



City of Aurora

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Legistar History Report

File Number: 20-0471

File ID: 20-0471	Type: Petition	Status: Draft
Version: 1	General Ledger #:	In Control: Rules, Administration, and Procedure
		File Created: 08/11/2020
File Name: City of Aurora / Text Amendment to AZO / Chapter 49		Final Action:
<p>Title: An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, Illinois, commonly known as the "Aurora Zoning Ordinance"</p>		
Notes:		
		Agenda Date: 10/06/2020
		Agenda Number:
Sponsors:		Enactment Date:
Attachments: Exhibit "A" Chapter 49 Redline - 2020-09-23, Table One Use Category - 2020-09-23, PZC Process Presentation, Legistar History Report - 2020-09-03 - 2019.044		Enactment Number:
Planning Case #: KDWK-19.044-TXT/AZO/SCO		Hearing Date:
Drafter: tvacek@aurora-il.org		Effective Date:
Related Files:		

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	08/19/2020	Held in Planning and Zoning Commission	Planning and Zoning Commission	09/02/2020		Pass
Action Text: A motion was made by Mrs. Head, seconded by Mr. Chambers, that this agenda item be Held in Planning and Zoning Commission to the Planning and Zoning Commission, on the agenda for 9/2/2020. The motion carried.							
Notes: <i>Mrs. Vacek said before we go into the presentation, I just wanted to let you guys know that really the intent tonight is to summarize the proposed Text Amendment and then we would ask that it would be held until the next meeting as we finalize the actual redline of the Text Amendment. The purpose of the Text Amendment is really just to streamline the development processes as this has been an ongoing discussion with our community stake members. Just to give you a little bit of background, the city has been working with our stakeholders for a number of years and we have made numerous cultural and ordinance changes over these years, including the implementation of our Development Services Team, as well the adoption of new codes and Text Amendments to address development concerns. Additionally, the Development Services Department and Engineering Department have worked extensively to improve their process review times. In 2018 and 2019, the Building and</i>							

Permits Division, Property Standards, Zoning and Planning, Engineering and Economic Development all moved into the Development Services Center to create a true one stop shop for development transactions with the city. Last year the city engaged Rolf Campbell Associates to evaluate our current development processes and procedures to make recommendations on potential changes to further streamline the process. I'm actually going to turn it over to Chris Heinen, who actually works with Rolf Campbell Associates to talk about their findings.

Thanks Tracey. As Tracey mentioned, my name is Chris Heinen. I am a Senior Planner and Senior Project Manager with Rolf Campbell Associates. We are a planning firm that mainly works with several municipalities throughout the Chicagoland region, so our day to day basis is basically development process and procedures. We talked with Tracey in the onset and the city discussed their concerns regarding the overall process and streamlining it to help development kind of continue on in a little better fashion. So what we did is basically we took the existing procedures from the city and reviewed them internally with our staff. We did do a survey of approximately 9 municipalities, surrounding municipalities, and reviewed their review procedures as well, their processes as well. During our review of those municipalities, it was quite different. It is really hard to compare apples to apples to each municipality as each municipality has their own set of guidelines and their own review processes and procedures and things of that nature. Picking out what was similar with the City of Aurora versus what was similar with other municipalities really brought to light a lot of recommendations that we came to a conclusion on and will come up with and I'll show you in a minute. We did evaluate those processes and made recommendations regarding timelines, meetings, and potential consolidation and elimination of potential review procedures and processes as well. We did review those with the city staff. We did start doing some text amendments and redlining. Those, I believe, are currently at the city's Legal Department kind of going through it with a fine tooth comb making sure that those processes are in accordance with State and Federal law. So what did we find out? One of the main things we did was the combining of the Zoning Board of Appeals and Planning Commission, which I believe the city has already done. In doing this, you really eliminate a Board that only reviews one aspect of the Zoning Ordinance, variances. A lot of municipalities, I'd say probably 95% of municipalities, have a combined Zoning Board of Appeals and Planning Commission, so this was a simple easy take away for the city to accomplish. The next two were the elimination of Planning Council and Requests and Referrals steps, which, I'll go into in a little bit, was another major take away. Again, I'll touch base on those, and then the consolidation and elimination and combination of certain procedures and processes. So Planning Council and Requests and Referrals - Planning Council was formed in 1974. It really was a relic of an old form of city Commissions. It was mainly made up of elected Commissioners and staff, which would initially review a lot of the projects that came into the city. It morphed over time into involving a lot of outside agencies as well, so the Fox Valley Park District, Fox Metro, PD, and the Fire Department. Everyone was kind of involved with reviewing those processes or projects that came in. It was really kind of a tie up and a hold up for a lot of the development world moving projects through. Since that time, as Tracey has mentioned, the establishment of the DST, the Development Services Team, really kind of takes into consideration all of those entities and puts them into one general area, general team, to kind of review a lot of these projects prior to moving forward prior to actually doing a formal application. The new technology and software that has come out should be rolling out soon, I believe, if it hasn't already.

