



54 W Downer Place, Suite 107 Aurora, IL 60506
aulawgroup.com 630.907.7499

March 16, 2023

VIA EMAIL

City of Aurora
Planning and Zoning Division
44 E. Downer Place
Aurora, Illinois 60507
coaplanning@aurora-il-org

Re: *Aurora Metal Recycling Petition for Minor Variance and Conditional Use*
Property Address: SWC, W New York St & RR
Parcel Nos. 15-21-177-024 & 15-21-132-016
Qualifying Statement

To Whom It May Concern:

This office represents Aurora Metal Recycling (“AMR”) with regards to its Petition for a Minor Zoning Variance and Conditional Use Planned Development (“Petition”) for the above-referenced property. My office has been authorized by AMR to act as its agent during the Petition process. Please allow this correspondence to serve as AMR’s Qualifying Statement in support of its Petition.

AMR’s Petition seeks a change in the property’s base zoning from its current R-2 zoning designation to an M-1 designation, and for a setback variation to waive the 25-foot setback line requirement. AMR seeks these changes in order to ensure that the property can be used by both AMR and future owners. Currently, the property is a vacant lot that, because of current zoning restrictions, is unable to be used for any purpose due to its size and current zoning designation. As set forth in the Petition and other materials submitted to the City of Aurora’s Planning and Zoning Division (“Division”), AMR requests these changes so that it may erect an 8-foot solid steel corrugated fence around the perimeter of the property. The fence is necessary in order to safeguard a limited number of vehicles that AMR and its employees would like to park on the property on a periodic basis. Enclosed herein is a visual rendering of the changes and variations being proposed for the property and the landscaping that will accompany it. Also enclosed is a petition signed by multiple residents who support the Petition, each of whom live adjacent to the property and within the surrounding neighborhood. Notably, both of the neighborhood’s co-chairs have expressed their support for the approval of the Petition, and the neighborhood’s Alderman, Bill Donnell, has also expressed his support. Lastly, attached hereto as Exhibit A is the AMR’s responses to the Planning and Zoning Commission Findings of Fact Sheet for Rezoning Petitions. Attached hereto as Exhibit B is AMR’s responses to the Planning and Zoning Commission Findings of Fact Sheet for Conditional Use Petitions.

The proposed changes and variations will not negatively impact the public health, safety, morals, comfort, or general welfare of the property itself; the neighborhood; or the City of Aurora as a whole. In fact, the changes will positively impact both the neighborhood and the City by, among other things, beautifying an otherwise unsightly and unused vacant lot; reducing the congestion along the nearby public streets; and by reducing the noise disturbances to surrounding neighbors caused by the freight trains traveling on the adjacent railroad tracks.

Currently the property is an unused vacant lot, and under current zoning restrictions it is unusable for any purpose – residential or industrial. Although the property is zoned for residential use, the zoning and building restrictions imposed by the Aurora Municipal Code prevent any structure from being built on the property. Furthermore, the vast majority of the neighborhood consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within the neighborhood, and encouraging economic growth and stability in the area. In addition to the proposed fence, AMR proposes to improve the property with a gravel compacted madam base, not less than 4" thick, and to cover the surface with asphalt, asphaltic concrete, or a comparable specification. Once improved, AMR would seek to park its company and employee vehicles within the fenced in property on a periodic, as needed basis, and it does not anticipate more than 10 vehicles being present on the property at any given time. This is the total number of individuals AMR employees, most of whom currently park on the streets surrounding AMR's principal building. Accordingly, allowing AMR to use the property for its employee parking will reduce congestion in the area. AMR does not seek to place or store any recycling materials or scrap metal on the property. Additionally, AMR believes the property is approximately 400' from its principal building, and if it is beyond 400', it is only by a nominal distance.

The proposed changes and variations are also consistent with the normal and orderly development and improvement of the surrounding properties. As mentioned, the vast majority of similarly situated parcels abutting the BNSF railway in the property's neighborhood are zoned for industrial, not residential use. Furthermore, because the proposed changes and variations do not seek the construction of any structure on the property other than the proposed 8-foot fence, there will be no impact on the neighborhood's utilities; access roads; drainage; or any other facilities in the area. The proposed changes and variations will also have no impact on the ingress and egress of traffic, and will not cause congestion in the public streets. In fact, the proposed changes would reduce congestion in the public streets since AMR's employees will be able to park their vehicles on the property, rather than the public streets as they currently do. Moreover, while AMR is seeking a setback variation to waive the 25-foot setback line requirement, if deemed necessary to approve the Petition AMR is willing to comply with the 25-foot set back requirement. However,

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it does not believe the 25-foot set back requirement is necessary for any residents' ingress or egress, or to ensure the safety of the public road.

