

DRAFT MINUTES OF THE  
PLANNING COMMISSION  
Regular Meeting  
Wednesday – 8/21/2013  
2<sup>nd</sup> Floor Council Chambers

V. PUBLIC HEARING

- D) AU10/1-13.290-Su – Special Use Petition on 49.83 acres for non-metallic mining located at 213 Mettel Road by THE CITY OF AURORA (Ward 1 – TM)

Please see below for the proceedings of all the public hearings held on August 21, 2013 relating to this area.

- A) AU10/1-13.268-PA – Annexation Agreement on 10.5 acres for utilities and non-metallic mining located S. of Mettel Road, N. of Sullivan Road between Clearwater Drive and Nottingham Drive by COMMONWEALTH EDISON COMPANY (Ward 1 – TM)

Mr. Macholl said all of these cases that are here for public hearing tonight, the Annexation Agreement and the multiple Rezoning, are all related to a single use that is being proposed for all of the properties. The Annexation Agreement is for the ComEd right-of-way that is south of Mettel Road and north of Sullivan just to the east of the former city quarry that is currently being operated as a clean construction and demolition debris facility. That property is being used as overhead ComEd utility lines and it will be utilized for the future mining that's going to be occurring underneath all of the properties that are involved. As part of this, we are also addressing the additional ComEd right-of-way that is south of Sullivan Road that is currently zoned R-1. We are going to be rezoning that from R-1 to M-1(S). The (S) is for a Special Use for a Planned Development. The former city quarry, which we had seen recently in 2011 for approval for the Special Use for the clean construction demolition debris facility is having a Special Use added for the subsurface mining, which is a requirement in our Zoning Ordinance and the former city dump, which is at the corner of Sullivan and Route 25, which is currently zoned R-1(S) will be rezoned to ORI(S) with a Special Use for a Planned Development to address that subsurface mining as well. The other parcel that is up for public hearing tonight is the Claud parcel, which is the stepped triangle piece that is in between the ComEd right-of-way and the former city dump. That parcel is currently zoned M-1. That will be rezoned. A Special Use is going to be issued for it, a Special Use for a Planned Development, once again to address that subsurface mining that will be occurring later in the future as part of the LaFarge operation. That operation is currently operating underneath the quarry property. I'll let the Petitioner explain this and what I intend is we'd like to kind of go over the specifics of the plan, let the Petitioner address all the details as a general overview, and they do have a PowerPoint to go

over and address the issues that are going to be raised, and then we can handle the public hearings for the individual cases individually so that they can be addressed appropriately because they are separate, even though they are related. If there are any questions of staff, I can take them now; otherwise, I'm going to turn it over to the Petitioner and let them explain the case.

Mr. Sieben said if I could just clarify a couple of things to add on to what Tim said, the Claud property, which is kind of the double triangle in the middle there, north of Sullivan, that also will include to make conforming the existing above surface use, which is a rock and concrete recycling facility, which has been there for a number of years, so there will that above surface use also on the Claud property. Secondly, the subsurface mining is only going to be on the properties north of Sullivan Road just to clarify. Third, obviously the ComEd property south of Sullivan, which is part of the rezoning from R-1 to M-1 with a Special Use, that Special Use is for the above ground utilities, only the current transformer poles, not any subsurface mining south of Sullivan, so just an additional clarification.

Mrs. Cole said somewhere in here it says that the mining will extend halfway south to the centerline of Sullivan Road, so it is really not all to the north of Sullivan Road, so it is really not to the north of Sullivan Road, it will go to the centerline?

Mr. Sieben said yes from the centerline of Sullivan Road.

Mr. Macholl said I did hand out some new staff reports that addressed some of the minor typos that were in there. The big one was the one on 2013.271. I believe the recommendation was from a different case. The report that is in your packet actually had a recommendation for a different case, so I apologize for that. I corrected that with the revised staff report that I gave you.

The Petitioners were sworn in.