Mrs. Vacek said it has.

Mr. Heinen said this new technology and software really ties all of your departments together into one software system, one technology system, which allows cross-communication between Engineering, Planning, PD and the Fire Department. You can deliver the same type of information and same type of review process without having to physically meet once a week at Planning Council. By removing the Planning Council and Requests and Referrals, this ultimately eliminates 2 weeks at a minimum off the development review process. Kind of diving into what some of these processes look like, so Rezoning, Special Uses, Comp Plans, the existing process is roughly 60-90 days. That does entail a public hearing, as you are well aware. That is State statute. That is something that you can't mess with. So a lot of developments that come in that require Special Uses, even knocking off 2 weeks of time for these developers moving forward is money saving for them, even the 2 weeks getting the approval process through and their entitlements through as well. As you can see with the flow chart,

you can kind of see what the process is from that initial DST meeting, out of the pre-application and all the way through to formal approval. The next slide shows what we are proposing to do. Again, with that elimination of Planning Council and Requests and Referrals you really do free up a minimum of 2 weeks and potentially more depending on how well that initial DST meeting goes, so we can cut down on those. The next few slides are Preliminary Plans and Plats, Annexations, Annexation Agreements. They again are pretty well set in stone in terms of State statute. The majority of them require some type of public hearing. Annexations do require the public notice and public notification, especially for taxing bodies and things of that nature. Those are processes that we can't eliminate at this time unless the State decides to make any recommendations. So really the Requests and Referrals and the Planning Council, like I mentioned before, is really cutting down on the 2 weeks to really give developers additional time there. We also took a look at Final Plans. Right now Final Plans we could potentially reduce an additional 2 to 3 weeks off of that depending on this new process that we came up with. Right now the Final Plan process is really put in place for a lot of the PUD's that have been established within the city. Once a PUD has been approved, the Preliminary is typically attached to that PUD. When a developer comes in to build on a certain vacant lot within that PUD, they still have to come forward with a Final Plan before the Planning and Zoning Commission and then to City Council for approval. Even though they had preliminary approval, if there are no changes from the preliminary to final they still had to go through this cumbersome process, which is approximately 45 to 60 days. By cutting out Planning Council, Requests and Referrals and actually reducing, unless there are any major changes, if it is still consistent with the Preliminary Plan that was approved as part of that PUD, there's really no reason to tie it up in a Planning and Zoning Commission meeting. A lot of the information can be handled at a staff level and then ultimately would go to the Building, Zoning and Economic Development Committee meeting mainly for informational only. Again, at that point, if it is appealed it can go to City Council. If it is approved, it can go to the COW for informational only. The Final Plan process, I believe, is a pretty frequent process with the city and a lot of developers go through this process. By reducing this to almost 3 to 4 weeks off the timeline you are saving a developer potentially a month of costs and entitlement process for that.

