



# City of Aurora

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## Legistar History Report

File Number: 16-00521

File ID: 16-00521	Type: Resolution	Status: Agenda Ready
Version: 1	General Ledger #:	In Control: Planning & Development Committee
File Name: FoxWalk Overlay District Design - Text Amendment		File Created: 06/03/2016
Title: A Resolution Adopting a Revision to the FoxWalk Overlay District Design Guidelines, Regulations, and Procedures, as an Appendix to the Aurora Zoning Ordinance regarding Murals		Final Action:

**Notes:**

Agenda Date: 06/16/2016

Agenda Number:

**Sponsors:**

Enactment Date:

Attachments: Exhibit A Revision of Guidelines.pdf

Enactment Number:

Planning Case #:

Hearing Date:

Drafter: esieben@aurora-il.org

Effective Date:

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	FoxWalk Overlay District Design Review Committee	06/09/2016	Forwarded	Planning & Development Committee	06/16/2016		Pass

**Action Text:** A motion was made by Riverwalk Commission Zine, seconded by Preservation Commission Ream, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 6/16/2016. The motion carried.

**Notes:** *Mr. Sieben said let me touch on the staff report first and then we can go over kind of the individual items, and go over a little bit of the background. Again, the purpose of this Resolution would be to revise a portion of the FoxWalk Guidelines to modify certain portions to give guidance for the installation of murals, either public or private, in the downtown. A little bit of background, there have been some recent inquiries regarding both public and private mural installation projects on properties within the city. I won't go into big detail, but for properties outside the downtown, they are actually regulated through the Aurora Sign Ordinance, which tends to more or less discourage mural installations, especially within 1 and 2 family zoning districts. In fact, within 1 and 2 family zoning districts they are prohibited. Outside of 1 and 2 family districts, they would need to go through a special sign district procedure, which is a public hearing through Planning Commission and then the City Council. For properties within the downtown, which we are going to talk about tonight, they are regulated through the FoxWalk Overlay District Design Guidelines, the subject of this proposed Text Amendment. The city recently hosted 3 informal focus groups on mural installations with interested members of the public, artists, city staff, and various committee members. Dan Barreiro was involved with that, Liesje Howard with the Mayor's Office, Alex was involved with it also. We're all here if there are any additional questions. The general consensus was to, at least initially, focus on the downtown.*

Currently in the Design Guidelines there are only a couple of references to murals. There is a little section related to public art, but that should be encouraged. There is a section that defines murals. There is a section that really puts murals under wall signage, etc. Really murals are more of a public art thing than really an advertising sign. If you guys recall, and maybe all of you were on the committee in 2006 into 2009, but Karen Christensen, who was the Downtown Administrator at the time, and Rena Church put together some research and some memos regarding some proposed amendments regarding murals that was brought forward for discussion back in 2006. Then I think the last time it was discussed was in 2009. As you know, the guidelines were totally redone back in 2008, but as far as the section on murals, where there would be a little bit of some structured guidance, that really never came forward at the time. So that's kind of what we're doing is we're taking some of the comments from the focus groups and some of the background information that Karen and Rena had done back then and trying to incorporate it here. So I touched on that. So a little bit of discussion. The proposed amendment would add a section 8.4 Murals to the document, with some guidelines related to mural installation, and whether it would be a public or private initiative. A key component is that proposals would first be sent to the Aurora Public Art Commission, or APAC, for initial review and recommendation prior to the final decision by the Design Review Committee for mural installation. Basically the items that are in that first part there, mural installation projects would be reviewed for, including but not limited to the following:

1. Consistency with overall goals of APAC.
2. Wall location and visibility.
3. The wall or surface preparation.
4. The paint type.
5. Exterior protective coating.
6. Ongoing maintenance.
7. Duration of the mural.
8. Review of best practices, including planning, which would be the responsibilities and rights of each partner in the process.

In addition, 8.4-2 there, the next section talks about proposed guideline themes, advertising and types of surfaces and installations. If I could just read through this real quick. So there would be:

8.4 – Murals.

8.4-1 – Murals proposed for downtown buildings, whether publicly or privately owned, shall be reviewed by the Aurora Public Art Commission for initial review and recommendation prior to decision by Design Review Committee and the proposal shall be reviewed for the following, and those are the 8 items I just read.

8.4-2 – The theme of any mural proposed may relate to the history of downtown Aurora or of the city, in which case the staff of the Aurora Historical Society may assist with research.

