



City of Aurora

2nd Floor Council
Chambers
44 E. Downer Place
Aurora, Illinois 60507

Planning and Zoning Commission Meeting Minutes

Wednesday

January 08, 2025

7:00 PM

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 pm.

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mr. Chambers, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Pickens, and Mr. Roberts.

Mr. Gonzales was absent.

OTHERS PRESENT

The following staff members were present: Mr. Sieben, Mrs. Morgan, Ms. Field, and Ms. Burden

*Jenna Engler/1990 Rockland Dr (RE: 1980 Rockland Dr)
Jacob Engler/1990 Rockland Dr (RE: 1980 Rockland Dr)
Tanvir Ashek/1980 Rockland Dr (RE: 1980 Rockland Dr)
Prasanna Palepu/2524 Needham Ct (RE: 1980 Rockland Dr)
Fernando Barrera/The Barrera Organization (RE: 116 W Galena Bl)*

APPROVAL OF MINUTES

25-0013

Approval of Minutes from December 18, 2024 Planning & Zoning Commission Meeting

Chairman Pilmer said before you are the minutes of our last meeting held on December 18, 2024. Are there any corrections or additions to the minutes? Hearing none, is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Lee

MOTION SECONDED BY: Mr. Roberts

AYES: Chairman Pilmer, Mr. Kuehl, Mr. Lee, Mr. Pickens, and Mr. Roberts.

NAYS: 0

ABSTAIN: Mr. Chambers, Mrs. Martinez, and Mrs. Owusu-Safo

Motion carried.

Chairman Pilmer said motion carries.

A motion was made by Mr. Lee, seconded by Mr. Roberts, that the minutes be approved and filed. The motion carried.

PUBLIC COMMENT

Chairman Pilmer said before we begin this evening's agenda items, I'll just state in accordance with the Illinois Open Meetings Act, if anyone in the audience would like address the Commission regarding an item that's relevant to the Commission, they will have 3 minutes to do so.

No one came forward.

AGENDA

24-1009

A Major Variance granting a change to a reverse corner lot fence for the property located at 1980 Rockland Drive (Tanvir Ashek - 24-1009 / WH06/2-24.532 - V - EF - WARD 9) (PUBLIC HEARING)

Ms. Field said good evening, Emma Field, Associate Planner. The Subject Property is zoned PDD, Planned Development District, and it's in the Wheatland PDD. This property as shown here is a reverse corner lot. So, the Petitioner is requesting a 6-foot fence to be built in the exterior side yard. They are also requesting that the fence be 5 feet from the sidewalk along Gardner Circle East. Currently the zoning ordinance for a reverse corner lot allows either a 3-foot solid fence or a 4-foot open fence in the exterior side yard. In addition, that fence must be 30 feet from the property line in the exterior side yard. Currently the Petitioner has a 4-foot shadow box fence in the exterior side yard.

Are there any questions?

Chairman Pilmer said questions for Staff?

Mr. Pickens said are you saying the fence shouldn't have been out towards the sidewalk, but it would be 30 feet back from the sidewalk?

Ms. Field said the fence should be 30 feet from the sidewalk.

Mr. Pickens said yes, okay.

Chairman Pilmer said or from the setback?

Ms. Field said the setback is...

Chairman Pilmer said the sidewalk.

Ms. Field said 30 feet.

Mrs. Owusu-Safo said can you give us a little background why the variance?

Mr. Sieben said maybe I can do that.

Mrs. Owusu-Safo said thank you.

Mr. Sieben said hi, Ed Sieben, Zoning and Planning Director. So, we've had this rule in the zoning ordinance for quite a while. We really started to enforce it in 2006 when we started fence permits. Corner lots are always an issue. The biggest issue is what's called, like Emma said, a reverse corner lot. It's where the part of the backyard of this property is adjacent to the neighbor's front yard. So, if you see on Gardner Circle East there, the neighbor behind, part of their backyard from Rockland is adjacent to the neighbor's front yard. So, that's the critical area, that front setback of the neighbor on Gardner, that's where the fence cannot be 6-foot solid. It has to be 4-foot high if it's like 50% open, or 3-foot if it's a solid fence. Otherwise, the fence would have to be moved back, I believe it's a 30-foot setback that Emma said, to match the front of the neighbor's house there. So, it's really to prevent...it's not usually as bad if the neighbor's garage is on that side, but if the living area is there then you've got a 6-foot fence sometimes right up almost against the neighbor's front yard there. So, that's the purpose for that ordinance. And what they're requesting...if this was just a normal interior lot or let's say the backyard...it was a backyard to backyard, we do require that a 6-foot-tall fence be setback 5 feet inside the sidewalk now, that is more recent. So, that's what they are requesting, that it be treated as a normal like interior lot.

