



# City of Aurora

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## Legistar History Report

**File Number: 23-0920**

**File ID:** 23-0920

**Type:** Ordinance

**Status:** Agenda Ready

**Version:** 3

**General Ledger #:**

**In Control:** Building, Zoning, and Economic Development Committee

**File Created:** 11/08/2023

**File Name:** Car Wash Pro Designers / SW Corner of Liberty Street & N. Eola Road / Annexation Agreement

**Final Action:**

**Title:** An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the southwest corner of Liberty Street and N. Eola Road on Vacant Land in Dupage County, Aurora Illinois 60502

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Annexation Agreement - 2023-11-17 - 2023.005, Land Use Petition and Supporting Documents - 2023-01-03 - 2023.005, Plat of Survey - 2023-01-03 - 2023.005, Aerial Map - 2023-11-08 - 2023.005

**Enactment Number:**

**Planning Case #:** NA20/1-23.005 - PA/A/RZ/CUPD

**Hearing Date:**

**Drafter:** JMorgan@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	11/15/2023	Forwarded	Building, Zoning, and Economic Development Committee	11/29/2023		Pass
<b>Action Text:</b> A motion was made by Mr. Chambers, seconded by Mr. Choudhury, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 11/29/2023. The motion carried.							
<b>Notes:</b> Mrs. Morgan said good afternoon, Commission, Jill Morgan, Staff with the Planning and Zoning Division. Alright, I am just going to go through kind of an overview of the project. Each of the 3 different petitions that you have before you, and I have some...I'll start with the Preliminary Plan, I have some additional images to show you as well. The Petitioner, Car Wash Pro Designers, is requesting approval of an Annexation Agreement for 4.3 acres, located at the southwest corner of Liberty Street and North Eola Road which includes an							

Annexation Agreement with an attached Planned Description allowing for the property to be annexed and rezoned to permit for the development of a single-bay car wash, 2 future commercial buildings, and stormwater management. The Annexation Agreement, Annexation, Conditional Use Planned Development, and Preliminary Plan and Plat are being reviewed concurrently under separate actions. The Annexation Agreement doesn't go before your Commission but will meet up with the rest of these items at the BZE Committee.

The details of the request include an Annexation Agreement outlining responsibilities of the developer, responsibilities of the City, and Public Roads and Utilities. The Petitioner is also Requesting annexation of 7.303 acres which includes right-of-way.

Concurrently with this proposal, the Petitioner is requesting the Establishment of a Conditional Use Planned Development with an underlying B-2 General Retail District and OS-1 Conservation, Open Space, and Drainage District zoning. The details of the request include a Plan Description that allows for modifications to the uses and bulk restrictions. This includes allowing one Car Wash, Single-Bay use on Lot 2, and if you see in the image, so Lot 1 is the furthest to the left, Lot 2 is the one at the corner of Eola and Liberty, and Lot 3 is the one to the south, and Lot 4 is the stormwater detention site, just to orient yourself. So, the bulk restriction...the uses are allowing for Lot 2 for a single-bay car wash, but it also has some prohibited uses as well, including laundromat, alternative financial institutions, used clothing store, pawnshop, and tattoo parlor are all prohibited uses, on all lots. The minimum interior side yard setback on the western property line of Lot 1 abutting the residential was increased from a 20-foot requirement to 50 feet for this development. The Landscaping and Screening requirements were amended to require the installation of a three-to-five-foot berm, an 8-foot privacy fence along the western property line of Lot 1 abutting the residential, at the time of development of Lot 2, the Car Wash. Along with the installation of the required perimeter yard and buffer yard landscaping being installed at the time of development of Lot 2 or Lot 1, whichever develops first. The City also reserves the right to limit access off Liberty Street to Right In/Right Out Only should traffic problems arise as determined by the City Engineer.

The Petitioner is also requesting Preliminary Plan and Plat, and the Preliminary Plan is what's being shown right now. The Plat includes the creation of three lots that are developable and one stormwater detention lot.

The Preliminary Plan proposes an approximate 5,000 square foot car wash on a 69,518 square foot lot located at Liberty...at the corner of Liberty Street and Eola Road. A second 72,565 square foot lot is being planned for a future commercial development, and that's Lot 2. The Preliminary Plan...oh, I'm sorry, Lot 1. The Preliminary Plan outlines an approximate 6,400 square foot commercial building with a potential drive through and associated parking. The third proposed lot, being 38,472 square feet in size, is proposed to have a future 4,000 square foot building and associated parking. The car wash is in the process of being developed and will subsequently come through with a Final Plan and Plat following approval of entitlements, if entitlements are approved. The two lots noted as future only show a preliminary hypothetical layout that maximizes the potential development opportunities. Final Plans for future lots will be required once specific projects are proposed. And the fourth is the 56,497 square foot storm water detention, which is detention for all four lots.

The access to the site includes a full access off Liberty Street that is setback as far from Eola Road as possible being around 350 square feet from the intersection. However, as noted before, the City reserves the right to limit that full access if traffic becomes an issue. The second access to the site is a proposed full access on Eola Road near the southern end of the site. This access and any improvements on Eola Road will be determined by DuPage County Department of Transportation. And the full access is also being proposed but that determination will be by DuPage County Department of Transportation, as it is a DuPage County road. An internal drive aisle with cross access easements connects all three lots to the two access points and to each other. The car wash will include three queue lanes with two additional preparation lanes on either side. These lanes will merge into a single lane to enter the single-bay car wash. Cars will exit out of the car wash onto the internal drive aisle and can either go east to the vacuum spots and to the entrance on Eola or west toward the entrance on Liberty Street. Twenty-four vacuum stalls are provided with six employee parking spaces.

The Aurora Comprehensive Plan identifies this property along with the adjacent properties to the south and the east abutting Eola Road as Commercial. And you can see the colored map shown on the plan is the Comp Plan. Access points were located as far from the intersection to ensure property traffic circulation. A left turn lane into the development was included to prevent traffic from backing up on Liberty Street.

While not required until Final Plan, the Petitioner has submitted Preliminary Landscape and Elevations to show the quality of the development and to show the screening being proposed on the adjacent...against the adjacent residential. As noted prior, a three-foot landscape berm is identified on the Preliminary Plan within the 50-foot setback along the western property line of Lot 1 along with an 8-foot solid fence. The Preliminary Landscape shows preliminary landscape along the car wash lot as well as landscaping abutting Lot 1. The Preliminary Renderings, which as I'm showing here, also depicts a masonry building with large windows and end towers featuring pyramidal roofs. The canopy

and vacuum spaces will have metal canopies. Let me just go through a couple of the renderings. So, that is Staff's overview of the project. The Petitioners are here. Is there...I'll begin with any questions for Staff.

Mr. Choudhury said I have one question.

Mrs. Morgan said yes?

Mr. Choudhury so, I'm just trying to understand the Lot 3 that you had mentioned. If I understand properly, is there a residential complex there, right? There's a residential...

Mrs. Morgan said yes.

