



City of Aurora

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

Legistar History Report

File Number: 23-0171

File ID: 23-0171

Type: Ordinance

Status: Held in Committee

Version: 2

**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 02/22/2023

File Name: Ruben Hernandez / 791 N Farnsworth / Rezoning

Final Action:

Title: An Ordinance Amending Chapter 49 of the Code of Ordinance, City of Aurora, by Modifying the Zoning Map Attached thereto to Rezone Property located near the Northeast Corner of North Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District, to M-1, Manufacturing District - Limited.

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit A - Legal Description - 2023-02-28 - 2023.119,
Site Plan - 2023-02-22 - 2023.119, Landscape Plan -
2023-02-22 - 2023.119, Land Use Petition and
Supporting Documents - 2023-02-22 - 2023.119,
Qualifying Statement - 2023-02-28 - 2023.119,
Property Parcel Maps - 2023-03-13 - 2023.119,
2023-03-22

Enactment Number:

Planning Case #: AU13/3-23.119-RZ

Hearing Date:

Drafter: sbroadwell@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	03/22/2023	Forwarded	Building, Zoning, and Economic Development Committee	03/29/2023		Pass
Action Text: A motion was made by Mr. Chambers, seconded by Mrs. Martinez, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 3/29/2023. The motion carried.							
Notes: Mr. Broadwell said thank you Chairman. Good to see you all again. My name is Steve, I'm here with the City of Aurora Zoning Division. As we just heard, this is the rezoning for the property on North Farnsworth. I will pull up the aeriels of the property. So, really the nature of the proposal is that the							

Petitioner, Mr. Hernandez; he'll be invited with his design team to come up in a little bit to speak, but they're requesting to rezone this highlighted 6 acres here of vacant land near the northwest corner of Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District to M-1, Manufacturing District. Here's the aerial of the property as it exists. So, here's the zoning map. Mr. Hernandez, I believe, he lives right there in the house to the west, north of the subject property. There's the current zoning map and then here's the comprehensive plan. For a little bit of background, the comprehensive plan designates the eastern part of the 2 properties as Industrial and then the western portion as Open Space, Conservation so that the zoning history. The Petitioner has provided a site plan, I think that really shows you the kind of the scope of the proposal but really the nature is for the rezoned properties to be used for outdoor storage on the eastern parts. Essentially, he's going to, I believe....well, I'll let John speak more to that, but he's going to use this for outdoor storage with...it'll be fully screened with a 6 foot solid fence and then a 25 foot landscape buffer around the entire perimeter where it's adjacent to residential. I think that's everything. Any questions for Staff at this point?

Chairman Pilmer said could I just ask...I know it said in the Staff Report there's no access from Farnsworth and they'll come from the adjacent property, but where...I'm assuming the property directly to the east but....is that through an easement or...?

Mr. Sieben said so I think John can....hi, Ed Sieben, Director of Zoning and Planning....I believe they are going to enter into a contract to purchase the property from the business to the east, which is I believe American....Mid-American Water. You can see they're to the east on Mountain. There's really no access to the site, so that was one of the issues with this property because of the creek to the west and we didn't want access to Farnsworth so it made sense then to allow an expansion of that business to the east to come out with some additional storage and then the appropriate screening, like Steve said.

Chairman Pilmer said makes sense. Thanks. Any other questions of Staff?

Mr. Choudhury said do we know what type of storage.... what will be stored over there?

Chairman Pilmer said why don't I just swear in....

Mr. Sieben said yeah.

Chairman Pilmer said so this is a Public Hearing, so I'll just ask the Petitioner and anyone with...I'll swear you in before you speak. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Hernandez and Mr. Tebrugge both said I do.

Chairman Pilmer said if you'll just state your name and address for the record please.

Mr. Tebrugge said John Tebrugge with Tebrugge Engineering.

Mr. Hernandez said Ruben Hernandez, owner.

Chairman Pilmer said and I think you just wanted to ask what.... somebody did...what type of storage?

Mr. Choudhury said yeah, what type of substance will be stored over there in the storage area?

Mr. Tebrugge said if the purchase does go through with Mid-American Water, they are a pipe supplier; fire hydrants, different types of water products, so that area would have piping and different types of water products stored just like you see in the aerial view now in that property.

Chairman Pilmer said so the Petitioner's asking for zoning and then likely will lease or sell to the neighboring property?

Mr. Tebrugge said yeah, we couldn't store anything there without the rezoning.

Chairman Pilmer said got it. Thanks. I don't know if the Petitioner want to add anything additional or if there's other questions.

Mr. Chambers said yeah, I have a question. You had mentioned that there's a property owner in order to be able to have access egress and ingress to the storage area. What if this property owner decides not to sell to you?

Mr. Hernandez said it is a good question. I own the property to the north which will give access all the way to Sheffer from Sheffer, so it's covered. We're actually working on.... before we were working on the plans of the entire complex, but this was needed to take care of first because we had a violation. This, we've been working on this since 2015 and Army Corps, it was a construction there for 3 years, they used my property for storage to do the construction from my property which I allowed them to do it just, you know, no charge. So, it delayed since 2015 to get to this point, but if Mid-American decides not to buy, we're going to present the entire project to go all the way to Sheffer.

