but we decided to actually just put the OS-1 Conservation zoning on to that lot so it all matches...

Chairman Pilmer said so, it's a revision of what was previously approved...

Mrs. Morgan said yes.

Chairman Pilmer said but the revision is specifically the Open Space designation for that specific lot?

Mrs. Morgan said it is. And I...after I published the letter, I was like, that could've been worded better, so I do apologize for that.

Chairman Pilmer said can you talk a little bit about prohibited uses?

Mrs. Morgan said so, it is...Lot 1 is B-2. The only prohibited uses we typically put is not laundromat, no tattoo parlor, no...

Mr. Sieben said (off mic) payday loan.

Mrs. Morgan said payday loan. But we did not prohibit a drive-thru. I know at one point I think they originally had outlined a possible drive-thru on the site. With this revision, they're not showing one, but it's not prohibited.

Chairman Pilmer said okay. The egress and ingress on Liberty Street...

Mrs. Morgan said okay...

Chairman Pilmer said has it moved? I think we heard it was moved as far west as possible.

Mrs. Morgan said from the very beginning that was the intent, to alleviate any issues onto Eola, especially to get stacking into that left turn lane into Liberty Street.

Chairman Pilmer said so, it's as far west as it could be. And then, maybe you can talk about I think the westbound ingress and egress that's a new turn lane. Is that correct? Is that new?

Mrs. Morgan said not on that one. So, the westbound on Liberty has always been planned, that left turn lane into...

Chairman Pilmer said but is that new as part of this development?

Mrs. Morgan said oh, I'm sorry. It is new as part of this development, yes.

Chairman Pilmer said so, that goal is to alleviate some stacking there as people are heading westbound on Liberty, that turn lane should allow them to exit the main flow of traffic.

Mrs. Morgan said correct. And we also did add in the Plan Description if this becomes an issue per Engineering Department and the Police Department, we can restrict that to not being...make a left turn out...a left turn out to the property, limit to not a full access. Then we did add that turn lane...right turn lane off of Eola Road into the project.

Chairman Pilmer said and then lastly, I think...I think you, if I heard correctly, once they start...regardless of whether it's Lot 1 or Lot 2, the landscaping along that western part, the berm, the landscaping, and the fence all have to go as part of whichever lot's developed first?

Mrs. Morgan said correct. So, that berming...that...I mean, obviously when they come in and grade it, they'll do the berming and the grading and everything first. That berming will be a part of the development of the carwash. Then, the fence I would assume would come after you get the site developed, all the grading done, the fence would go up, and the landscaping usually will go up...depends on usually weather, the timing of the weather, when they will start installing the landscaping.

Chairman Pilmer said thank you. Did that answer questions or are there additional questions? I just...I need to have you come back up and speak into the microphone because we record them.

Mrs. Bass said so, I'm still not clear on a couple things. So, when it comes to landscaping... 'cause our house is directly affected, okay? So, that fencing for sure is gonna go up 'cause that's the privacy fencing. So, that fencing is for sure going up before all the building happens?

Mrs. Morgan said I wouldn't say for certain. I mean, you have to grade the site first. You're not gonna put a fence up until you grade the site. So, once all the grading is done...and I mean the owner can probably answer and confirm that...that if the fence can go up once they're starting constructing of the building. Can you answer that, Ed?

Mr. Sieben said so, as part...I'm sorry, Ed Sieben, City of Aurora Planning and Zoning Director. So, with the permit for the carwash, which I think we're certain the carwash will go first...that's what's driving this...the berm, the 8-foot fence, and then the landscaping...they'll landscape the carwash lot, and they will also landscape the berm. So, you guys will all have that done. We wanted that done first,

not when Lot 1 whenever that would ever get developed, but with the carwash 'cause the carwash is going first. So, that'll be the first one, and then your guys' perimeter will be all done.

Mrs. Bass said and then, not the fencing?

Mr. Sieben said the fence, the 8-foot fence will be done as part of that.

Mrs. Bass said as part of the...

Mr. Sieben said the carwash.

Mrs. Bass said the carwash, right?

Mr. Sieben said correct.

Mrs. Bass said okay.

Chairman Pilmer said just to clarify, not to...

Mrs. Bass said yeah.

Chairman Pilmer said it may not go first, but it has to go prior to the carwash open...

Mr. Sieben said it'll go with the carwash development, it'll go.