Mr. Choudhury said house over there. Does that come under the Lot 3 or is like a different lot beyond the southern...?

Mrs. Morgan said so, yes, the residential abuts just Lot 1...or Lot 1 and the Stormwater Detention to the west.

Mr. Choudhury said yeah, so that is Lot 1. I think there is a subdivision behind it, right? I'm saying to the south of Lot 3.

Mrs. Morgan said south of Lot 3 is a vacant, unincorporated. That's identified in the Comp Plan as commercial.

Mr. Choudhury said I see, okay.

Acting Chair Owusu-Safo said I have some traffic questions for Staff...

Mrs. Morgan said alright, we do have our Traffic Engineers, but you can start with me...

Acting Chair Owusu-Safo said oh, sorry...

Mrs. Morgan said no, ask the question and if I need to, I will bring them up.

Acting Chair Owusu-Safo said I'm actually pretty familiar with this location, and there is significant traffic on Liberty in the morning, and then also significant traffic in the nighttime on Eola and also on Liberty. So, what is the...have there been any studies being considered or being done to address that? Is the roadway being proposed to be widened? This is a very busy spot.

Mrs. Morgan said alright, I'll start with the Petitioner to address that and then we also, if we need, we have our Traffic Engineer as well.

Mr. Jacob said hi, good evening. My name is Alan Jacob, I'm with Car Wash Pro Designers and to answer your question, first...first of all, this will not be operating at night. It's going to be, basically, sun-up to sundown, shorter hours on the weekend. But we have a couple of safeguards in. We did submit a traffic study and our traffic engineer is here as well to be able to answer that question. We also have in the Annexation Agreement built-in safeguard whereby if traffic becomes an issue off of Liberty, which is a full access proposed, the City can reduce that to a right in/right out only. And I also want to point out that we did build a car wash at 2903 Kirk in Aurora, and we used the same traffic engineer, same civil engineer, same architect, and we haven't had any complaints about traffic, not a single one. No complaints about sounds and lights either. As far as widening, I don't know if the traffic engineer can answer that. I don't know what your specific question was about that.

Acting Chair Owusu-Safo said well, I guess I...I mean I don't want to...I want other people to get a chance to ask their questions, but my question is mainly if you're going to provide a full access entry...right? And is currently, is there any traffic signals being proposed? That location gets really busy. So, I would like to know what the traffic conditions are and what are the proposed volumes that is being anticipated with this development?

Mr. Jacob said okay, I'll turn that over to our engineer from KLOA.

Mr. Sieben (off mic) said you know what...we need...(inaudible) swear everyone in.

Acting Chair Owusu-Safo said I need to...yeah...sorry.

Mr. Sieben (off mic) said so, if the Petitioners could raise your right hands. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Jacob and Mr. May said I do.

Mr. May said hello everyone, my name is Brendan May, I'm a licensed professional engineer in the State of Illinois and I work at KLOA, Inc., a traffic and parking engineering firm based out of Rosemont. We've been preparing traffic studies for over 25 years. So we prepared an industry standard traffic study which included peak period traffic counts at the intersection of Liberty Street and Eola Road, as well as other key intersections along Liberty and Eola. We then estimate the volume of traffic generated by the site, and for the purposes of this study, understanding that the car wash shared access with Lot 1 and Lot 3, we generated traffic for all 3 lots based on industry standard manuals for predicting traffic generation for sites, assign that to the access drives, and came up with our final evaluation. An important note with that is commercial uses, including car washes, a lot of traffic is generated by people who are already on the roadway. So, people who are driving past the site and now there's a car wash they can go to to wash their car. This is particularly true during those morning and evening peak periods that you had mentioned where traffic is highest as people are traveling to and from work. So, overall, our evaluation determined that the volume of traffic generated by the site would not have an adverse impact on the intersection of Liberty and Eola, but as part of that study and working with Staff, Liberty is being widened to provide a left turn lane for lefts onto the side access drive. So, any vehicles waiting to turn left do not obstruct through traffic on Liberty. That's one of the mitigation measures being proposed to minimize the traffic from the development.

Acting Chair Owusu-Safo said okay, because I know that left turn...eastbound left turn lane north gets way past the storage provided at this point, and if we are adding a left turn lane right there...I don't know. I'm just bringing up some of the concerns. I live right near that site and...umm...I'm just asking the questions, but I'll let other people ask questions as we go on. Anybody else have questions for the Petitioner?

Mr. Lee said (off mic) I do. If I exit...if I exit...if I exit the lot on South Eola Road heading north, is that going to be permissible under this plan? Because that's a full access.

Mr. May said that's a full access, yeah, on Eola. Pending review and approval by DUDOT, but it's my understanding at this time that they have been against a full access.

Mr. Lee said okay, and just south of that is a residence which is also a bus stop: has that been considered at all?

Mr. May said not specifically as address in the traffic study.

Mr. Lee said okay.

Mr. May said bus stop for school?

Mr. Lee said school...mmhmm.

Mr. Choudhury said that is the residence I think I was talking about, see that in the map. I think that goes to the south of Lot 3.

Mr. Lee said alright, thank you.

Mr. Choudhury said I would also like to point out one question that you did not answer is about the traffic light. Will these intersections, you know the ingress and the outgress, will they have a traffic light over there?

Mr. May said no, the traffic volumes would not warrant the need for a traffic signal at either access drive.

Acting Chair Owusu-Safo said so, you did do any safety studies to ensure that a left turn in onto Eola from the south entrance there...onto Eola. To me, I'm looking at the car, somebody exiting from the car you said full access, making that left onto northbound Eola and I know that gets very busy at both peaks...am and pm peak.

Mr. May said yeah, and...umm...that operation is typical when you have an unsignalized access drive on a major road like Eola. It is not uncommon, but the beauty of this site and the amount of flexibility here is that during those peak times, someone doesn't have to exit making a left turn onto Eola. They can go to the Liberty access drive and make a right to then go to the traffic signal. If someone's not comfortable in performing that maneuver, they have the option of accessing the site a different way.

Acting Chair Owusu-Safo said I was just saying look at it closer because even there, if you're on this location trying to make...even if you're on the west exit, I mean entrance, and you want to go eastbound and if you have to make a left to go north on Eola, during peak is really tight to be able to do that, so just please just take a closer look at that location...

Mr. May said yeah...and in our report, there are capacity analyses conducted of the intersection. We found that that left turn queue, while it does extend beyond the left turn lane storage at times, that would not extend beyond the location of where this access drive is, and should it, that is also why that left turn lane on Liberty is being provided so a vehicle is not stopped and blocked there, also blocking westbound through traffic.

Acting Chair Owusu-Safo said okay...and I...

Mr. May said so, part of that is why we put the drive as far west as we could and are providing that turn lane.

Acting Chair Owusu-Safo said was there any consideration given to the development west for the City? The new City maintenance yard and traffic from there?

Mr. Sieben said my understanding is they looked at all the traffic counts, so that's a couple miles to the west, so that's not right here.