8.4-3 – Additional mural themes may be proposed with input and guidance from the Aurora Public Art Commission.

8.4-4 – Murals may not be used to advertise any business, commercial service products, political, philosophical, or religious points of view. The latter would continue to be regulated as Wall Signs under Section 4.4-19 of the FoxWalk Overlay District Design Guidelines.

8.4-5 – Murals may not be painted on masonry surfaces that had never been painted before. In those cases, murals could be painted on panels that would be attached to the mortar joints without damaging existing brick. The mural panels should be installed to permit air flow around and behind them, and to deter nesting birds.

So those are just some kind of general guidelines in a nutshell. I think a key thing is those 8 components of what APAC would really look at, that that would be kind of an initial starting point, since they are kind of charged with doing public art. I'm here. There are other staff here if there are any other questions.

Mr. Truax said does anyone that was at the meetings want to add anything to what we've heard already?

Mr. Sieben said and we also have Vickie McCoy and Josh Schultz who also attended the meetings too.

Mr. Truax said whoever would like to speak please come forward and let us know what you think.

Good evening. I'm Dan Barreiro, Chief Community Service Officer for the City of Aurora. I just wanted to make a few comments regarding the focus groups that we had. We had 3 different focus groups and we had invited individuals who we deemed to be stakeholders in this mural process that we are discussing. So these are individuals that either had expressed an interest in coming forward with a mural or individuals that would be involved in different regulatory organizations, such as yourselves or the Public Art Commission members. We also had individuals that represented the art's community. We had members of different city staff in different capacities that would also be involved, including the Police Department and other agencies. So our goal was to discuss the concept of having murals in the City of Aurora and to discuss the pros and cons, you know, talking about best practices and what are some things that would be concerns or barriers or things like that. So we had a pretty good discussion with all 3 groups. There seemed to be a consensus that there was a benefit to having murals in the City of Aurora, but there was also agreement that they needed to be done right so that we wouldn't have issues way down the road. So a lot of those things were discussed in terms of the maintenance and how we make sure that they are done right and who is going to have input in terms of the murals. Also there seemed to be a desire for input from the community before these are just put out there. So I think as a result of the focus groups and also some research that Liesje has conducted, we also had available some documents regarding best practices in regard to the successful mural programs in other cities. Based on all the information, Ed was able to put it together to kind of streamline what are the things that we need to be looking at as we review mural proposals going forward. That's all I wanted to share, but if you have any questions, please feel free to ask.

I'm Liesje Howard. I'm a graduate intern with the Mayor's Office, a student at NIU. Really what you're having proposed to you today is really just a funneling down of the research that was done on best practices with respect to murals in the public, whether they are privately financed or publicly financed.

Mr. Truax said Dan, you didn't talk about, it's not in our ordinance, in our guidelines. How do we go about making sure that the murals are taken care of afterwards, because the Design Review Committee won't be inspecting them every night to see if they look good?

Mr. Barreiro said I think as we go forward through the process we're going to have proposals that are put before us and we are going to be reviewing them for the information that Ed summarized. So with that, in those proposals we're going to ask for that type of information. In many cases, what we're talking about is it's a mural on a privately owned building, and that the owner of that building, more often than not, is not going to be the one painting the mural, but he is going to be probably hiring somebody or somebody is going to ask permission to put that mural on there and so there is going to have to be some kind of documentation that there is an agreement as to who is going to take care of it and those types of things. That's what we are going to be looking for, so we are going to have to see something brought forward that answers those questions, so that's one. Secondly, if it is a publicly owned building, then we would make sure that we are looking at that as well as we put this forward. I think the important thing is that there is a plan in place that addresses all of these things and that's what we would like to see in any proposal.

Mr. Sieben said and that's really something that at the beginning stages with staff and with APAC I think that we would try to formulate those policies.

Hello. My name is Joshua Schultz. I didn't really expect to be speaking, but I'm also a mural artist as well as other things, but this is very exciting to see the discussion moving forward and it sounds like there's a very good system in place that makes sense to me. All of these 8 points are very cogent and I think there are a lot of people in the community that are very excited to see this moving forward and I think it is very important to me personally to have a system that's kind of turnkey that an artist or many other artists along the way in the future can essentially just plug into and go through the process. So thank you for taking the time to do this.

Mr. Truax said well thank you.