Good evening. I'm Bruce Goldsmith, representing LaFarge, from the law firm of Dykema, 4200 Commerce Court, Lisle, Illinois. I wanted to give you a little bit of background. A number of you may know we've had a mine here in Aurora for a long time and there is another mine in North Aurora, but you may not know how they relate to each other, so I'm going to give you a minute of background on LaFarge. I'm sure you know who Commonwealth Edison is, which is the actual Petitioner in addition to the Claud, LLC. LaFarge is actually a multi-national company with facilities all over the world and for the purposes of tonight's presentation, they are engaged in the United States principally in several products, cement, aggregates and concrete. They have a number of facilities in the United States. They are heavily involved in the Midwest.

They are proud to say that they moved their corporate headquarters to Chicago from, I think, a suburb of Denver last year and they are in the Rosemont area. They are active in environmental education and sustainable construction activities. They are kind of an unusual company in this regard because as we go along a little bit, sustainability is a major commitment they made in the business and they don't have any doubt about global warming and they are dealing with that as they can in their own business. In the cement business, they have about 1,600 employees. They have a number of really large cement plants in the United States, one is in very southern Illinois, Massac County Illinois. They have a number of distribution facilities and in the Chicago area, they have a mine in South Elgin, and a mine in Elburn. The mine at South Elgin, which you may know, is at Randall and Sterns Road. That is an above ground mine that has been mined out and they are going underground. In Elburn, they are still above ground. In North Aurora, they are below ground because it was mined out. In Aurora they are only below ground and we'll get to that in a minute. The products of limestone and dolomite are principle materials that they mine in Aurora and North Aurora. Those are used to make concrete and also as ingredients in asphalt. In terms of sustainability, they've made a major commitment to adopt sustainable practices. One of the things they are doing is actually producing a form of asphalt that has less petroleum products in it, so it is more environmentally friendly and also uses less carbon resources. They are fighting climate change. They are promoting bio-diversity and they take health and safety extremely seriously. If any of you have taken their annual tour of the mine, which is done during the summer, you have to go through a safety drill before you are allowed to go down in the mine and they are very much attuned to the safety of their employees and work very hard to minimize accidents. They have a partnership with the World Wildlife Federation and they have a number of projects that are designed to be sensitive to the environment. In terms of those mandates they've set for themselves, they are reducing energy usage in their production activities, reducing CO2 emissions and they rehabilitate their quarry, or actually there is a reclamation plan for every quarry that is required, but also that they take great pride in doing so that the surface of the mines are all restored to a natural condition or they are positioned for redevelopment, depending on the location. In urban areas, they would be more likely positioned. In fact, it is not a LaFarge mine, but as you may know in Winfield, the Cantera is really a reclaimed mine that, I think, was Elmhurst Stone. That happens where the property is a location that is suitable for that. So what's been happening in Aurora for a long, long time, a long time ago there was a quarry at the north end and a dump site at the south end of the property that the city owns. When the quarry was mined out, a predecessor to LaFarge went underground. So there is a mine in North Aurora that is also underground and the mines connect by a series of drifts or tunnels under the Toll Road. There are actually 4 tunnels under the Toll Road. They connect the 2 mines. The material that is mined in Aurora is conveyed to North Aurora sometimes by conveyor belt and sometimes by truck. It is then put into a crusher in North Aurora, which actually takes the large limestone and reduces it down to the different products that are used