Mrs. Vacek said I do want to just point out too on the Final Plan, these would be for Final Plans that are standalone. If a Final Plan did go with another type of petition, such as a Special Use or a Planned Development, they would still then go to Planning Commission and follow that kind of process. I just wanted to point that out also.

Mr. Heinen said so next we took a look at potentially consolidating some processes, so I think the main one here is the Variance process. Right now there are 4 separate types of variances, all having different levels of approval and different levels of "guidelines", I guess, for each individual variance that is out there. Right now you have an Administrative Variance, which is handled by the Zoning Administrator. The existing Administrative Variances are something that Ed can sign off on. There is a list within the Zoning Ordinance of individual criteria that a Petitioner would need to make in order for that Administrative Variance to be reviewed with this process. The next one is a P&D setback variance. Again, there is a small set of requirements that really would only go to the Building and Economic Development Committee meeting. Again, these are a separate list of items of individual setbacks that a Petitioner could ask for. Then you have an Authorized Variance. This is one that would that actually go to what used to be the Zoning Board of Appeals and now would go the Planning and Zoning Commission, but that's where it would stop. Again, there is a list of individual Authorized Variances that would allow for that to happen. Then the last one is listed as other variances within the Zoning Code. They are more of the major variances. The variance you heard tonight would be considered in the other variance. You are getting a lot coverage change, setback changes, lot width change, so there is a lot of variances going on with that project that would entail a public hearing at the Planning and Zoning Commission. Really you have 4 separate variances and each individual variance has its own set of guidelines and rules and regulations that you have to abide by. We're looking to minimize that into 2 separate variances. One would be a minor variance, and again, this would be something that the Zoning Administrator would be able to sign off on. Basically we'll take a look at what the guidelines and restrictions are for the Administrative Variance and the P&D Variance and see which ones can be roughly approved by the Zoning Administrator and if not, then we would throw them into the major variance review process. This is the one that would go to the Planning and Zoning Commission and then, I believe, that's where it would stop.

Mrs. Vacek said no actually this is the one that would actually stop with the Zoning Administrator. These are just the minor ones that would stop with the Zoning Administrator.

Mr. Heinen said right and then the major would, again, ultimately have the public hearing requirements, but ultimately stop at Planning and Zoning Commission and you guys would issue your Findings of Fact and that would be the end of their process. If for some reason they did get denied, they would have the ability to appeal it to City Council. Is the City Attorney still looking at that?

Mrs. Vacek said the City Attorney is looking at that. As of right now, it looks like it would end at Planning and Zoning Commission.

Mr. Sieben said and Chris do you want to state, I think your research shows that most other community's variances really end at this step?

Mr. Heinen said correct. This process really does stop at the Planning and Zoning Commission. Once they issue their Findings of Fact, it is pretty much done. We also looked at several other processes that really didn't require or were in need of any type of procedure. The Church Site Plan Review, the Downtown Fringe Site Plan Review, DRC and ORI, all can really be met with a building permit application. Again, if they are coming in requesting a variance on anything, obviously that changes the landscape a little bit. If they need a Special Use for anything, that changes it a little bit. By doing this, you really eliminate a lot of the processes that were in the Zoning Ordinance that really could just be handled with a straight building permit application.

Mrs. Vacek said and I will say on all of these, most of them I can't even tell you how many we've had of them since I've been here. I think I've seen maybe 2 Church Site Plan reviews. Other than that, I don't even know how many we have actually done with the Downtown Site Plan reviews or DRC reviews or ORI. I think that this is more of like a cleanup in the fact that we're just getting rid of them so that if it does come about, we can just handle it with a building permit.

Mr. Heinen said so Special Uses to Conditional Use, Special Uses really imply to special rights that are granted for an individual property or property owner. The majority of municipalities call these Conditional Use permits. It is more of just semantics, I guess. They are offering the same end goal. It really is just kind of a name change from Special Use to Conditional Use. Then lastly, we have other changes, other Text Amendment changes. Tracey, do you want to touch on these?