Ms. Field said and if I could add to that, I'll state this too in the Findings of Fact but the reason that they're requesting the variance for a 6-foot-high fence is because their house and their backyard patio area is on a little bit of a slope higher up than the sidewalk. So, they're stating privacy issues. With the current fence that they have now, you're able to clearly see the backyard by just walking on the sidewalk.

Chairman Pilmer said any other questions of Staff?

Mr. Pickens said yeah, I have 2 others. Is there an HOA or any covenants of that nature that also would dictate what they could do with a fence at this property?

Ms. Field said I can have the owner answer that one.

Chairman Pilmer said oh, hold on just a minute. We'll answer that when you come back up. We'll get an answer to that when we do Public Hearing.

Mr. Pickens said okay, and the second item was now the neighbor that is around the corner on Gardner, now the fence going higher could be a sight blockage for him backing out of his driveway, particularly I'm more concerned about kids running down on the sidewalk with bikes and all. Would that...has that been looked into? Has anybody done any site studies or anything that...do we have good sight lines?

Ms. Field said we did not do a study on that, but like Ed said, the driveway is on the other side of the fence so it could be up for debate.

Mr. Pickens said yeah. I'm still looking at the sight lines. To me, it looks like an obstruction. I guess I did have another question. Now I notice there's other properties in the development area that have 6-foot-high fences out against almost a foot off the sidewalk. Now, are these illegal fences? Or have they already been approved from previous requests? Do we know anything of the history of that neighborhood?

Ms. Field said they could've been done before 2006. I guess Ed could probably say more about that.

Mr. Sieben said yes, odds are they have a permit. The 5-foot off is a little bit newer so what we're trying to do is, like if kids are riding their bikes and you have this big, tall 6-foot fence, we're trying to give a little elbow room there for people walking. So, you used to be able to put a fence, a 6-foot fence right up to a lot line, which is usually within a foot of the sidewalk. So, 6-foot fences if you're on a corner like that, more recently we've been requiring a 5-foot setback to allow a little bit of that breathing room for bikes and things like that. So, those are most likely pre-existing legal fences.

Mr. Pickens said I guess I have one other question. Now, is this 6-foot fence going to go around the whole backyard or is that just along the walk section?

Ms. Field said I believe it's the whole yard...

Mr. Pickens said the whole yard...

Ms. Field said yeah.

Mr. Pickens said okay.

Mrs. Owusu-Safo said including the front yard?

Mr. Sieben said no, the backyard.

Ms. Field said no, no. Just the backyard.

Mr. Sieben said you want to show the...

Ms. Field said oh, yeah. Let me just...

Chairman Pilmer said but just to be clear, the Variance is 6 feet...6-foot is allowed, it's because it's going...it's because of the reverse corner lot?

Mr. Sieben said because of the reverse corner, correct. So, that 30-foot area where she's circling with the hand, that cannot be 6-foot.

Chairman Pilmer said but it could be 4-foot as long as the setback's followed?

Mr. Sieben said it could be 4-foot-high, correct.

Mrs. Owusu-Safo said so, the Variance that they're requesting is specifically for that section...

Ms. Field said yes...

Mrs. Owusu-Safo said to be 6-foot instead of 4 feet...

Mr. Sieben said 6-foot-high...I'm sorry.

Mrs. Owusu-Safo said and also a Variance from the setback?

Mr. Sieben said no, they're not varying the setback. So, they want to go to 6-foot-high in that area, but they will abide by the 5-foot setback which if this was not a reverse corner lot, they could put it at 5-foot setback. So, it's really because of the reverse corner lot they're not allowed to do 6-foot in that 30-foot area. It's adjacent to the

neighbor's front yard, that's our rule.

Chairman Pilmer said but they are allowed to do 4 feet?

Mr. Sieben said they're allowed to do 4-foot open, 3-foot solid.

Mrs. Owusu-Safo said okay.

Mr. Sieben said or they can pull the whole thing back to the 30-foot line and then enclose everything in 6-foot. But then they wouldn't be able to enclose that part.

Chairman Pilmer said got it. Any other questions? We'll get answers to a couple of those. Thank you. This is a Public Hearing. If anyone in the audience...we'll have the Petitioner come forward first, so why don't we...we'll swear in the Petitioner and then we'll also open it up for public comment. But if you want to come forward and I'll swear you in. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Ashek said I do.

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

Mr. Ashek said Tanvir Ashek, address 1980 Rockland Drive, Aurora, Illinois.