for construction. So you can have everything from riprap, which is done by a special machine that takes limestone and makes it into the boulders for riprap, or you can have it reduced down to like CA6 and other construction materials. So limestone is crushed. Once it is crushed, it is then brought to the surface by a conveyor and put into surge piles, which are then used to make the product available for the construction users. The Aurora part is kind of divided by this green line where the CCDD on the surface, which replaced the quarry, is to the north of the green line and the south is the dump site. The ComEd property is all on this map shown in crosshatch in red. The ComEd property in white is the portion of the property that we are asking to be annexed to the City of Aurora. Everything in the yellow on this drawing that follows that white to the south is ComEd property. It has been in the City of Aurora, but is zoned R-1. Just to clarify a point, yes there are high wires on the property, but there are also other utilities on the property, so there is immediate subsurface utility use, which would be preserved as part of the rezoning, so you have the high poles, but you may gas pipelines, you may have telephone service and you may have running electrical service in the subsurface. The subsurface we are talking about is the first like 10 or 15 feet. The mining starts 200 feet below the ground. It is done in what's called a room and pillar method. The mine consists of a series of rooms that are basically 50 by 50 by 50. They go in and they blast the top level. That breaks up stone. They then remove the stone. They eventually go down and blast the lower level until you get a room that is 50 feet. You then have a pillar that is basically 50 by 50 by 50, so the pillars hold up and are structurally supporting the mine. They can do down up to 3 levels and they can do this same room and pillar method all the way down to about 550 feet below the surface. Right now both the North Aurora mine and the Aurora mines are down 2 levels. But as part of this process, the mine will go down to a third level. On each level they break up the rock, they bring it by truck or conveyor to a crusher, the crusher reduces it to smaller stone and it eventually becomes product for the construction industry. This is a cross-section of what a room and pillar method looks like in the Aurora mine. Basically the squares, the light grey squares, are your pillars and then the white areas are the rooms. What has happened is they have basically mined out levels 1 and 2 of the Aurora mine and the city, as an extension of the lease between LaFarge and the city, will take over the first 2 levels for a lime sludge storage facility that the city is going to use to take the water treatment lime byproduct and pump it into the mine and put it permanently into that mine. To do that, remember I said there are these drifts or tunnels, so the 4 tunnels that are coming under the Tollway are going to be sealed by what are called Kennedy Stoppings. Kennedy Stoppings are actually reinforced concrete doors, if you will. They are 25 feet thick and will prevent any migration of the lime sludge outside of the footprint of the mine in Aurora. So the city will take over levels 1 and 2. LaFarge will come back and be able to mine level 3 under the city property, that's part of the lease, they will also come down the ComEd right-of-way with new drifts or tunnels so when you see on your right I-88 and ComEd on both sides, ComEd east and ComEd south, new drifts would come down at levels 1 and eventually level 3 under the Toll Road and then they would start mining on the

ComEd property, come down, veer west and go into level 3 under the city property and then continue south to the middle of Sullivan Road. The reason it is the middle of Sullivan Road is because in the lease with the city, LaFarge has a right to mine to the middle of Sullivan on the city property today. So to continue this room and pillar method, you need the same squares and the same columns and so they would be mining across from the existing mine into the ComEd area within the ComEd right-of-way, but in the north half of Sullivan Road. So this is kind of a cross-section of what the geology looks like, so you have various levels of stone and other product until you get down to where we have the Ordovician limestone, which is the principal product that is being extracted. Ordovician area, for those of you who are not geologists, is like 350,000 million years old, so we are getting very old rock and turning it into construction products. Then there is also dolomite, which is used in concrete manufacture. There are really 5 things going on here. We are asking to annex the 10 plus acres that are currently outside the City of Aurora into Aurora. We asking then to rezone that for M-1(S) for a Special Use for utilities of various sorts at or near the surface and underground mining 200 feet or more below the surface. We are asking for the rest of the ComEd property to be just rezoned from R-1 to M-1(S) to conform to the city's Zoning Ordinance and that's for the property south of Sullivan Road. The Claud piece is the 2 triangles and we're asking for this because it helps us square off our mining activities. If you look at the parcel that's outside of Aurora, it takes a bend to the east and by adding the Claud piece we get more squared off and that allows us to mine more efficiently, so we are asking the Claud piece to be rezoned from M-1 to M-1(S) to permit at the surface the existing uses and to permit 200 feet or more below the surface the uses for underground mining. It happens that when the city rezoned the property for the CCDD, the city forgot that we had a 2 level mine under the CCDD property and so when the ORI(S) was approved, they didn't actually approve the underground mining, so we have kind of a historical, you can't really call it a non-conforming use because the mine was there before almost anything else, so we wanted to clean up the zoning on the property. The dump site has remained R-1 and that needs to be ORI(S) so that we can officially do underground mining under the dump parcel. So there are really 5 sets of things going here to get all the zoning cleaned up and to permit the expansion of the mining operations. I'd be happy to answer questions.