Acting Chair Owusu-Safo said okay.

Mr. Lee (off mic) said are you also aware that a fire station is going to be built?

Acting Chair Owusu-Safo said can you turn on your mic?

Mr. Lee said a fire station is going to be built there?

Mr. Spallone said yes, we are. And I do want to add that...Nick with Car Wash Pro Designers is that we work very closely with the traffic engineer for Aurora. This is not rendition one. This is rendition 20. So, there were a lot of suggestions from the engineers on Aurora's side to modify the access point to adjust the access so that way we would not have problems. So, we didn't just generate a report from KLOA, we worked very close with Aurora's engineers, who I think are present here tonight, to make sure that the access met a level of comfort for your town.

Mrs. Owusu-Safo said okay, does anybody else on the Commission have questions for the Petitioner?

Mrs. Martinez said you said you guys built one on Kirk, right?

Mr. Spallone said yeah, so we're across from the 24-hour Walmart.

Mrs. Martinez said okay, yeah, so I live over by there. How was...is the traffic on Kirk and Butterfield similar to Eola and Liberty?

Mr. Spallone said yes...yes...

Mrs. Martinez said okay.

Mr. Spallone said and you know the reason why we brought that up initially was a lot of what we're hearing right now, and I'm sure we're gonna hear in a moment, was all brought up during the last meeting when we pitched the exact same building, the exact same site for that space. There were a lot of concerns about the traffic backup on... up to Butterfield and getting in and out of the site and how much congestion would bleed out into that frontage road that all of the center shares in the back. We have had zero issues. We've had no noise complaints, we've had zero calls into the City about lighting, we have had no bleed outs...very busy location. We do a lot of volume out of that. We have had no

bleed outs onto Kirk, no bleed outs onto Butterfield, and you know everybody...no one has the crystal ball. The beauty of this project is is that you guys...we actually built this exact scenario in your town with all of the same...the same exact building, same building style, look, the same flow, the same equipment. We've enhanced the equipment a little bit since then but we're putting in basically a mirror of what we put in on Kirk.

Mrs. Martinez said I live by there and I actually...when you mentioned that I was like oh yeah, I completely forgot that was there, but you're right, we were concerned in the beginning about that.

Mr. Spallone said yeah, traffic was a big one. You know that right turn in after you leave the site, like how much of that would've backed up preventing that northbound traffic on Kirk, and there was I think talk of a casino. And you know, how will that interfere with the traffic? And we have had zero problems. The little bubble guy...I don't know if you've seen the blow-up Mr. Bubbles out front of that. That guy got loose and decided to travel to Walmart. That was the only problem we ever had was the Mr. Bubbles guy escaping our lot.

Acting Chair Owusu-Safo said I have one last question: what are the hours of operation that you...?

Mr. Spallone said so, we follow the sunlight. So, in the summertime we'll be open a little bit longer, in the wintertime we'll be open a little less. Typically, we're open from...we get our guys there at 7 am and we're out, in the summertime, 7 am to 8 pm Monday through Saturday, Sundays from 9 to 5, and in the wintertime it's 8 to 6.

Acting Chair Owusu-Safo said alright, well thank you.

Mr. Spallone said you're welcome.

Acting Chair Owusu-Safo said this is a public...

Mr. Sieben said oh...I mean, do you guys want to make your formal...you guys have a formal presentation before the public comments?

Mr. Jacob said so, as Mrs. Morgan stated, there are 3 items before the Commission today, and I just wanted to kind of talk about each one of them. Obviously, this is at the southwest corner of Liberty and Eola, as we all know. And the Conditional Use requires certain elements to be met and they were outlined in the packet, but I want to go through some of them:

1) One of them is the project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. And it will not...in the report it does state that the wash utilizes environmentally friendly procedures and uses biodegradable products. Specifically, we would be using plant-based soaps, not chemical-based soaps. I just want to point that out. And also, the project at 2903 Kirk did not endanger or become detrimental to any of the things in Item 1.

2) The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity. This project will eventually develop the other 2 lots as well as it was mentioned here, so I think it will be beneficial to that commercial corridor to the people who live in Aurora and the people who traverse through it.

3) The development will not impede the normal and orderly development and improvement of surrounding properties. It will not, in fact, it will actually improve them and subsequently add additional uses to the surrounding properties, especially the other lots that are proposed to be future uses.

4) The proposed subdivision has adequate water and sewer capacity, and we discussed the ingress/egress already.

For Rezoning, the Comprehensive Plan of the City of Aurora is in line with what is being proposed here. I think it hasn't changed in over the last 40 years, so I think B-2 is the proper designation for it because the surrounding properties are also that way.

We mentioned the Annexation for 29...I'm sorry...23-0920, the Annexation includes that limiting right in/right out if traffic problems arise and we do not anticipate that happening based on all of the redesigns we've done and the traffic studies we've provided.

And then finally, I just wanted to point out the in the Preliminary Plan and Plat Resolution petition, we have a big buffer, a 3-foot landscape berm in addition to a 50-foot setback along the western property line of Lot 1, and an 8-foot solid fence. What differentiates this property from the one on Kirk, the one

on Kirk abuts adjacent to residential properties right behind it. And we haven't heard any complaints about noise, lights, or traffic from them. This one has, in addition to these buffers, it also has the other lot next to it which creates a buffer between the car wash and the residents, I think to the west. So, given all that, we would ask that the Commission approve the 3 petitions and if you have any other questions for any of our staff, we would be more than glad to answer.

Acting Chair Owusu-Safo said okay, does anyone have any questions? Okay, thank you.

Mr. Jacob said thank you.

Acting Chair Owusu-Safo said alright, this is a public hearing and are there any members of the public wishing to give testimony in this matter? Please raise your hand, come forward, let be swear it in...

Mr. Sieben (off mic) said anyone that would like to speak, if you just want to all stand at once, I can swear you all in at once. And I can swear in people later also.

Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Acting Chair Owusu-Safo said you need to state your name and address for the record, and there is a sign in at the podium for you to sign in when you come up to talk. Anyone who would like to speak (inaudible)...

Mr. Briesath said hello, my name is Randy Briesath, I'm a resident at 2868 Kendridge Lane. I back up immediately to Lot number 1. I don't know what the forum here is; I'm new to this, so I must have failed my Civics class. Am I allowed to ask questions or just talk?

Acting Chair Owusu-Safo said you can ask questions...

Mr. Briesath said either? Okay, and I can ask them both of the City and the Petitioner?

Acting Chair Owusu-Safo said yes.

Mr. Sieben (off mic) said correct. We'll answer them afterwards (inaudible)...