Mr. Chambers said okay, thank you.

Chairman Pilmer said yeah, I think that was my.... I think the confusion was we thought the Petitioner was going to utilize the property.

Mr. Hernandez said well, it's, you know, we don't want to just close all the doors, but Mid-American has really been very interested. They're one of the main suppliers for water mains, sewer, water for all the cities around that and they really need this property so they.... they would not commit to buy it unless I have the zoning.

Mrs. Owusu-Safo said I have a question. Are you planning to remain on your property, the one with the house? Are you planning on keeping that still as your residence?

Mr. Hernandez said that house is going to be residential, yes.

Mrs. Owusu-Safo said it's still going to remain residential?

Mr. Hernandez said yes.

Mrs. Owusu-Safo said and you intend to sell but not lease that property, right?

Mr. Hernandez said no...right. Not the house. Not the house. We've owned the house since '02 and originally we purchased the house with 4 acres and just been buying to the north, to the south, to the east, and we have close to 20 acres there. Another background; we...in City of Montgomery we have developed truck parking facilities. I think we have 4 that we developed and complete, so we have intention to do some buildings and truck parking on this property.

Mrs. Owusu-Safo said what are the hours of operations for Mid-American next door?

Mr. Hernandez said usually they are from 7 to 5. It's just they run a forklift to pick up material, bring it up to the front, load them in the truck. They've been there for years.

Chairman Pilmer said any other questions? Thank you. This is a Public Hearing. If anyone in the audience would like to speak to the Commission regarding this case, they will have the opportunity to do so. And note for the record that no one has come forward so we will close the public hearing and ask for the Staff to review Findings of Fact.

Mr. Broadwell said okay:

1. Staff feels that the proposal is in accordance with the applicable development plans and policies

of the City of Aurora. The Petitioner has submitted plans for Zoning and Engineering review to ensure that the Subject Property is developed to code.

2. Staff believes that rezoning the property from R-1 to M-1 will allow for the Subject Property to be utilized for outdoor storage, which is consistent with the M-1 zoning, as well as the Comprehensive Plan's designation of the property as Industrial and Conservation, Open Space, Recreation, and Drainage. The Petitioner has also gone to great length to provide adequate screening for the adjacent residential properties in the form of fencing and landscaping.

3. Staff believes that the proposal is consistent with the desirable trend of development in the area as it adequately buffers the adjacent residential properties from the Subject Property's expanded outdoor storage, which will be utilized by the existing, adjacent company to the east.

4. Staff believes that rezoning the property to the M-1 zoning district will allow for it to be developed more suitably by the adjacent business for outdoor storage than in the current R-1 zoning district. The floodplain and the creek also limit development of the property as a single-family residential use.

5. Staff believes that rezoning the Subject Property is a consistent extension of the existing land uses, zoning classifications, and essential character of the general area as the outdoor storage is permitted in the M-1 zoning district, in addition to also being fully screened from the adjacent residential properties.

Chairman Pilmer said thank you. Does Staff have a recommendation?

Mr. Broadwell said yes. So, Staff.... we've been through these conditions with the Petitioner so if you guys have anything you want to add here, please do. Staff would recommend Conditional Approval of the ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to rezone property located near the northeast corner of North Farnsworth Avenue and Mountain Street from R-1, One Family Dwelling District, to M-1, Manufacturing District - Limited, with the following conditions:

1. No site improvements or use of the properties can begin until the Final Engineering Plan has been approved by the Engineering Department.
2. Stormwater management (detention and Best Management Practice mitigation) must be in place and construction found to be acceptable prior to use of the Subject Property.
3. Engineering fee and security for all site improvements will be required and must be submitted to the Engineering Department for engineering site plan approval.
4. A Plat of Easement over the stormwater management facilities will be required and shall be recorded prior to final acceptance and release of the engineering security.
5. No access onto North Farnsworth Avenue will be permitted for the Subject Property.

Chairman Pilmer said thank you. You've heard Staff's recommendations with the conditions noted. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Martinez

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said the Staff also read into the record the 5 Findings of Fact. Are there any additions or corrections? Hearing none, is there a motion to accept those Findings of Fact as read?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Gonzales

MOTION SECONDED BY: Mr. Choudhury

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. Then if Staff will just state where this will next be heard.

Mr. Broadwell said this will next be heard at the Building, Zoning, Economic Development Committee March 29th at 4 pm in City Hall City Council Chambers.

Chairman Pilmer said good luck.

Aye: 8 Chairperson Pilmer, At Large Anderson, At Large Chambers, At Large Gonzales, At Large Owusu-Safo, At Large Choudhury, At Large Roberts and At Large Martinez

2 Building, Zoning, and Economic Development Committee

03/29/2023 held

Action Text: This Ordinance was held

Text of Legislative File 23-0171