Mrs. Bass said understood. Okay, and then I still have questions on this Liberty piece, alright? And I don't know how many you guys are familiar...really familiar with this. But when you are going down Liberty, there is traffic both ways...a lot of traffic both ways, and now you're gonna have a turn lane that's gonna go left? Like, how is that all gonna be controlled? 'Cause there's no stop light...I mean, there's stop lights right there on Eola and Liberty, then you go, you know, a few feet, and then you're gonna be turning and you've got traffic coming east, traffic coming west, school buses, and the traffic coming east has a turn lane to go left onto Eola. So, I'm just concerned from a...I'm really concerned from a standpoint when it comes to potential accidents, et cetera because that corner already, you guys, is crazy. So, now we're gonna add a turn right there on Liberty to turn left...how is that all gonna be controlled?

Mr. Sieben said so, I can answer that.

Mrs. Bass said yeah.

Mr. Sieben said so, none of this has changed from 2 years ago. So, when the Public Hearing was 2 years ago, this is all identical...

Mrs. Bass said right.

Mr. Sieben said so, if you look, we kind of blew it up, the left turn lane going east on Liberty to Eola, none of that is changing, but what we are doing is adding a short westbound left turn lane into the site...

Mrs. Bass said right...

Mr. Sieben said so, you can see the short arrow. So, it's been engineered. It's not...it's not ideal, it's not a long left turn lane in but it will get the cars out of the through lane and into their own left turn lane and be able to use this as a full access.

Mrs. Bass said I'm totally clear and I also know that bottom line, it is risky. It is really risky. Because you're gonna turn left, you've got cars coming east, you've got cars coming west...or cars going west, buses going west, and now you're gonna have another turn lane. And it's already packed. Because where you wanna turn left, like, you wanna go ahead and go left here, and then you go a little bit further and you're making another left up here. All that traffic backs up. I mean, I see it every day. I live there, and that's what concerns me, honestly, from a safety perspective.

Mr. Sieben said well, they're not gonna be able to turn unless there's an opening. So, they'll be able to be in the queue, and they'll be able to turn when there's an opening. Does that make sense?

Mrs. Bass said it's risky, guys. It's very risky. You're...you guys are taking a huge risk for safety.

Ms. Plummer said (from audience) I... I would like to reapproach.

Chairman Pilmer said sure, come up.

Ms. Plummer said I will second the concerns of Cindy Bass in terms of traffic as a neighbor who has heard the car accidents in my backyard and called 911. I am well familiar, and you are well familiar I'm sure, with the volume of accidents that occurs at the intersection of Eola and Liberty. Okay? From what I understand, it's one of the top 3 or 4 in Aurora. I understand her concerns about the turn lanes. I would ask that the traffic commission take a look at the timing of those lights because I can tell you, there are times when only 1 car can get through that light if they are going east or westbound on Liberty. And it's actually concerning. So, if this is going to be the case that this is moving forward, I would ask that traffic required to take a look at timing of the lights. I think it makes a big difference. Our subdivision has a number of high school drivers, as do most in the Aurora area, and I share the same concerns about their safety if things were to back up. Regarding the changes in the zoning, I have a question. Did this change from B-2 or is the OS an add-on? The conservation, because if it is, is OS more restrictive than B-2? So, and my question is in regards to Lot 1, when it is determined what is being built there, will there be another approval process for that particular building?

Mrs. Morgan said yeah, OS-1 is Conservation, Open Space, Stormwater Detention. That's why we're changing the zoning is to show that it is not a buildable lot...

Ms. Plummer said so, that is only in application to Lot 3.

Mrs. Morgan said yeah, the former Lot 3...

Ms. Plummer said so, Lot 1 and 2 remain B-2.

Mrs. Morgan said yes...

Chairman Pilmer said well, that's actually the change because Lot 3 was allowed to be build...

Ms. Plummer said it was B-2...

Chairman Pilmer said and so there was a buildable lot which actually would've...so, it's actually at somewhat of a downzoning of Lot 3, less extensive.

Ms. Plummer said okay. So, then my question is Lot 1 is obviously remaining B-2 zoning. So, before that lot is built, will it have to come for approval as to what is being put on that property or no?

Mrs. Morgan said it would have to come through a Final Plan and Plat, not a Public Hearing depending...as long as the use is a permitted use.

Ms. Plummer said okay. Again, I will register some consideration that neighbors are concerned about a drive-thru format and what that can mean. If the drive-thru format is not, then that's a little bit different story. I would also ask with B-2, are there timing restrictions on when those businesses can operate, given that this backs up to an extremely residential area? Can these be 24-hour businesses?

Mr. Sieben said (off mic) no.