Mr. Briesath said okay, cool. Thank you for that. So, just...uhh...some questions on...well, since we were talking about traffic first, my first question is...is...I don't...I understand the point of congestion, it's probably not going to get any worse, but I believe if I remember from a recent traffic study that the Eola/Liberty is also one of the most dangerous intersections in the City. And I would like the Aurora traffic department...since they're here...I don't know who that is...but I believe it's one of the 7 worst, highest accident intersections in the City. So, I'm not so much worried about the congestion as the extra turns in and turns out and what that means to the accident rate in the neighborhood; it's already high. At New York and Liberty...Eola and the...particularly the Eola one. So, that's just a question if that's been considered and what that can mean...I'm not worried about the flow, it's more the incident rate. So, the questions I have as I back up there, we have a lovely tree line right now and a lot of those trees are on the other property, right? So, we have some on our property. So, we...we don't know if those get to stay or go. And what we don't know is...what I heard today was a 3-foot berm with an 8-foot fence. How much of the easement is gonna be used for that berm? Is any of our easement property gonna be affected by the building of that berm or is gonna all be on the Petitioner's property? That's a...that's a concern I have because we don't know what happens to our trees. Many of my neighbors have fences. We don't have any idea what that means, right? And we'd like some feedback on that. Lighting obviously is a big concern, having it be right back up to us. The storage unit that's across the street is already a problem for us. It's like a spotlight shining in our bedroom windows every night. So, I know you can down flow the lights and all that, I do a lot of work around sports complexes so light control is possible, I just want to make sure that that's considered, and the light flow stays as far away from and as directed as possible. Hours of operation, so one of the big things...I don't know the history here but a few years ago Speedway petitioned to build a gas station there and we fought that hard. And the reason was the gas and diesel placement on that site, and what we're asking is if it can be codified that that becomes a restricted use for this site.

Mr. Sieben said umm...Jill, I believe I can answer that. That is not a permitted use as proposed. That would have to come in for a Conditional Use and obviously if a car wash gets approved here, there's not going to be a gas station. So, we heard you guys 10 years ago and that was an absolute no. I don't even think it got...it went through the system. It got killed right at the beginning. So, but yes, a gas station is not a permitted use as proposed. That's not allowed.

Mr. Briesath said okay, that's a big deal for us as a neighborhood, just so you know because we'd probably get a lot more...you'd get a lot more feedback from us if that was the case.

Mr. Sieben said right, we...we understand.

Mr. Briesath said yeah, yeah, cool. So, umm...the...umm...the one thing we liked about that Speedway process is they engaged us as a community. They didn't get the result they wanted, but they engaged us which we always did appreciate. I heard a 50-foot setback on Lot 1. Is that codified or is that just plan?

Mrs. Morgan said no, that's codified in the Plan Description (inaudible.)

Mr. Briesath said so, that's...

Mrs. Morgan said should I be answering now...is that okay?

Mr. Sieben (off mic...inaudible)

(Laughing)

Mr. Briesath said so we wouldn't have to worry about additional having to show up here later and say hey wait, now somebody's asking for a 30-foot setback?

Mr. Sieben said (off mic...inaudible) will not build in that...

Mr. Briesath said okay, and that's off that property line 50 feet off Lot 1?

Mr. Sieben said absolutely.

Mr. Briesath said alright...uhh...hours of operation have been answered, thank you for that. Appreciate that. Umm...the...we...I would say just from a thing...we don't really understand...I don't understand what Conditional Use really means, so when you're talking about B-2, C and Conditional Use we don't really understand that. Uhh...there was a mention of some things that were prohibited. I think I heard dry cleaner, tattoo shop...umm...does that include late night establishments? Bars, restaurants, things that would be open after 10 o'clock at night? I mean it's great that the car wash is gonna close at 9, but if we end up with a bar that's open 'til 2 am on Lot 1, that's a problem. So...

Mr. Sieben said we'll answer that at...

Mr. Briesath said yeah, yeah...so we don't know, right? So, any information you guys can give us on those kinds of things, that's important to us 'cause a lot of us have little kids and grandkids running around back there and we're...I mean Paulie's is right there, but it's far enough away from us...it's not in my backyard, so it's okay. And I do go to Paulie's, by the way, so I'm okay with that. Umm...so I think...uhh...yeah, so that was most of my questions. Umm...yup, I think I'm good.

Acting Chair Owusu-Safo said alright, thank you.

Mr. Briesath said thank you.

Acting Chair Owusu-Safo said keep tally and then we will come to the end and respond to all the questions. Thank you. The next person?

Mr. Py said good evening, I'm Jack Py, my address is 584 Saratoga Drive, and I'm a resident of Oakhurst North which is west of Lot 1. So, I have a couple questions, a couple statements. I'm concerned about how the business plans to manage wastewater containing contaminants like oil, grease, and phosphates, also metals from the car runoff. And I know you guys said you would use natural soaps but as you wash the cars, there's going to be oil, grease, and metals running off those cars. And how will you contain that water? Will it be through filtration process, water recycling system, sending wastewater to a water treatment facility, septic system...you know, et cetera. Umm...you guys did answer that traffic impact study has been provided to the zoning board, but uhh...like he said, the Eola Corridor does rank the 4th highest in reported accidents within the City of Aurora and...uhh...my next question is has the Zoning Commission researched how the establishment's light pollution will impact the citizens, also including wildlife? Because right across from that, there is the Night Heron Marsh Forest Preserve, and, animals when they're exposed to high concentrations of light, will run into



roads or into residential areas which will increase the coyote and deer count in the roads. And, I know you guys talk about shielding the light, but when you shield light from floodlights or whatever lighting system you guys use, there's reflection still up into the atmosphere. And, I would also like to raise that there was a car wash built by Nascar Car Wash 0.8 miles away from here and it shut down because I don't know if that's 'cause it didn't have enough customers or what the reason was, but I assume 'cause it didn't generate enough profit. Umm...so, is there a market feasibility study to determine if this area can support a car wash business or will it close potentially becoming another abandoned eyesore due to the exorbitant cost of transforming it into a different establishment? Umm...my last point is that if people don't feel comfortable taking that turn...umm...not going into the car wash, they will end up near Nancy Young high school...err...sorry, Nancy Young elementary school...umm...and this gets out at, I believe, 3 pm or 2 pm, and kids cross across that crosswalk a lot, so would that raise an issue for kids' safety in the neighborhood? That's it. Thank you.

Acting Chair Owusu-Safo said okay, the next person please.