Chairman Pilmer said alright, thank you. If you want to add...I think we have a pretty good understanding, but if maybe add to the questions and...

Mr. Ashek said sure. So, one of the questions was do...I mean, I already have the HOA permission. So, HOA gave me the permission for a 6-foot fence. So, they are basically asking me to get permission from the City.

Mr. Pickens said do you have that in writing from the HOA?

Mr. Ashek said sorry?

Mr. Pickens said do you have that in writing from the HOA?

Mr. Ashek said yeah, I do.

Mr. Pickens said okay.

Mr. Ashek said and I can send it to her (Ms. Field) if needed. That's fine. Regarding the other questions: so, right on the Gardner Circle drive, the property that is in question will be...that we are concerned about getting most affected, their garage is not right next to my...to the fence. So, there is a big tree, then there is an entrance, and it's a 3-car garage...Emma, do you have the pictures? I actually have...if you...I have it in my phone. I have the pictures of that property showing the fence as well.

Ms. Field said oh yes. I can pull that up. Sorry, they're in black and white.

Mr. Ashek said so, this is the corner of my...this is at the intersection of Gardner and Rockland Drive. So, that's where I'm standing outside. Can you go on?

Ms. Field said keep going? Yes.

Mr. Ashek said that is from the inside. You can see...everybody's seeing it if you're standing outside the fence. Can you go to the next...and this is the neighbor's property that we're talking about. So, you can see...can you scroll down a little bit? Thank you. Yeah. So, that's where my fence is. So, I already have a 4-foot fence. I'm just basically requesting to increase it to 6-foot.

Mr. Roberts said have you spoken with the neighbors? Do they have any issues?

Mr. Ashek said uh...they...actually, he's one of the...

Chairman Pilmer said I think they're here, so we'll...

Mr. Roberts said oh, okay.

Mr. Ashek said I sent the letters as was required. So, I sent it to 25 neighbors. She gave me the list.

Chairman Pilmer said other questions for the Petitioner? Alright, thank you. This is a Public Hearing so if anyone wants to address the Commission, I would ask them to come forward. I'd have to swear you in so we'll do one at a time, but I can swear you both in.

Mrs. Engler said we're together.

Chairman Pilmer said okay.

Mrs. Engler said I think he's going to be my sidekick.

Chairman Pilmer said if you'll raise your right hand...

Mr. Engler said she has a nicer voice, I'll let her talk.

Chairman Pilmer said whoever's going to speak. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mrs. Engler said I do.

Chairman Pilmer said thank you. And then if you'll just state your name and address please. Thank you.

Mrs. Engler said my name is Jenna Engler. This is Jacob Engler. We live at 1990 Rockland, we're just to the south of their property. So, we share the...not the street side but the opposite side, we share that fence. And I'm here tonight to ask you not to approve the variance and there's a couple of reasons. One: just from our property line, we currently have a 5-foot fence, and I actually printed out pictures where, like, everybody around us has 5-foot fences. And I understand that he has the HOA approval, but everybody has 5-foot fences behind us. We have a 5-foot fence, and so part of my issue is that he's going to have the 6-foot fence against our 5-foot fence and so it's a little unsightly. And so I'm concerned with the impact on our property values if we go to sell. The other thing that I would like you just to consider is as you were talking about the house on the other side of them, I can tell you the neighbors on the other side of us put in a 4-foot fence and it goes all the way to the sidewalk. While our

driveway does line that fence, it is...it's dangerous backing out of our driveway right now with their fence. And they're within their rights. They did it properly, but that doesn't change the fact that when we're in our lower car it is dangerous because cars fly up and down Rockland. And they turn onto that Gardner Circle East really quickly. And so, I can tell you that having been at that house on the other, having a 6-foot fence, pulling out of that driveway, it would be a hazard to be able to see over that 6-foot.

Mr. Engler said can I just...

Mrs. Engler said no, you didn't get sworn in.

Mr. Engler said oh, sorry.

Mrs. Engler said so, I guess my point is like not only is it unsightly, it's not consistent with all those houses that are behind us. We all have 5-foot fences, the 6 of us that are behind us. And I can tell you like where our house is positioned, we look over everybody. So, I understand his position on people can see in your yard but guess what; everybody sees up into our house because of the positioning of the home. So, for me that doesn't really ring as a full argument because that's just the way the land is around our house. So, I guess I would just ask you to deny this variance for those reasons.

Mr. Engler said can I...

Mrs. Engler said does he need to swear in?

Mr. Engler said can I get permission to speak? Just to...

Chairman Pilmer said I can swear you in, sure. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Engler said I do.