Mrs. Morgan said no, right? No. I don't think it can be a 24-hour business...

Ms. Plummer said no, I just...

Mrs. Morgan said especially like...we have restrictions on, like, you know, alcohol...

Ms. Plummer said or a late night drive-thru. Can they put Taco Bell on this site? (laughs) Just out of curiosity. I mean, can it be a late-night drive-thru? Nothing against Taco Bell, just an example.

Mrs. Morgan said I guess...

Chairman Pilmer said it would be...that's a permitted use...

Mrs. Morgan said it could be a late-night drive-thru. That would be a permitted use. Like, a restaurant with liquor, usually have restrictions on timing for that.

Mr. Sieben said (off mic, inaudible)

Ms. Plummer said yeah, you know, I'm sorry. It's just as a neighbor, again, that this backs up to our properties. I am seriously concerned about what type of thing can be put there.

Mr. Sieben said sorry. So, again, nothing is changing on Lot 1 or 2. So, nothing is changing with the uses. All we're doing is taking away...Lot 3 used to be another...a 3rd commercial lot, and they've expanded the detention. That's the whole purpose of this Public Hearing. Nothing else has changed on that. So, just to clarify. Okay?

Ms. Plummer said okay. So, alright. Thank you.

Mr. Sieben said sure, you're welcome.

Mrs. Bass said (from audience) I have another question.

Chairman Pilmer said sure.

Mrs. Bass said so, when it comes to Lot 1...because we've been here through all these different hearings...so, that list of what can't go there, that needs to be crisp and I'm not hearin' that. I'm hearin', "well, maybe, kind of, kind of." So, last time we were told that their businesses could not be open 24 hours, so that needs to be made very clear. Also, to make sure we cannot have a gun store back there. A vaping store back there. A massage parlor back there. I think it needs to be very clear what cannot go in that Lot 1, to Michelle Plummer, my neighbor's point. I'm in full agreement with her on that, that it needs to be very, very clear to the residents, and right now it's not. Especially since there's not gonna be a Public Hearing. So, that's it.

Chairman Pilmer said alright, thank you. Alright, do you have that list? I mean, I think it's part of the City's permitted use for anything that would be applicable to this type of lot.

Mrs. Morgan said we've prohibited pawn shops, used clothing store, alternative financial institution, laundromat, tattoo parlor.

Mr. Sieben said (off mic) that's it...

Mrs. Morgan said that's it.

Mrs. Bass said (from audience) hold on a minute, so...

Chairman Pilmer said hold on. One at a time. I just need...if you have something new to add, you certainly can come up and...

Mrs. Bass said (from audience) I do, 'cause that list...

Chairman Pilmer said you'll need to come to the microphone because we record these.

Mrs. Bass said okay, so, that list...

Chairman Pilmer said the list is the same list that we approved already, the permitted use...

Mrs. Bass said so, we're okay behind a residence lot to put, like, a gun store? And we all know they're around. It's not okay. So, I think that list...I don't care if it's been 2 years ago, it needs to get updated. But there is things that should not be going right behind a residence, and you guys all know that. If you were living there, you would be saying the same thing. That's it.

Chairman Pilmer said anything else or new?

Mr. Bass said (from audience) just clarification.

Chairman Pilmer said sure.

Mr. Bass said Jill, can you pull up the plat again? I'm just curious...just another question on the turn in off of Liberty. So, you talk about 50-foot clearance. Is there a 50-foot clearance from that turn in to the property? Doesn't look like at all it's even close to that.

Mrs. Morgan said it...

Mr. Bass said so, what I mean from the north...the western...far western side of that turn in...

Chairman Pilmer said so, the far northwest point that...that as they start the ingress into the property...

Mr. Bass said yes.

Chairman Pilmer said to allow for that turn. I think...are you referencing that?

Mr. Bass said that's what I'm referencing, yeah. I just was curious how close that is to the property line. It looks like it's maybe 10 feet.

Chairman Pilmer said do you see the very far northwest corner of the property line? There's a...right there. So, as it starts to turn, I think the 50-foot is...

Mrs. Morgan said that's a radius.

Chairman Pilmer said yeah, so the radius...I think the question is does the radius encroach into the 50 feet. And yes, it does. It would have to make a radius. But the property line starts at the...I think the...that's part of the easement, isn't it? So, just to the right of that 255.54. That's the 50-foot set...

Mrs. Morgan said okay, yes. This is going to be dedicated as...

Chairman Pilmer said that's the easement.

Mrs. Morgan said right-of-way.