Mrs. Bass said hi, I'm Cindy Bass. I live at 2858 Kendridge and my house backs directly up to this field. I'm right next door to Randy Briesath. Umm...so my husband and I have...definitely have some concerns. So, one of them is around the traffic...the traffic piece. And, so my...a couple of my questions are if you are going west down Liberty, how do you...where do you turn? Is there a turn that's supposed to go into the lot to the car wash? If so, huge concern. I don't know how the road is gonna get expanded, and if you turn left, you're turning into right where the residential area is and from a school perspective, with Nancy Young and all of the bus traffic and the kids that walk, that would be a big safety concern for us. One of...umm...so, that's one concern is definitely the traffic piece. A couple other things: what is the height of the buildings that are proposed? Umm...what is the setback distance from the buildings to the residential properties? From a berm standpoint, you said it's a 30...you said it was a 30-foot...30-foot berm, I think is what I have in my notes. Umm...the privacy fence is 8-feet...umm...what are...what...umm...and then also what's the distance from residential property line, like Randy was talking about? We have all...we have some beautiful trees that have been there for years, right? So, how are...how far back until buildings would...this building would be? It just has a huge concern for us in the neighborhood, not from just...like, safety's a huge piece...umm...the traffic corridor, like this other gentleman just talked about, obviously it's a huge traffic concern but then we also look at it from privacy perspective, right? And my home and Randy's is at least 300-foot property line that goes, I mean, right back to it...right back to it, so I wanna make sure that 1, there's privacy and 2, there's safety for the neighborhood because...umm...understand that this property has been up for sale for years and all of that, but we also need to consider that where that lot...where the traffic is coming off of Eola and into Liberty and now we're going to be adding more, what is...how is that gonna impact...umm...the residents in the area and what about the safety of the kids walking to Nancy Young school every day? Thank you.

Mr. Rising said hi, I'm Mark Rising. I actually live in Oakhurst North. I don't back up to Lot 1, but I live in that neighborhood. Umm...also for the record, I think it's important that I state that I'm an elected official for Indian Prairie School District 204. I have been for 12 years. Umm...my concern here, not only for the residents and the issues that they brought up...my fellow residents, but...umm...my main concern is the traffic. While I appreciate the gentleman who did the traffic study...umm...for Eola, I feel exiting out on Eola right away, both north and south on Eola, is gonna cause significant problems. I know the City of Aurora has conducted many traffic studies just recently...umm...for Eola Road. There have been multiple studies all the way up to Bilter on the north, all the way down from Montgomery on the south. Two weeks ago, there was a bus...uhh...car that hit a school bus at Eola and Liberty. The traffic, my concern on Eola, is that people come flying down Eola southbound from the bridge...umm...and if now cars are now stopping to turn into the car wash on Eola...umm...there's already major accidents at Liberty, but now there's going to be rear end accidents turn...if cars turning into the car wash. I appreciate the gentleman that did the traffic study, as well. I don't...I...I personally don't feel this will generate additional traffic, but traffic is already significant high...high as it is...umm...as well as the previous people that came up and spoke. The turn in...umm...on Liberty...umm...I think it will quickly move to a right in/right out. Umm...I think it's going to be very difficult to turn left into the car wash from Liberty going westbound...umm...and it will be virtually impossible to turn westbound on to Liberty out of the car wash...umm...so I hope the City and the traffic...umm...in addition to the bus stop that's on Eola, feel free to reach out to the school district about that, but...umm...I hope you guys take more look at that. Thank you.

Acting Chair Owusu-Safo said alright, thank you.

Mr. Janus said good evening, I'm Scott Janus, I live at 2928 Kendridge Lane in Oakhurst North. I don't back up directly to that, but we mentioned...somebody mentioned earlier the fire station that's going in

and then this proposed project that's going in, I'm kind of sandwiched in between them, okay? And behind me is a wooded area and there is a dilapidated white house, people live in it, but it's not long for this world so I know that's gonna get developed, so that's why I'm really interested in this. I...uhh...I also just for the record wanna say I don't think this is gonna generate any additional traffic whatsoever, but like some of the other folks have just said, when...you know...and I just looked at real quick some Google searches for the City of Aurora, that is either the 3rd or 4th most...most dangerous intersection for accidents in the studies that have gone back...and I went back at least 10 years...and the most recent one was one...that wasn't a study, but it was an article from 20...from earlier 2023 that it ranked it as the 4th most difficult. People just...that...it's...you know, I hear the sirens all the time going up and down Eola Road, today, without the additional fire house. It's ambulances, it's fire trucks and...you know...cop cars sometimes, now we're gonna have a fire station there. I'm more concerned on the safety aspect more than anything else than it...for it. Umm...and it's the turns and people stopping. We're 1.4 miles, maybe, from Metea high school, down the street from Nancy Young elementary school. That concerns me with the traffic backup. I...you know...I come out on...on...on Liberty all the time, whether I'm going, you know, straight across Eola or going north or turning right going south, it's backed up now. And no additional traffic, I don't believe that, but people trying to get in and out and navigate it, I think that's gonna be a big problem and that's...that's a concern of mine. And just the only other thing that I wanna mention is the young gentleman mentioned about the Nascar car wash that closed. Alright, it closed, but it also has a sign that says, "new car wash coming soon," okay? So, if you do a Google search, and I know you can't see this, I did this this afternoon, I'm not against washing my car but how many car washes do we need? When I looked at this map, and this doesn't even include all the gas stations that have car washes and vacuums attached to it, there are over 20 car washes within a 5-8-mile range of this particular location and 12 car washes located less than 3-5 miles from this particular location. When I look at the map, the only area that doesn't have the little red pin on it that doesn't have a car wash is from that location going north all the way...until you basically, you get...you know...past Diehl Road up that way. But if you look at what's in that area, there's not much development. We've got the marsh there, then you go into the Jewel, then you go into the high school area there. So, you know, I'm not against car washes by any means; how many do we need folks? Okay. Thank you.

Acting Chair Owusu-Safo said alright, anybody else? Okay, umm...could we have the Petitioner come back and we can try to go over some of the questions that we had.

Mr. Jacob said I'm very impressed by the man...the little guy in the pink there. Umm...might wanna hire you. So, let...I would like to address some things that we probably should've mentioned but all...all the concerns have been brought up by Aurora's department when approving this. One of these things is the photometric plan, which we submitted. We're big on green footprint. You know, not only are our products plant-based but we use low volumes of water, you know. Most washes take 70 - 100 gallons of water per vehicle. We're hovering anywhere from 15 - 30. Umm...all of the...the...all of the products that come off of the vehicle or get washed off the vehicle, including our own products, get treated with an oil separator system. So, we use a triple basin, all the products go into a pit, the hard...the hard materials, if it's sand or dirt or whatever may be on the vehicle, will get washed off, put into a pit, ultimately, we shovel and we throw away. All of the oils and greases that may come off of the vehicle itself get caught in what they call a triple basin; it's an oil separator. Once every 6 months, a company comes in, they pump that product out, umm...they pump those out and then dispose of them properly off site. So, we...we...we handle all...before we go into the sewer system, we treat the...the...the...umm...the liquids coming off of the vehicle. We also get scrutinized by the EPA. This wash will not get approved unless the EPA approves the way we treat the water coming off of these vehicles going in and out of the wash. I talked to the owner of the wash...the owner of the wash to be on the site...and we will be keeping that tree line. We actually walked that tree line when we did the sound study. We got very concerned that someone would call us in because we were in their backyards, almost, along that fence that's there. We laid microphones so that we can catch current sound data and that tree line will stay. You know, we'll need to make room to put a fence in, but our intention is to leave. It's 50-foot buffer, there's no reason for us to remove the trees, the cost in that doesn't make sense, and as long as the City doesn't force us to take them down, our intention is to leave them. So, that...that...I hope we answered the tree line thing, and we do think it's beautiful and it does provide good...uhh...shading between the residents and our site. The wash facility itself is 300 feet from the back of a home, the building itself is about 300 feet from the back of the closest house, so there is a huge buffer. And the reason why we kind of brought up the one on Kirk, is that site sits just along side a residential community. I mean, we...the only thing that separates us, or that wash, from the residents near it is just a frontage road, and it butts right up against...now everybody does have their own...their own fencing, and there is a fence there but we have no berm, we have no landscape that separates the facility from the homes, and we're just putting a lot of added measures in so that way there is privacy. We want you as a client, so the last thing we want to do is have you hate