Mr. Cameron said what is depth of the rooms? What is the height of the room?

Mr. Goldsmith said the rooms are about 50 feet high.

Mr. Cameron said and how much room between the first drift and the second drift?

Mr. Goldsmith said I don't want to confuse you. Drifts are tunnels, levels are...

Mr. Cameron said okay then between the levels.

Mr. Goldsmith said there is between 50 and 100 feet between each level.

My name is John Fay. I'm Land Manager for LaFarge. We retain about a 30 foot sill between each level for structural reasons. As Bruce said, this then supports the columns that we do not mine to structurally support the roof, but there is about a 30 foot sill between each level.

Mr. Goldsmith said so the first level is more like 250 feet below the surface. The second level is 300 feet. The third level would be over 400 feet below.

Mrs. Cole said I have a question on the Annexation Agreement. It is Section D. And this Annexation Agreement only covers the ComEd area, which is in white, right?

Mr. Goldsmith said correct.

Mrs. Cole said and this is currently in Aurora Township, right?

Mr. Goldsmith said correct.

Mrs. Cole said so what does Section D mean?

Mr. Goldsmith said the all the city property is currently, I believe, treated by the Township Assessor as agricultural, which is typically how mines are classified for tax purposes. They don't have a separate mining classification so they treat them as agricultural. The ComEd pieces are also treated as agricultural for utility uses.

Mrs. Cole said so in essence it is not going to change.

Mr. Goldsmith said correct.

Mrs. Cole said except it will be in the city so it will be paying.

Mr. Goldsmith said we're asking if for some reason it was reclassified that the city would support our continuing to treat all of it as agricultural for tax purposes.

Mrs. Cole said okay, so there is no change in this?

Mr. Goldsmith said no.

Mrs. Cole said and Section F – Hold Harmless. This is just to do if there is a question about the Annexation. Is that right? It has nothing to do if there would be water contamination or anything like that?

Mr. Goldsmith said I guess I should give you another piece of the puzzle. This is protections for ComEd because ComEd is not doing anything new. All ComEd is doing is continuing the utility uses. For LaFarge, LaFarge under the lease with Aurora, has substantial performance obligations, which include mine safety. We don't have a water infiltration problem. The main way we get water into the mine is through the decline. It is actually the decline into the mine in North Aurora. We don't expect to get water in Aurora. It is actually operated as a dry mine. The U.S. Bureau of Mines has separate regulations for dry mines and wet mines and so it is our intention to keep it dry so we would not have water infiltration issues.

The public input portion of the public hearing was opened. No witnesses came forward.

Mr. Sieben said I think you can treat all 5 of these as all combined into one public hearing and then take a vote on each separately.

Vice Chairman Smilgys said do we need presentations from the other people?

Mr. Steinmetz said we have nothing else to the presentation by Mr. Goldsmith.

Mr. Goldsmith said I just wanted to make sure because you started out by only opening one public hearing, that you just open all five and make your announcement and recognize that there is nobody here.

The public input portion of the public hearings was then opened for the other 4 public hearing cases. No witnesses came forward.

Mr. Goldsmith said and I just wanted to clarify that although I explained the city's position I am not representing the city.

Mrs. Cole said I have a question. In the Planning Council Summary on one of the them, the staff made a mention of the fact that where they do the rock crushing, the road leading out onto Sullivan Road they track out a lot of gravel, dirt, silt, mud and I have observed this multiple times and I don't see that addressed in any recommendation.

Mr. Sieben said Tim will address that, but we did have a condition on there. It wasn't in your original packet, but it is to provide a hard surface for the first 50 feet inside of their property from Sullivan Road to allow some of the mud to come off of the tires before getting onto Sullivan Road. That was brought up to the Petitioner previously.