Chairman Pilmer said so, that's in the right-of-way that it cuts...the radius cuts into the 50-foot.

Mrs. Morgan said yes.

Chairman Pilmer said but at the property line there on the corner, that's where the 50 feet starts.

Mrs. Morgan said yes.

Chairman Pilmer said right there.

Mr. Bass said (off mic) going to the easement. So, basically though on the far west, northwest side of that, though, it's only where cars start turning in, that's gotta be less than 10 feet from the property line.

Mr. Sieben said sir, can you talk into the mic, please?

Chairman Pilmer said yeah, so the question...you get it, Jill?

Mrs. Morgan said yeah, so...

Chairman Pilmer said yeah, it is. That's part of the easement and that's pretty typical of the radius needed for the ingress.

Mrs. Morgan said and the Traffic Engineers did...I mean, they did potentially wanted to push it back to avoid any impact to Eola. So, I mean, it was strategically planned engineering-wise for traffic (unintelligible) to be pushed that far back on to the property.

Mr. Bass said I guess my concern is just safety, right? I mean, if cars are turning in there and you're right, maybe 10 feet off the property line. Is there something to be done there to prevent cars driving right, you know, whether it's icy out or whatever? To prevent them from driving right into the property?

Mrs. Morgan said well, you...I believe there's also right-of-way there. So, this is being dedicated as

additional right-of-way.

Mr. Sieben said (off mic) he's talking about the radius. Talking about this.

Mrs. Morgan said right, but he's talking about that it starts here right at the property line.

Mr. Sieben said correct, correct.

Mr. Bass said I mean, just the closest point where, you know, car driving right into the property.

Mrs. Morgan said but this is also...it's abutting existing right-of-way, that's why we're dedicating it. So, it's not like this is...this is still right-of-way over here.

Mr. Sieben said (off mic) correct.

Mrs. Morgan said does that make sense?

Mr. Sieben said (off mic) he's talking about (inaudible)...

Mrs. Morgan said right, but, like, all of this...

Chairman Pilmer said and so the radius starts at the existing right-of-way...

Mrs. Morgan said right-of-way. Yes.

Chairman Pilmer said and then, it actually could be tighter, but we already approved an expanded setback, so, of 50 feet instead of what was typically permitted. But, you know, we heard testimony earlier about the concern on westbound traffic on Liberty, so I think the design and what was recommended by traffic engineers was to push that as far possible on the west side to permit, you know, ingress from westbound traffic.

Mrs. Morgan said yes. Yeah, that's...I mean, it was done on that purpose to try to get that additional stacking. I mean, they put the left...they wanted this left turn with stacking to alleviate any issue with traffic on Liberty. So, while, yes, it is kind of a tight...not as long as some turn lanes and a little tight...it was done to try to get that turn lane as much stacking as possible onto that turn lane to get people off of Liberty Street if they're turning left. Or I mean off of the thru lanes of Liberty Street.

Chairman Pilmer said alright. Yeah, and I think...

Mr. Bass said I mean, I understand what's happening there. I'm just wondering is there a way...I don't know, is that bermed up at all right at that corner then so kinda prevent cars from coming into the property right there? I'm just asking for something to...yeah, right at the turn...

Chairman Pilmer said so, the berm will be on the property line. It won't extend into the right-of-way.

Mrs. Morgan said it will not, because we have a sidewalk here that connects...a sidewalk, so it will not have a berm extend...and there's also that sight lines...that would be...create sight line issues if you're trying to make that left turn lane out onto Liberty to have a berm.

Mr. Bass said yeah, I see what you're saying. 'Cause where exactly is the property line? Can you show that with your mouse?

Mrs. Morgan said so, the new property line will be this right here. It's the dark...okay, sorry one...

Mr. Sieben said (off mic) the black line.

Mrs. Morgan said the black line is the property line. The little squares is the fence. So, here is the property line.

Mr. Bass said I guess I'm still looking just west of that property line where our back property line is to where that's gonna...where the turn in is.

Chairman Pilmer said I think...I can't remember, was it 25 or 30...what's the setback requirement?

Mrs. Morgan said it's usually 20, so we...

Chairman Pilmer said so, we're actually...not that this may help you, but technically we didn't approve it that way but by pushing that 50-foot buffer, it's pushing everything further away from the property line to the east versus what...you know, so there's a little bit of a benefit there already, an extra 30 feet.

Ms. Plummer said (from audience, off mic) if I could, when you get a minute, I have one clarification I'd like to make about traffic.