us as a neighbor because we want to take you in as a client. All of you. So, about the traffic...uhh...the traffic accidents: we will be pulling...umm...traffic off of these roads. The one thing I want to mention is the site itself is set to produce an average of 300 and something cars in a 12-hour span. We actually stood outside of one of these locations and held a timer. That's one car almost every 40 seconds. If you held a stopwatch and you watched the 40 seconds go by, it's like a lifetime when you're trying to get out from a site or come into a site. It doesn't sound like a long time, but when you watch it on your watch, it's a long time. So, it's not...the intent...this intended use will not generate a Starbucks type or a...uhh...uhh...one of the popular chicken place kind of volume; it's steady. And the reason why I continued to come back to the one we put next to the Walmart is because we sat in front of you, and these were all very valid reasons and concerns from not only your side but from the residents, and none of these came to fruition. There were no sound issues, the lighting photometric plans...we will...all of our lighting is LED, it's directional, it's designed to shoot down, we have zero foot candles at the lot line. So, we will not exert any lighting. Now, that doesn't mean...umm...that reflection, which is actually a very smart thing, it's really kind of what sparked my interest in his point. If there is a vehicle out there with a windshield and they park underneath one of these lights, there's nothing that says that that light won't hit the windshield glass, and someone will see that there's a light on our property because it's reflecting off of a windshield glass. But we're not...our intention is not to be open during hours where lighting is required. And we do this with the site on Kirk Road as well.

Market feasibility: in order for me to get a client to pay \$9,000,000 for a wash, I have to prove out that it will make money, and we did a huge market feasibility on this and this site, aside from the massive amounts of volume, if we pull in 1%, which would be absolutely insane if we could do that...umm...we'll do very well. These car washes, the only ones that you ever see close down are the ones that are older. Ones that machines have been neglected, that don't produce good results in the wash. So, these ones and the one that is closing down to reopen is because they didn't keep good care of it and therefore, it kind of became obsolete.

The height of the building is 33 feet...30 feet. So, the top of the peak of each tower is 30 feet. The setbacks from the residents, aside from the 50-foot setback, this facility will be 300 feet from your backyard, your house, and your house. So, it will be a huge buffer between us. But, as far as that setback, it's 50 feet and when I walked it, I loved what was there. There's a lot of growth, there's some very big trees that are there...umm...and it's beautiful. The client said to me here, "we're gonna keep the trees." So, the buffer will remain and as many trees as the City allows us to keep, we will keep.

The privacy: I mean, I just...umm...you know, I typically don't say this when I'm at a City meeting, but we call this building the closer. And the reason why we call it the closer is because we had the architect design this thing to look like a beautiful home. So, if you have passed by the one across from the Walgreens, you'll see that it's a beautiful building. It almost looks like a bank. It's very hard to tell that it's an actual car wash until you take a closer look at the hoses coming down. So, we took a lot of...uhh...lot of measures to make sure the facility itself resembles a home that you would see in a high-end area. The side of this building that actually faces the residents is the tower side, and that's the side that hovers most of the stone. So, both towers are wrapped in stone from the base to almost 20-something feet, and those 2 towers are on the resident side. So, if you notice the bottom picture. So, you would be facing the bottom picture.

Mrs. Bass (off mic from audience) said so, right, the homes are...

Mr. Jacob said to the right...no, to the right. So, we, you know...we're big not in your backyard. We hear it all the time on washes. When we...when we put this building together, we took every criticism, every recommendation from a City official and we left it. Every time an architectural board review came in and said, "we'd love to see this" it went into the building design and stayed. So, this is, you know, hundreds of opinions that have become an evolution of what we call the perfect product. So, I think that we answered everything. Pollution, we, you know...we're biodegradable products. If we had heard that there was a pollution issue, we typically bring our chemical guy here, he brings a couple of dishes, he drinks in front of you, and as long as you don't turn the lights on...uhh...off, he doesn't glow in the dark. But we do...we do use plant-based materials. Everything from the vehicle itself that we apply is biodegradable, it's actually marine-grade materials. One of the things that the young man mentioned was what we wash off vehicles. That's probably the first time I've heard that in 25 years, and it's smart. But we catch that. We catch what the...what the rain is not catching outside, we're catching it and treating it safely before it goes into the storm system. But I think I've answered every question...umm...

Acting Chair Owusu-Safo said I believe on the list...on the list that I wrote...

Mr. Jacob said I don't know how to address that. There was a safety question, but I don't know...we haven't had...umm...we actually built next to a school in Traverse City, Michigan and there was a concern that the kids would cross past our property to a school bus stop and get hit from a car coming

in and out. As Traverse City would improve their lakefront area, they would make the...the new improved commercial properties add sidewalks or do something that would allow people to move in front of the site. We have not had an issue, even once, where somebody was pulling in or out of our sites where somebody was hit. There's very slow movements on our site. So, I don't know exactly how to address safety. I mean, it's...we haven't had an issue where we've had to figure something out, a way to work around that. I will say that Aurora has had a lot of eyes on this and there have been a lot of opinions, and this is...this is a year's plus of work, and it's not something we did hastily. They've dotted every single "I", they've crossed every single "T", and we have gone back and forth with revisions to make sure it was perfect. We didn't want to come here half-cocked. So, safety...this is the first one of hearing this and we would be open if there was some other suggestion on how we can make this site safer, we would implement that.

Acting Chair Owusu-Safo said I think the only thing that I had left...I know you had something you'd like to add?

Mr. Briesath (off mic from audience) said I just had a question I'd like to ask.

Acting Chair Owusu-Safo said okay, can he just come out and finish his question?

Mr. Sieben said yeah, can you come up to the mic?

Mr. Briesath said so, you mentioned hours of operation. Does that include the vacuuming?

Mr. Jacob said yes...

Mr. Briesath said or is that 24 hours?

Mr. Jacob said everything...so the vacuums are set by photo eyes. During the day, they turn on and then there's a timer, when the lights in the building go off and the facility goes on...off, the photo eyes do not turn on and...think of a garage door with the power off.

Mr. Briesath said yeah...so, they're not 24 hours, that's what I wanted to make sure.

Mr. Jacob said they are not 24 hours.

Mr. Briesath said okay, thank you.

Mr. Sieben said I think there was also a question, maybe for Staff, of what is the Conditional Use meaning...the...