Pursuant to City Ordinance No. C78-4686, the property was re-zoned in 1978 for single-family residential use only. That is the property's current zoning designation. There is also a 25-foot setback requirement for any fences due to the property's designation as R-2 single family dwelling. As discussed above, the Petition seeks to change the property's zoning designation to an M-1 Limited Manufacturing Zoning District for the sole purpose of periodically parking vehicles on the property. The Petition also seeks a variance from the 25-foot setback requirement for the sole purpose of erecting the proposed fence to safeguard those vehicles. The specific list of variances, modifications, and exceptions being requested from the City's Codes and Ordinances are as follows:

- Change in zoning designation to an M-1 Limited Manufacturing Zoning District.
- Variance waiving the 25-foot setback requirement.

In addition to the materials submitted herewith, AMR has also submitted a Plan Description prepared by the City; a Professional Dimensioned Site Plan, and a Development Tables Excel Worksheet. Please let me know if any other materials are needed or would otherwise assist with the Petition process.

Thank you,



Colin W. Anderson

cc. Ed Sieben
siebene@aurora.il.us

EXHIBIT A
PLANNING AND ZONING COMMISSION FINDINGS OF FACT SHEET
REZONING PETITIONS
Petitioner's Responses

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?

Yes. The framework for the City's Physical Development Policies and Comprehensive Plan ("Plan") is based on the City's long standing policy of remaining a self-sustained community by developing its economic base. The proposal will, in fact, develop the City's economic base by allowing AMR's continued operation as a viable business.

The framework for the Plan is also based on a belief in rehabilitating Aurora's older residential and commercial sectors. The growth direction policies within the Plan are intended to "encourage appropriate development...of vacant lots." (Comprehensive Plan, §11.1). The proposal seeks to rehabilitate an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property.

The Plan's land use interrelationships policies are likewise intended to "promote complementary interactions between different land use components." (Comprehensive Plan, §12.0). The Plan's enhancement of the urban environment policies are similarly intended to "plan and provide for the growth of the City" while enhancing its aesthetic environment. (Comprehensive Plan, §14.0). This includes promoting the revitalization of older residential and commercial areas and provide for the visual enhancement of the City through attractive landscaping. (Comprehensive Plan, §14.1). The vast majority of the neighborhood surrounding the Property consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within the neighborhood, and encouraging economic growth and stability in the area.

The Plan's neighborhood enhancement and commercial development policies are also intended to promote the economic stability of neighborhoods, enhance the living environment, and enhance the appearance of commercial activities. (Comprehensive Plan, §§20.0, 30.0, 32.0). AMR has requested the proposed changes so that it can continue to operate its nearby business in an efficient manner without adding to the congestion of the City's streets. Allowing AMR to use the property for its employee parking will reduce congestion in the area. The proposed changes and variations will positively impact both the neighborhood and the City by, among

other things, beautifying an otherwise unsightly and unused vacant lot; reducing the congestion along the nearby public streets; and by reducing the noise disturbances to surrounding neighbors caused by the freight trains traveling on the adjacent railroad tracks. If the proposal is not approved, AMR will need to consider its options, including whether it remains viable to operate its business in the neighborhood and within the City of Aurora.

The Plan's economic development policies are intended to promote commercial growth within the City to widen employment opportunities and to strengthen economic base. (Comprehensive Plan, §50.0). This includes actively promoting and pursuing the retention of businesses presently located in the City, and promote the expansion of commercial activities consistent with the Comprehensive Plan. (Comprehensive Plan, §51.0).

Finally, the Plan is intended to enhance the visual and aesthetic environment of the City. (Comprehensive Plan, §93.0). Again, the proposed changes will positively impact both the neighborhood and the City by, among other things, beautifying an otherwise unsightly and unused vacant lot; reducing the congestion along the nearby public streets; and by reducing the noise disturbances to surrounding neighbors caused by the freight trains traveling on the adjacent railroad tracks

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?