Mrs. Vacek said so just to kind of go over some things, as we were looking through the Ordinance, we realized that there were a couple of things that were kind of just cleanup things. The number one big thing was that the Zoning Ordinance is actually Chapter 49 of our Code of Ordinances. However, we've always stated it as Appendix A, so we are actually going to go ahead and put it into the code as Chapter 49 and then we will be doing some renumbering with the Zoning Ordinance to make it match the code. So that's one of the changes. There are a couple of other changes that we're looking at doing, some cleanup of some languages, some cleanup of some definitions and some other miscellaneous items. The last change that I'll, I guess, just touch on is we are going to take out the processes from the Zoning Ordinance and make a separate chapter in the code for that. It really is just to allow some flexibility on the future changes to the procedures, if we want to ask for 2 copies instead of 1, but the Ordinance says that we need 1, that we can make those changes without necessarily going through a public hearing. When we do it with the Zoning Ordinance we do have to go through a public hearing, as it does impact property rights, so it does need to be a public hearing. The procedures do not though. We're looking to kind of clean that up too and take those out of the Zoning Ordinance and actually put them into the code. I think that's really it. Ed, did you have anything else to add?

Mr. Sieben said no, just the last part with Chapter 50, the separate chapter, that was a request of the Law Department and that's really, as Tracey said, best practices. Maybe I do want to add just before we turn it over for questions, John Curley, I think, is also here. John has been with the Development Services Department for 20 years, the same as me. Tracey has been here, I think, 16 years, so

we've all been working on different aspects of this going back a number of years. John was instrumental, along with some of us others with the Development Services Team process back in 2006. We've been doing that for about 14 years now and refining it as we go along. We've got a lot of compliments on it from developers and the public, so that's done very well. John, I didn't know if you want to touch on anything. I know we've also had a Blue Ribbon business meeting that started about 12 years ago. John was the lead of that, if you want to touch on that a little bit John.

Mr. Curley said this is kind of a culmination of ideas that came to light probably 12 years ago at that Blue Ribbon Task Force meeting that he held. We've made, as Tracey mentioned, a lot of the improvements that were recommended. We searched other communities to build the Development Services Team in the best fashion that we could as well, but this is one of the final steps of making implementation steps that were requested by the development group or development stakeholders, a pretty broad group of development stakeholders, for many years now. I'm very happy to see this coming forward and looking forward to your comments.

Mr. Sieben said again Mr. Chairman, just to be clear, we're glad to still take any questions, but we would ask that this be continued for 2 weeks to the September 2nd Planning Commission where we will actually have the actual ordinance redlined and ready to go.

Chairman Pilmer said I will congratulate staff, Ed, Tracey, John and I'm sure many others, along with Chris. It took a lot of hard work to get to this point, so a lot of good things to streamline the overall process.

Mr. Sieben said I would like to add that Chris also was a City of Aurora staff member back in the day.

Mr. Cameron said I just want to make a comment and not sound like the voice of Christmas past, but I remember back in the time of Jack Hill when building permits had gotten into the 7 or 8 week timeframe and I had started the Chamber's Builders and Developers Council and had the fortune, or misfortune, of working with Kent Piott and going through kind of this whole process and I said somehow magically we, through Kent's leadership, managed at one point in time to take the permit process down to 48 hours. Like all bureaucracies, it was probably too successful and, of course, everything else got attached, so I'm glad to see that the city is moving through with a complete review of this process because things creep into them and I'm sure that the development community will be pleased with this blessing of costs. That's far in my past, so I hardly even remember those days anymore, but thank you.

Chairman Pilmer said I know there is going to be a recommendation to continue. We can also open it up for public comment, but I don't believe that anyone has registered to speak at this time. With that, we've heard staff's recommendation. Is there a motion? I think the recommendation was to extend this until the September 2nd Planning and Zoning Commission.