Mr. Briesath (off mic, from audience) said so, I want to be clear as (inaudible)...

Mr. Sieben said so you need to come to the microphone so it's recorded.

Mr. Briesath said yeah, so we...I...I have a question what Conditional Use means 'cause I don't...I just don't understand it, but that what it really gets to is...I appreciate that we're 300 feet off the car wash, but it's Lot 1 is almost a bigger concern for us because we don't know what's there, right?

Mr. Sieben said sure.

Mr. Briesath said so that is...since you're setting the standard for all that, we...I mean, I can get my head around the car wash at 300 feet, but I don't know what's 50 feet off my property line.

Mr. Sieben said sure, so...so essentially, any...any of the B-2 uses except for the prohibited uses: the tattoo parlors, laundromats, payday loan stores, umm... a couple others that Jill mentioned, those would not be allowed but if you look at our Zoning Ordinance, B-2 is a general retail, so a general retail would be a permitted use there. They do have to come back for a...for any development of the other lots for Final Plan and Plat...

Mrs. Morgan said I was just gonna...sorry...I was just gonna say yeah...but that does not require public notification...

Mr. Sieben said it's not a public hearing portion, but...umm...it is a public meeting.

*Mrs. Morgan said I would also add that, like, a restaurant would be permitted with alcohol. Our liquor license prohibits, like, just a bar, correct Ed?*

*Mr. Sieben said right, yes.*

*Mrs. Morgan said we don't...you have to have service...in order to get a liquor license, you have to serve...*

*Mr. Sieben said essentially, it has to be a restaurant...*

*Mrs. Morgan said food...*

*Mr. Sieben said like Paulie's or something like that.*

*Mr. Briesath (off mic, from audience) said yeah, the issue there is the hours of operation, right?*

*Mr. Sieben said right...*

*Mr. Briesath (off mic, from audience) said just not an establishment with people walking out at 2 am. (Laughing)*

*Mr. Sieben said sorry...*

*Mrs. Vacek said sorry, we record these...*

*Mr. Briesath said maybe I'll just stay here.*

*Mr. Sieben said she's going to take all the minutes.*

*Mr. Briesath said so, that's really the core of the issue is...is what we don't know, right? And...and how do we...I mean, it's hard to know in a public hearing. I mean, we're not as involved as we should be, right. So, how do we say, "hey, we can get behind that," right? "That's good...that's cool, you know. You guys are doing a great job." But it's Lot 1. That's the property that's right next to us, and so that's our biggest concern 'cause we don't know what it is and so it's...great, no drycleaner, don't need one. But it's that thing, right now and what I don't understand is would that then allow, let's just say, a fast food...'cause what I thought I read somewhere is that it has a drive-thru, right? Now you're talking a lot more traffic, right? If you had a restaurant...fast food restaurant, like a Taco Bell there or something, you're talking an entirely different traffic dynamic, right? But that's Lot 1, what I understand, would allow for that.*

*Mr. Sieben said correct, yes.*

*Mr. Briesath said so, it...to me, this is a cascading effect. You're gonna make a decision on one item that...the car wash could be suitable...but the next decision you make could render it all unsuitable, and that's my concern both from a neighbor to the property but also what's gonna happen on that corner traffic-wise. And just by the way, for the traffic people, our neighborhood has complained about high-speed vehicles on Eola for 3 years. We've complained about that on Asbury for 5 years. The speed bumps don't help. It's a racetrack. It is a literal racetrack at night. Now that's after you guys close, not your problem, but just so you know, that is a racetrack.*

*Mr. Sieben said any future development does have to come back for City Council approval. What I would maybe recommend is...umm...maybe stay in touch with your Alderman and, you know, if something comes up that would be fine, but this would set the zoning for the property because it's being annexed so...*

*Mr. Briesath (off mic, from audience) said I...I prefer...(inaudible)...*

*Acting Chair Owusu-Safo said the mic...*

*Mr. Briesath said (off mic, from audience) said right now, that doesn't work, the communication from the alderperson...*

*Mrs. Vacek said over...*

Mr. Sieben said I'm sorry...

Mr. Briesath said I'm just gonna tell you from a resident's perspective, that doesn't work. I show...I can show you 50 emails that have gone unresponded to. 50...

Mr. Sieben said the brand new Alderman?

Mr. Briesath said both.

Mr. Sieben said because your Alderman passed away.

Mr. Briesath said totally understood and there was health issues there...

Mr. Sieben said yes.

Mr. Briesath said totally understood. I'm just telling you as residents...I end up talking to Ron (Woerman)...

Mr. Sieben said your At-Large...

Mr. Briesath said At-Large?

Mr. Sieben said so that's another option, talk to your At-Large. That would be another great thing, but your new Alderman is a new, young Alderman that seems very responsive. I would give him a chance and try that too. So, yes, also your At-Large too. I would recommend that.

Mr. Briesath said yeah...yeah, but I would give credit to Ron because he has been responsive when nobody else has.

Mr. Sieben said yeah, Ron's very good...Ron's very good. Thank you.

Acting Chair Owusu-Safo said okay, I think the only question I had from everything else was still addressing...

Mr. Sieben said oh...you have another...

Acting Chair Owusu-Safo said oh, we have another...

Mr. Sieben said sorry, and then we should probably...

Mrs. Bass said can you guys...so, that Lot 1...

Mr. Sieben said show the site plan...

Mrs. Bass said can we see that again?

Mr. Sieben said mmhmm...

Mrs. Bass said and are the res...are you all gonna send anything out to us residents so we can see it?

Mr. Sieben said it's not a public hearing, no.

Mrs. Bass said excuse me?

Mr. Sieben said it's not a public hearing when Lot 1 comes in, it's a what's called a Final Plan, but it is not a public hearing required for that.

Mrs. Bass said so...

Mr. Briesath (off mic, from audience) said I think she's asking can we get that now.

Mr. Sieben said oh, yeah...yeah...

Mrs. Bass said so we can see it. So, Lot 1...