Mr. Macholl said it is in the revised staff report that I gave you for that case, which is 2013.270 for the Claud property. It is on page 3 of the revised staff report. It is a condition.

Mr. Engen said just out of curiosity, I don't know how they, when they go below the surface, it is all blasted then?

Mr. Goldsmith said they actually drill holes in the rock and then they put in a charge with a micro-unit. It is not like you throw a stick of dynamite in a hole. They have a very controlled charge that is way below the blasting requirements of federal standards. They do the blast. They do it once a day for 3 seconds and that unleashes enough rock for the next day's work.

Mr. Engen said so once a day for 3 seconds.

Mr. Goldsmith said now there may be more than 1 hole at a time, but it is all done within that 3 or 5 second range at the end of the day.

Mr. Engen said so there are no effects going beyond that area for residential? I'm not familiar with that.

Mr. Goldsmith said the Federal Mine Authority, MSHA, sets blasting standards for all these underground mines. LaFarge has to maintain seismographs at every facility to daily record the actual results of the blasting. I just looked at the April blast. They are so far below the mine standard, and the mine standard is so far below what would actually cause damage to a structure. In fact, I've been in the mine and John has been in the mine many times during a blast. When you are sitting in their building, nothing happens. They have just concrete buildings in the mine that don't have any results from the blasting. The Federal Mine, I think it is kind of interesting how they did this, to figure out what would be the level that would cause structural damage, they built a house next to a mine and did open blasting right on the surface. They couldn't cause physical damage to the building. So they put the building on a large table, if you will, a shaker. They shook the building 80,000 times at different vibration levels to see if they could actually crack the walls, the plaster or drywall. They couldn't do that so they eventually got a standard that they decided was below any possible damage to structures or even drywall plaster and that's what the federal government uses. We are required to measure each blast against that standard and graph it. We have to graph against that. If you saw our



actual graphs, so plaster at .5 inches per second at a very low vibration level, frequency, I'm sorry and then at a higher level it is 2 inches per second. If you saw our readings, we tend not to get any readings in that lower level. In the higher level, where it goes up to the 2 inches per second, our readings are way below that 2 inches per second. This is not a level that would cause damage. This is just what they set as the maximum requirement. It is all regulated. It is all measured and those measures are actually put online and they are available to the city to check that we are complying. We also have 4 inspections by MSHA each year. They are random inspections and they spend about 2 weeks at each mine and they go over all this stuff, mine safety, blasting, everything and so it is all regulated.

The public input portion of all 5 public hearings was closed.

Mrs. Cole said I have more questions. I don't know if any of us will be here 12 years from now when the area where they are adding the sill will be ready to be developed into ORI, but where it says the installation of sanitary sewer and public water shall not be a condition of the issuance of permits for construction and storage, that does only apply to construction trailers? It does not apply to any construction of a building?

Mr. Macholl said it is for the clean construction demolition debris facility. That would only apply to the existing condition for the trailers. They don't have to install the sanitary sewers, etc. They can utilize the construction trailer for their daily operations. Once the facility is finished and is brought up to appropriate grade, at that time they will be required to come in for final plats and plans and they will be subject to the Subdivision Control Ordinance, the Zoning Ordinance, and all necessary building codes, etc.

Mr. Engen said so how much material or gravel is still in the ground? Is this a mine that would be workable for another 10 more years?

Mr. Fay said the reserves over there, including what is on the city-owned property right now, and we have an existing lease with the city, that's at least 10 years. If some of these other elements are approved, and they are all interrelated, which is one point I wanted to emphasize is these applications are interrelated, it would be more than 10 years. It would probably be 20 to 25 years' worth of reserves of the rock. The one point I wanted to emphasize, Bruce covered it well, is there are multiple applications here, but we negotiated with the city for several years to do the lease for the underground mining and I just wanted to make it clear that the approvals needed here in part relate to so we can run the new drifts. To honor our contract and our agreements with the city, we need to block off the old drifts and create the new drifts for the ComEd property and so we have a lease with them. We have a lease with the city. We have a Letter of Intent with Claud. We don't have to do that property. We'd like to do that

property. You can see how convenient it is to the city property into the ComEd, so all these are interrelated. Again, we worked closely with the city to put all this together and hopefully we can get it finalized here before your body and the City Council.