Chairman Pilmer said yeah, we just...

Mr. Bass said yeah, I mean, I guess I have nothing else to say with that. I mean, it's...I mean it's obviously concern that it's that close to right off the property line where they're gonna be driving in. And obviously we're not going to have any way to resolve that right now. But just to express the concerns there.

Chairman Pilmer said understood. Understood.

Mr. Bass said thank you.

Ms. Plummer said (from audience, off mic) can I?

Chairman Pilmer said sure.

Ms. Plummer said alright. If you don't mind staying. So, this question is about those lanes. Currently, on Liberty when you're headed eastbound, there's 1 lane that goes into 2 lanes that allows for a lefthand turn lane onto Eola. With this new lefthand turn lane that's being dedicated toward turning into this property, is that shortening those 2 lanes that are available to turn onto Eola? Because, again, traffic there is a mess.

Mr. Sieben said (off mic) no.

Mrs. Morgan said no, no...

Ms. Plummer said so, they will stay the same that they currently are?

Mr. Sieben said (off mic) correct. Yes.

Ms. Plummer said okay. And I will be honest with you, I'm just trying again to understand the zoning, so forgive me. I am a healthcare worker by background, not a architect or anything else. With a B-2 zoning that is Conditional Use, you've outlined what's currently written about things that can or cannot...and I appreciate you being candid about what is there. With it being a Conditional Use, could any other stipulations have been put on it at the time it was approved? Or is it only limited to what is written in your code? You know what I'm saying?

Mrs. Morgan said no. Right, it could've been...at the time it went through...it could've been changed. The Planning Commission...

Ms. Plummer said to prohibit, say, a gun shop or other things?

Mrs. Morgan said yes.

Ms. Plummer said is there any B-2...or any business zoning that is more restrictive than B-2?

Mrs. Morgan said B-1 is slightly, but it only prohibits just...I can't...I can't think...there's only a few additional uses that a B...that is prohibited in B-1 that's permitted in B-2, but I can't remember off the top of my head what those uses are.

Ms. Plummer said okay. And obviously I know the developer, I believe is here, and has not had a chance to speak, or whether or not he will, I understand that maybe we missed the idea or the intent of what could potentially go here with B-2. I'll be honest as a homeowner who built my home there 28 years ago, I would've hoped it would've been slightly more restrictive to, again, protect the neighborhood where we're raising our families and our children. That said, my only appeal would be to the developer that you're hearing the concerns of neighbors who live directly there, and who have in

the past been very vocal about what we felt shouldn't be there, as in terms of a gas station with a diesel fill. We are not opposed to a business or a livelihood, or at least I personally am not. I used a certain example of a retail food chain, I'm not opposed to a late-night facility; however, I think most people would prefer not to have it in your backyard. Okay? I think we're concerned because by nature of having a carwash there, I am concerned about what type of business would prefer to build in the backyard of a carwash. Now, is it a doctor's office? That would be great. Okay? Because I view that as simply, not just I love physicians, but because it's a business that typically has a nice little start time and a nice typical end time. Okay? And again, in a residential area, so close to our homes, I think that's something of concern. So, understanding that you may not be able to change what you did, or whether or not you can reconsider the zoning, that is whatever your rules are. But I would ask that the developer keep in mind that we have our families, we raise them here. We like to support our businesses within Aurora, and quite frankly, my husband and I do. And so, I would just ask that you try to be respectful of the neighbors who are behind it when you consider what business you are wanting to put there. So, thank you all for your time.

Chairman Pilmer said thank you.

Mr. Sieben said can I just add one comment?

Chairman Pilmer said sure.

Mr. Sieben said I appreciate her comments. I think they're great comments, and I think the developer should really respect that. I'm guessing not being on Eola Road, it's probably not gonna be...I can't say for sure...but it's probably not gonna be, you know, a fast-food drive-thru or something like that. It may be a dental office or something like that. I can't say that for sure, I can't guarantee that but based on where it's at. And I have been here 25 years in this position, so I do know that at one point, a gas station...I think even with some diesel lanes was proposed back here and we heard the neighbors loud and clear. So, that's why we went to this much less intense use. We also did the additional 30-foot of buffering to the neighbors. The ordinance only says 20 feet, so we did 50 and that all that had to be put in at the beginning; the berming, the fencing, and the landscaping, even though that Lot 1 is not going to be done first. So, we do hear the neighbors, and I hope the developer does too. So, just thought I'd say that.

Chairman Pilmer said thank you. At this point, I will close the Public Hearing. Staff does have Findings of Fact related to the Public Hearing. If you could read those into the record.