MOTION TO CONTINUE TO THE SEPTEMBER 2, 2020 MEETING WAS MADE BY: Mrs. Head

MOTION SECONDED BY: Mr. Chambers

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Ms. Tidwell

NAYS: None

Aye: 10 At Large Anderson, At Large Cameron, Fox Valley Park District Representative Chambers, Fox Metro Representative Divine, SD 204 Representative Duncan, At Large Elsbree, SD 129 Representative Head, SD 131 Representative Hull, At Large Owusu-Safo and At Large Tidwell

1	Planning and Zoning Commission	09/02/2020	Held in Planning and Zoning Commission	Planning and Zoning Commission	09/16/2020	Pass
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Action Text: A motion was made by Mrs. Owusu-Safo, seconded by Ms. Tidwell, that this agenda item be Held in Planning and Zoning Commission to the Planning and Zoning Commission, on the agenda for 9/16/2020. The motion carried.

Notes: Mr. Sieben said as you know, we had a presentation last week with our outside consultant and we are basically asking that we continue this another 2 weeks. We are still working with our Law Department

on the nitty-gritty of the Text Amendment. You heard the broad picture of what we are looking at, but we still need a little bit more time to work on that. We are also kind of just in general cleaning up some sections of the Ordinance that are really just procedural type things. The Law Department did get kind of pulled away on some other items in the last 2 weeks, so we'll continue to work with them, myself and Tracey, and we hopefully we'll have something in 2 weeks. So if this could be continued to the 16th we'll hopefully see where we are at then.

Aye: 8 At Large Anderson, Fox Valley Park District Representative Chambers, Fox Metro Representative Divine, At Large Elsbree, At Large Gonzales, SD 129 Representative Head, At Large Owusu-Safo and At Large Tidwell

1	Planning and Zoning Commission	09/23/2020	Forwarded	Rules, Administration, and Procedure	10/06/2020	Pass
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Action Text: A motion was made by Mr. Cameron, seconded by Ms. Tidwell, that this agenda item be Forwarded to the Rules, Administration, and Procedure, on the agenda for 10/6/2020. The motion carried.

Notes: Mrs. Vacek said as you guys recall, this was before you guys a while back. Again, the main purpose of this Text Amendment was to streamline the development process. There was also some cleanup of language definitions and some miscellaneous items that we were trying to clarify a little bit. We did reorganize and renumber the Zoning Ordinance as we are putting that also into our code. You have that redline on your iPads, so you guys do have that in your packet. I do want to point out that I did update the Text Amendment today, but you do have the updated one in your iPad. These changes were really just some cleanup changes and to clarify some of the provisions that we were working. If you have any questions for me, Chris is also on the line today too, so I would be more than happy to answer any of them.

The public input portion of the public hearing was opened. No one registered to speak or came forward. The public input portion of the public hearing was closed.

Mrs. Vacek said staff would recommend approval of the Text Amendment.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mrs. Owusu-Safo, Ms. Tidwell

NAYS: None

Mrs. Vacek said this is actually going to go to our RAP Committee. The next one is October, I believe it is October 1st. However it may be held for a later date. We are having a couple other Chapters going along with it because we are taking out the process section of the AZO and putting it into the code. We have to actually do a Text Amendment for the code that won't be coming before you. We've got to marry those up. Tentatively it is October 1st. However, it may be pushed back for the RAP Committee that is in mid-October.

Mr. Sieben said isn't RAP on Tuesday?

Mrs. Vacek said it is.

Mr. Sieben said October 6th.

Mrs. Vacek said I apologize. October 6th.

Mr. Sieben said tentatively October 6th.

Aye: 10 At Large Anderson, At Large Cameron, Fox Valley Park District Representative Chambers, Fox Metro Representative Divine, SD 204 Representative Duncan, At Large Elsbree, At Large Gonzales, SD 129 Representative Head, At Large Owusu-Safo and At Large Tidwell