Mr. Macholl said staff would recommend conditional approval of the Annexation Agreement on 10.5 acres for utilities and non-metallic mining located S. of Mettel Road, N. of Sullivan Road between Clearwater Drive and Nottingham Drive by Commonwealth Edison with the following condition:

1. That Commonwealth Edison Company dedicate 80 feet of right-of-way, a minimum of 40 feet on both sides of the centerline of Sullivan Road.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Engen

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Dunn, Mr. Engen, Mr. Reynolds

NAYS: None

#### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Cole said actually this should have no effect whatsoever on the public health, safety, morals, comfort or general welfare. This is something that is already there. Nothing is going to change.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Vice Chairman Smilgys said once again, there is no change.

Mr. Engen said this Special Use should not affect other properties around it.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said the Special Use will not diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this should not impede the normal use of this area because it originally was a mining area and now they are continuing to do the same again, so it is serving the same purpose.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Mrs. Cole said there is no change in the use of this property, so any utilities that are needed are already in place.

6. What effect will the proposed Special Use have on traffic? Has ingress and egress been designed to minimize congestion on the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mr. Engen said ingress and egress has been designed. There will be areas for trucks to go in and out of the area. There will be more truck traffic in that area, but the roads are set up to handle the increased volume.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?

Mr. Engen said this Special Use does conform to all the applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, August 29<sup>th</sup>, at 4:00 p.m. on the 5<sup>th</sup> floor of this building.

- B) AU10/2-13.270-Rz/Su – Rezoning and Special Use Petition on 4.26 acres rezoning property from M-1 to M-1(S) with a Special Use for non-metallic mining and other extractions located at 200 E. Sullivan Road by LINDA F. CLAUD, LLC (Ward 1 – TM)

Mr. Macholl said staff would recommend conditional approval of the Rezoning and Special Use Petition on 4.26 acres rezoning the property from M-1 to M-1(S) with a Special Use Planned Development for non-metallic mining and other extractions at 200 E. Sullivan Road by Linda F. Claud, LLC with the following condition:

1. That the first 50 feet of the access drive to the property perpendicular to the public right-of-way not to exceed 26 feet in width, be paved with asphalt or concrete.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Engen

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Dunn, Mr. Engen, Mr. Reynolds

NAYS: None

#### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Cole said the same as we said for the first one.

Vice Chairman Smilgys said there will be no change because this use is already in effect.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mrs. Cole said it should have no effect on the immediate vicinity property as there is going to be no change.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said the Special Use will not diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this Special Use should not impede its orderly development.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Vice Chairman Smilgys said they are all in place.

Mr. Cameron said in place, or if not, that access road will be improved.

6. What effect will the proposed Special Use have on traffic? Has ingress and egress been designed to minimize congestion on the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mr. Engen said ingress and egress has been designed. Like I said before, there should be an increase in truck traffic, but the roads are adequate to handle the increased volume.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?

Mr. Engen said this Special Use does conform to its applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, August 29<sup>th</sup>, at 4:00 p.m. on the 5<sup>th</sup> floor of this building.

- C) AU10/4-13.271-Rz/Su – Rezoning and Special Use Petition on 30.8 acres rezoning property from R-1 and Out to M-1(S) with a Special Use for utilities and non-metallic mining located between Mettel Road and Indian Trail Road, E. of Aurora Avenue Lane by COMMONWEALTH EDISON COMPANY (Ward 1 – TM)

Mr. Macholl said staff would recommend conditional approval of the Rezoning and Special Use Petition on 30.8 acres rezoning the property from R-1 and Out to M-1(S) with a Special Use for utilities and non-metallic mining located between Mettel Road and Indian Trail Road, E. of Aurora Avenue Lane by Commonwealth Edison Company with the following condition:

1. That Commonwealth Edison Company dedicate 80 feet of right-of-way, a minimum of 40 feet on both sides of the centerline of Sullivan Road.