Mrs. Morgan said regarding (Conditional Use):

1) Will the establishment, maintenance, or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare?

The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the revision reduces commercial uses on the overall property.

2) Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood; factors including but not limited to lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation?

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 as the proposed project abuts a major arterial that is designed for commercial development. The enjoyment of the surrounding property will be enhanced by the proposed development and adding additional open area will have no impact on surrounding properties.

3) Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

The consolidation of the lot will not impede development of surrounding properties as the access point off of Eola Road remains and there is still planned cross access between these lots and the lot to the south.

4) Will the proposal provide for adequate utilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

The proposed subdivision has adequate water and sewer capacity to serve the project. The consolidation allows for additional area for stormwater detention if needed.

5) Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets? (For automobile intensive uses including but not limited to, gas stations, car washes, and drive through facilities, the concentration of similar uses within 1000 feet of said subject property should be given consideration as to the impact this concentration will have on the traffic patterns and congestion in the area.)

Removing a buildable lot will reduce the traffic congestion, which at the time of creation of the Plan Description, the Commission found that the proposal provides adequate ingress and egress designed to minimize traffic congestion on public streets.

6) Does the conditional use in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Commission?

The Conditional Use in all other respects conforms to the applicable regulations of the OS-1 Conservation, Open Space, and Drainage District Zoning.

7) FOR HOTELS: Does the market feasibility study, that was provided to the City, include all the requisite data and demonstrate that the proposed hotel use has sufficient demand generators already in place or proposed as part of the hotel use development and other factors present, to support the economic viability of such hotel use, in order to prevent blight, excessive vacancies or obsolescence as a result of such hotel use being abandoned, after construction thereof?

Not applicable.

8) Are the uses permitted by such exceptions necessary or desirable and appropriate with respect to the primary purpose of the development?

The change of zoning the parcel underlying OS-1 Conservation, Open Space, and Drainage District is necessary to allow for the development because the 0.9 acres cannot be developed and is better served as detention.

9) Are the uses permitted by such exception of a nature or so located as to not exercise an undue detrimental influence on the surrounding neighborhood?

Allowing additional area for stormwater detention while still retaining the cross-access aisle will have no impact on the surrounding neighborhood.

10) Are the use exceptions so allowed reflected by the appropriate zoning district symbols and so recorded on the zoning district map?

OS-1 Conservation, Open Space, and Drainage District is the City's standard zoning for non-buildable detention lots.

11) ONLY FOR INDUSTRIAL SITE CONDITIONAL USE PLANNED DEVELOPMENTS: In an industrial planned development, do such additional uses allowed by exceptions conform with the performance standards of the district in which the development is located?

Not applicable.

REZONING:

1) Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Staff has noted below the physical development policies that the proposal meets.

2) Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

The area is identified as commercial on the Comprehensive Plan, the surrounding properties fronting Eola Road are commercial, the site is located at the intersection of two arterials, and detention associated with the adjacent commercial is consistent with the area.

3) Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

The proposal is consistent with a desirable trend of development in the area as it provides detention for the previously approved commercial.

4) Will the rezoning allow uses which are more suitable than uses permitted under the existing zoning classification?

The lot is not buildable and is better utilized as stormwater detention area.

5) Is the rezoning a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area?

The rezoning is an extension of the existing commercial zoning on Eola as it allows additional open area and stormwater area to serve the commercial.

Chairman Pilmer said does Staff have a recommendation?

Mrs. Morgan said Staff would recommend approval of an Ordinance approving a revision to the Liberty and Eola Plan Description on 5.61 acres and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto for approximately 0.9 acres of the parcel to an underlying zoning of OS-1 Conservation, Open Space, and Drainage District Zoning for the property located at the southwest corner of Liberty Street and North Eola Road.

Chairman Pilmer said you've heard Staff's recommendation. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Gonzales

MOTION SECONDED BY: Mr. Lee

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

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. Staff did read into the record the Findings of Fact related to the Conditional Use as well as Zoning. Are there any additions or corrections? Hearing none, is there a motion to accept the Findings of Fact as read into the record?

MOTION OF APPROVAL OF FINDINGS OF FACTS WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mr. Lee

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

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. If Staff will state where this will next be heard.

Mrs. Morgan said this will next be heard March 12th at 4 o'clock in this room

Aye: 5 Chairperson Pilmer, At Large Lee, At Large Gonzales, At Large Pickens and At Large Kuehl

Text of Legislative File 25-0190