I'm Vickie McCoy and I'm with the Aurora Mural Project because I promote art in all forms. I think it is wonderful that this has been started. I would like to see it taken a step further so it wouldn't just apply to this FoxWalk Overlay. I think the city should just have a mural ordinance period, and there could be items within that ordinance that address whether it is downtown or not downtown because one of the things with the ordinance that's currently in place for the Sign Ordinance, which our mural would fall under because it is outside the Overlay District, is a very steep application fee in the first place to do

this and no one is doing this to make themselves rich. We are just trying to contribute art to the community. Someday we may have a very famous artist come to our town that can afford those fees, but our little group really can't. For that reason alone, I think that it would be better if you could do something so that it, and you're not that department, I understand that, but it would be wonderful if we could have something that would apply to any area and different departments would oversee them. But in general, I don't have any complaints with it. I would hope that we wouldn't experience any problems like the City of Elgin has with the controversy that they have going up there now, but beauty is in the eye of the beholder when it comes to art, so you are going to get some of that probably, but I'm very happy to see it move along at this point too. Thank you.

Mr. Truax said thank you. Any other discussion?

Mr. Jaros said I have no problems with any of this, I guess a question for Ed. Does there need to be someplace, a definition of what constitutes a mural and has that been addressed? My second question is should there be or is there any reference to size?

Mr. Sieben said I guess with your second question, I'm not sure that we necessarily want to limit it to size. I think each project would be an individual project to be looked at. It depends on where it would go, what's the scale to the building, etc. So with that, I'm not really sure that that should be done. There's already a definition of mural in the definition section of the FoxWalk, so that's already in there. Whether it needs to be tweaked or not, that's a possibility.

Mr. Jaros said then anything that's under that definition would just automatically...

Mr. Sieben said correct.

Mr. Jaros said okay. I'm good then.

Mr. Ream said Ed, who is responsible for determining whether a wall is ready or acceptable for a painted mural?

Mr. Sieben said as far as actually painting on the surface?

Mr. Ream said yes.

Mr. Sieben said well first off, it would have to be a surface that has already been painted on. It can't be an original surface because that was number one of these in here that murals may not be painted on masonry surfaces that have never been painted before, but if you had a case where it was already painted, again, that would fall under the initial APAC review and what their proposal is and then reviewed by the APAC board, the APAC Commission. So that's not, I think, the goal right here to say oh it has to be this, this, or this. I think that would be developed through that process with APAC. Then, obviously, it would come back to you guys for the final vote and you would take all that information and evaluate it.

Mr. Zine said could you repeat the criteria for the murals for downtown? I can't read that.

Mr. Sieben said sure. You're talking about the 8.4-1 through 8 or whatever that is right there?

Mr. Zine said no, the subject matter.

Mr. Sieben said I'm sorry. Subject matter, the theme of any mural proposed may relate to the history of downtown Aurora or of the city, in which case the staff of the Aurora Historical Society may assist with research. Then the next section says additional mural themes may be proposed with input and guidance from the Aurora Public Art Commission. So it doesn't limit it just to that. There is some wiggle room there.

Mr. Zine said I missed the second part, so thank you. I just want to say that I think we've seen a lot of improvement in downtown lately and a lot of it has really been kind of grassroots, you know, the First Fridays and the Alley Art Festival and things like that and then the city has pitched in and done wonderful things as well. I kind of like the way that that has opened up, so I'm glad that we're looking at this because there has been talk about it. There was just a big article in the Tribune Sunday about the value of public art. So I'm glad we are moving forward on it. I'm glad to hear some feedback from an artist and somebody, an art supporter, so I'm happy that we are moving forward with this.

*Mr. Truax said do I have a motion to recommend to the City Council approval of the modification to the FoxWalk Overlay District Design Guidelines, Regulations and Procedures as part of the Zoning Ordinance?*

*MOTION OF APPROVAL WAS MADE BY: Charlie Zine  
MOTION SECONDED BY: Kevin Ream  
AYES: John Jaros, Kevin Ream, Don Truax, Charlie Zine  
NAYS: None*

*Mr. Sieben said this will next go to the Planning and Development Committee meeting a week from today. It will be Thursday, June 16th, at 4:00 p.m. on the 5th floor of this building. From there it will go onto the following Committee of the Whole and then City Council on June 28th.*

*Aye: 4 Preservation Commission Truax, Jaros, Preservation Commission Ream and Riverwalk Commission Zine*

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