Yes. Currently the property is an unused vacant lot, and under current zoning restrictions it is unusable for any purpose – residential or industrial. Although the property is zoned for residential use, the zoning and building restrictions imposed by the Aurora Municipal Code prevent any structure from being built on the property. Furthermore, the vast majority of the neighborhood consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within the neighborhood, and encouraging economic growth and stability in 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?

Yes. AMR's proposal seeks a change in the property's base zoning from its current R-2 zoning

designation to an M-1 designation, and for a setback variation to waive the 25-foot setback line requirement. AMR seeks these changes in order to ensure that the property can be used by both AMR and future owners. Currently, the property is a vacant lot that, because of current zoning restrictions, is unable to be used for any purpose due to its size and current zoning designation. The proposed changes and variations are therefore consistent with the normal and orderly development and improvement of the surrounding properties. As mentioned, the vast majority of similarly situated parcels abutting the BNSF railway in the property's neighborhood are zoned for industrial, not residential use. Answering further, see Response to No. 1 above.

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

Yes. Currently the property is an unused vacant lot, and under current zoning restrictions it is unusable for any purpose – residential or industrial. Although the property is zoned for residential use, the zoning and building restrictions imposed by the Aurora Municipal Code prevent any structure from being built on the property. AMR proposal requests changes so that it may erect an 8-foot solid steel corrugated fence around the perimeter of the property. The fence is necessary in order to safeguard a limited number of vehicles that AMR and its employees would like to park on the property on a periodic basis. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within the neighborhood, and encouraging economic growth and stability in the area.

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

Yes. Currently the property is an unused vacant lot, and under current zoning restrictions it is unusable for any purpose – residential or industrial. Although the property is zoned for residential use, the zoning and building restrictions imposed by the Aurora Municipal Code prevent any structure from being built on the property. Furthermore, the vast majority of the neighborhood consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within

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the neighborhood, and encouraging economic growth and stability in the area.

EXHIBIT B
PLANNING AND ZONING COMMISSION FINDINGS OF FACT SHEET
CONDITIONAL USE PETITIONS
Petitioner's Responses

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?

No. The proposed changes and variations will not negatively impact the public health, safety, morals, comfort, or general welfare of the property itself; the neighborhood; or the City of Aurora as a whole. In fact, the changes will positively impact both the neighborhood and the City by, among other things, beautifying an otherwise unsightly and unused vacant lot; reducing the congestion along the nearby public streets; and by reducing the noise disturbances to surrounding neighbors caused by the freight trains traveling on the adjacent railroad tracks.

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?

No. Currently the property is an unused vacant lot, and under current zoning restrictions it is unusable for any purpose – residential or industrial. Furthermore, the vast majority of the neighborhood consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do. A key difference, however, is AMR's intention to beautify the property with its proposed changes. By allowing the changes and variations being requested in the Petition, AMR will be permitted to turn an empty, unsightly, and currently unusable vacant lot into an aesthetically pleasing and usable piece of property. This will have the effect of increasing the value of the property and the value of the other properties within the neighborhood, and encouraging economic growth and stability in the area.

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?

No. The proposed changes and variations are consistent with the normal and orderly development and improvement of the surrounding properties. As mentioned, the vast majority of similarly situated parcels abutting the BNSF railway in the property's neighborhood are zoned for industrial, not residential use.

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

Yes. The proposed changes and variations do not seek the construction of any structure on the property other than the proposed 8-foot fence. As such, there will be no impact on the neighborhood's utilities; access roads; drainage; or any other facilities in the area.

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.)

Yes. The proposed changes and variations will have no impact on the ingress and egress of traffic, and will not cause congestion in the public streets. In fact, the proposed changes would reduce congestion in the public streets since AMR's employees will be able to park their vehicles on the property, rather than the public streets as they currently do.

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?

Yes. The vast majority of the neighborhood consists of industrial and commercial buildings. Allowing the proposed changes would therefore bring the property in line with the similarly situated properties in the neighborhood, including those abutting the BNSF railway, most of which are already zoned for industrial and not residential use. Granting the Petition would therefore allow AMR and subsequent owners to use the property in the same way the vast majority of similarly situated properties are already permitted to do.

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.