*Mr. Sieben said you guys want a copy of that, is that what you're asking? An email?*

*Mrs. Bass said yeah. So, you guys would be on what lot?*

*Mr. Jacob said we're on Lot 2.*

*Mrs. Bass said you're on Lot 2, okay. Okay, and then...and then Lot 1...*

*Mr. Sieben said Jill, this will be on the City website, correct?*

*Mrs. Morgan said once it goes...once they do BZE agenda.*

*Mr. Sieben said once it where?*

*Mrs. Morgan said once they do the BZE agenda.*

*Mr. Sieben said which will be next week?*

*Mrs. Morgan said which will be next week.*

*Mr. Sieben said yeah, it'll be on the City...do you guys want us to send it to you directly in an email?*

*Mrs. Bass said it'd be...I think it would be really...it would be really helpful, definitely. And I have the same concerns that Randy...*

*Mr. Sieben said okay, can...can you contact our office in the morning so we can get your email? That would be great.*

*Mrs. Bass said sure, who am I...we can't give it to you tonight?*

*Mr. Rising (off mic, from audience) said if you could just post it in P & Z, I mean, they haven't made it public, so it's not even on the website.*

*Mr. Sieben said yeah, for the BZE agenda, so this'll...*

*Mrs. Vacek said I think it's COW, Committee of the Whole is when it goes public.*

*Mr. Sieben said okay.*

*Mrs. Bass said can we just give it to you tonight since we all work full time? That'd be awesome. Thank you. So, just like Randy, our concern is what is going into Lot 1, right?*

*Mr. Sieben said yeah, so if you get...write down for Jill your email address, both of you folks, and then we'll send that to you, okay?*

*Mrs. Bass said okay.*

*Mr. Rising said thank you.*

*Acting Chair Owusu-Safo said alright, thank you. I think with no more further questions, we'd like to close the public hearing portion. Does the Commissioners have any other questions?*

*Mr. Chambers said I don't have a question, just more so a statement and I think you kind of touched a little bit on that in regard to...I kind of look at this project as I did when I first read through the material. Kind of looking through it as the glass kind of half full in regard to I also live in Ward 7, but looking at it as to assist the traffic, I look at it as a positive. Because that's going to take a lot of the cars, hopefully, off of the roadway during a certain amount of time. Whether if you're just washing your car or if you're just vacuuming your car, I look at that as being...assisting with some of the traffic. It may not prevent the accidents that are currently happening, but that doesn't have anything to do with the car wash that's there. That's something else I think that maybe needs to be addressed down the line, but I look at this as, you know, having the opportunity to take some of that traffic...that traffic flow off of the street, whether if it's busy times or non-busy times. So, I just wanted to state that for the record.*

Mrs. Martinez said and then for the record too, just because I live next...pretty close to the other one, we do have a Taco Bell, a Dunkin Donuts, a Panera...

Mr. Sieben said Popeye's...

Mrs. Martinez said Popeye's, but they're across the way. But yes, the ones that are right next to each other, it's Dunkin Donuts, Panera, and there's one...something else in there...Taco Bell, yes...

Mr. Sieben said Sonic.

Mrs. Martinez said a Sonic across, yeah...(laughs)

Acting Chair Owusu-Safo said well, I also have one other comment and mine...I also live very close to the location, my kids go to Nancy Young elementary, so I understand crossing that area, so we have someone from Indian Prairie School District here. This is an opportunity for you to reach out to the school district and just see what their concerns are because that is a concern to almost every parent that's here. My kids walk around there, and I notice that traffic. Last week...2 weeks ago there was a bus...school bus that was in an accident trying to make a left turn on to northbound Eola. My kid got a notification, everybody was delayed but that's the least we can, you know, be grateful for. So, I think that safety consideration is important to everybody that spoke from that subdivision and in that vicinity. So, take the school district up on that and just get their feedback and their input in some improvements to pedestrian movement and also the vehicle movement through there.

Mr. Sieben said I would just like to add, Madam Chairman, that this is also developing a commercial development, a non-residential development, which should in a little way help the tax base for the school district, so...that's been vacant for a very, very long time.

Acting Chair Owusu-Safo said thank you.

Mr. Choudhury said I just have one more thing to ask, and just for clarification: so, you are going to maintain the tree line over there? And the fence that you're building, is it going to be done...it is going to be east of the tree line or west of the tree line? Where will that be?

Mr. Jacob (off mic, from audience) said east of the tree line or west of the tree line?

Mr. Mho (off mic, from audience) said the fence? It will be just east, so pretty much on the property...(inaudible) fence there now...

Mr. Choudhury said so, the thing is you have Lot 1...

Acting Chair Owusu-Safo said yeah, can you come to the mic for your answer?

Mr. Choudhury said then you'll have the fence, then the tree line, and then the houses, correct?

Mr. Mho (off mic, from audience) yes.

Mr. Sieben said can you identify...state your name...

Acting Chair Owusu-Safo said can you please state your name and address?

Mr. Mho said Mitch Mho from Neri Architects. The...uhh...fence will pretty much be right on the lot line. So, if you have a fence there now, you can keep it, but this will be an 8-foot white vinyl fence brand new so whether you keep it or not would be up to you, I suppose. Then the berm will be even east of that and as much as...the trees will remain as much as possible...umm...all those trees, that beautiful tree line. We will be adding additional trees if needed, so that as well will be...help with the buffer, helps with noise, all of the above.

Mr. Briesath (off mic, from audience) said there's actually a couple of dead ones that could be used cut down.

Mr. Mho said so, funny you bring that because...so, as much as the tree line is beautiful, there is a lot of brush and part of any one of these developments is that we come in and we clean out the brush, all the dead stuff, all the understory stuff that really is undesirable. We would need to do that anyway in order to get to the point where we can put in a fence, so that is part...that would be part of the



development.

Mrs. Bass (off mic, from audience) said there's some...umm...very mature evergreens as well...

Acting Chair Owusu-Safo said wait, I think if you have a question, unfortunately you've got to come back up to the mic so it can be recorded.

Mrs. Bass said so, from a landscaping perspective, so there's the tree line that I understand, then there's the fence and then there's the berm?

Mr. Mho said yeah, all to the east.

Mrs. Bass said all to the east...

Mr. Mho said the fence would be the furthest west.

Mrs. Bass said got it, got it. Again, are those landscaping plans gonna be sent to the residents at all?

Mr. Mho said yes, as a matter of fact they're part of the submittal...

Mrs. Morgan said it's just a preliminary landscape and the City won't have comments on that landscape plan, so it's not...it's not finalized. So, we're still working with the Petitioner on what that landscape plan could be.

Mrs. Bass said so, what could potentially change?

Mrs. Morgan said we're requiring additional landscaping...

Mr. Sieben said it'll be a lot more than what they're showing.

Mrs. Bass said okay, thank you.

Acting Chair Owusu-Safo said okay, on the subject of the berm, there was one question about would the berm be built on the existing easements that the residents have or everything is going to be east of the current easement?

Mr. Jacob said everything is east. Everything is on our property, so everything is east.

Acting Chair Owusu-Safo said okay...

Mr. Jacob said so even the berm would, you know, based on our tree survey, the berm would even be just east of that tree line.

Acting Chair Owusu-Safo said okay, alright. Thank you. Are there any other questions from the Commissioners? Alright. Can Staff give their recommendation please?

Mrs. Morgan said alright. So, prior to the recommendations, Staff does want to go through the...some notes for the Findings of Facts for the Conditional Use Planned Development. And the Petitioner went through some of this as well, so it might be a little redundant but just to officially put on the record since you guys...since the Commission will adopt the Findings of Facts into the record. So, for Conditional Use:

1) The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the project takes

Aye: 5 At Large Chambers, At Large Gonzales, At Large Choudhury, At Large Martinez and At Large Kuehl

Nay: 2 At Large Lee and At Large Owusu-Safo

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**Text of Legislative File 23-0920**