MOTION OF APPROVAL WAS MADE BY: Mr. Engen

MOTION SECONDED BY: Mrs. Dunn

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Dunn, Mr. Engen, Mr. Reynolds

NAYS: None

### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Cole said again, this should have no effect as the use is already in place.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mr. Engen said this Special Use should not be injurious to other areas that surround it. It has been there for a number of years and we learned that whatever mining goes on, it is segregated in that one area.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said the Special Use will not diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this Special Use should not affect the other surrounding properties.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Vice Chairman Smilgys said they are all in place.

6. What effect will the proposed Special Use have on traffic? Has ingress and egress been designed to minimize congestion on the public streets? (For automobile intensive uses

(including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mr. Engen said ingress and egress has been designed. Here again, there will be an increase in truck traffic hauling the rock out, but the roads are adequate to handle the heavier truck load.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?

Mr. Engen said this Special Use does conform to all the applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, August 29<sup>th</sup>, at 4:00 p.m. on the 5<sup>th</sup> floor of this building.

- D) AU10/1-13.290-Su – Special Use Petition on 49.83 acres for non-metallic mining located at 213 Mettel Road by THE CITY OF AURORA (Ward 1 – TM)

Mr. Macholl said Staff would recommend approval of the Special Use Planned Development on 49.83 acres for non-metallic mining at 213 Mettel Road by the City of Aurora.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Dunn

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Dunn, Mr. Engen, Mr. Reynolds

NAYS: None

#### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Vice Chairman Smilgys said it should have no effect on any of these. It is already in place.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mr. Engen said this Special Use should not be injurious to others in the area. It is separated.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said this Special Use will not diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this Special Use should not impede the normal and orderly development in the surrounding areas.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Mrs. Dunn said they are all in place.

6. What effect will the proposed Special Use have on traffic? Has ingress and egress been designed to minimize congestion on the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mr. Engen said ingress and egress has been designed to control the amount of traffic that will be coming out of this area. We will see a heavier amount of truck traffic, but the roads in the area are adequate to handle the higher volume and the heavier loads.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?

Mr. Engen said this Special Use does conform to all the applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, August 29<sup>th</sup>, at 4:00 p.m. on the 5<sup>th</sup> floor of this building.



- E) AU10/1-13.291-Rz/Su – Rezoning and Special Use Petition on 17.99 acres rezoning the property from R-1(S) to ORI(S) with a Special Use for non-metallic mining located E. of Route 25 and N. of Sullivan Road by THE CITY OF AURORA (Ward 1 – TM)

Mr. Macholl said staff would recommend approval of the Rezoning and Special Use Petition on 17.99 acres rezoning the property from R-1(S) to ORI(S) with a Special Use Planned Development for non-metallic mining located E. of Route 25 and N. of Sullivan Road by the City of Aurora.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Dunn

AYES: Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mrs. Dunn, Mr. Engen, Mr. Reynolds

NAYS: None

#### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Cole said there should be no effect on the public health, safety, morals or comfort.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mr. Engen said this Special Use should not be injurious to others in the surrounding area.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said the Special Use will not diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this Special Use should not impede the normal and orderly development of this area. As a matter of fact, it will be used again in the future.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Mrs. Dunn said they are all in place.

6. What effect will the proposed Special Use have on traffic? Has ingress and egress been designed to minimize congestion on the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mr. Engen said ingress and egress has been designed to help minimize the amount of traffic in the area. We will see an increase in the amount of truck traffic, but the roads are adequate in the area to handle the heavier load of trucks.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?

Mr. Engen said this Special Use does conform to all the applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, August 29<sup>th</sup>, at 4:00 p.m. on the 5<sup>th</sup> floor of this building.