Chairman Pilmer said sure. And then if you'll just state your name again, please.

Mr. Engler said Jacob Engler and I reside at 1990 Rockland Drive. I guess when I was looking at the pictures, I don't see any pictures of the pool that's in the ground. I'm just curious as to how that relates to the fence.

Chairman Pilmer said we can ask the...I don't know if I can answer that or any of us can...

Mr. Engler said I don't know what the...

Chairman Pilmer said we can try to get the...

Mr. Engler said I was just curious what the...what the requirements are for a fence that butts...pretty...would have to probably but up pretty close to the pool. So, I'm just asking because I know...I know like when I come by, that's something that we, you know, we do see.

Mr. Lee said have you taken this up with your HOA?

Mr. Engler said actually the gentleman that lives right next to is on the HOA board, I

believe. That's gonna block his...well, it's gonna... to my wife's point, if you're a little...if you're a young student... we have lots of kids in our neighborhood that are right their bike toward the intersection. That's...that's gonna cause some problems.

Mrs. Engler said and I can tell you that I have spoken with the HOA, and they have...while the standard, or the acceptable heights are 4, 5, or 6, the majority of people in our neighborhood have 5. And so, I have asked them, like, can we look at not having 6 because most don't have 6. And when you...like it showed you in the picture, like, you look around, that's what everybody has. So, I know they're trying to get some standardization but that seems like a pretty big range when you're looking at homes and not a huge development. Our little area's not enormous so...umm...any other questions?

Mr. Engler said I'm just not sure why did...like, on our side, if you pull up the big map, I'm not sure why you wouldn't just tie the fence into our existing fence.

Mr. Ashek said (from audience, off mic) I...

Chairman Pilmer said oh, we can't...we'll get an answer to that as well, but...

Mr. Engler said I...I...just a question I had because, like, my neighbors, we all talk and we're like 'hey, let's keep it at a standard level. I'll tie in.' Or...it seems like...

Chairman Pilmer said alright, we'll have the Petitioner come back and answer that.

Mr. Engler said okay, yeah...yeah, I...

Chairman Pilmer said anything else for the Commission?

Mrs. Engler said nope, those are...

Mr. Engler said no, thank you for the opportunity.

Chairman Pilmer said thank you, appreciate it.

Mrs. Engler said thank you.

Chairman Pilmer said does anyone else in the audience want to address the Commission on this case? If not, I will ask the Petitioner to come up and maybe if you can explain the reasoning on not tying into the fence.

Mr. Ashek said regarding the pool, actually I mentioned it when I did the explanation. And it also shows over there. And I don't need to actually do...I don't need to actually do the 6-foot fence at his side. It's only...I'm only concerned about the front side and this side because that's where...yeah, so the Rockland side and the Gardner Circle side. That's where my concern is. And...

Chairman Pilmer said so, you've considered a 5-foot fence, but it sounds like maybe you'd be amenable to 5-foot on the neighbor's side and then 6-foot across the back?

Mr. Ashek said oh, 5-foot is also fine, but they told me to apply actually for 6 feet. So, 5-foot is also fine with me. And...can we go back to the first map where all the houses are showing? You see this Warwick Court? This house has the same reverse corner lot as mine. The next...the bottom one. Yeah, this one. They have a 6-foot fence as

well. The other one also has a 6-foot fence as well.

Chairman Pilmer said on Needham.

Mr. Ashek said no, Needham...not Needham. I'm saying on the Warwick.

Chairman Pilmer said Warwick?

Mr. Ashek said the...that's right in front of my house. That one also has a 6-foot fence.

Chairman Pilmer said any other questions of the Petitioner?

Mr. Sieben said (off mic) that's not a reverse corner.

Mr. Ashek said but, yeah...the up...the one with the Warwick at the bottom. That is a reverse corner lot.

Mr. Sieben said (off mic) correct.

Mr. Ashek said yeah.

Mr. Pickens said I have a question. You say the land slopes from the house down to the sidewalk. So, if the fence was brought back where it should be for a 5-foot fence from the corner of the house back to the back of the property, then the privacy won't be an issue, right? Because that's on the high side of that slope?

Ms. Field said yes, but as you can see in this picture, there is currently a pool.

Mr. Pickens said yeah, but where's the pool go to? Is it out in...yeah, that'll put a different twist to things. We didn't know about the pool.

Mrs. Owusu-Safo said may I ask how old is this subdivision development? I mean, obviously at the time of purchase, I'm sure there was some kind of fence or something there and it wasn't new to anybody who would be moving into that particular house, correct?

Ms. Field said yeah, I believe it's the 90s. Am I correct?

Mr. Ashek said I believe it's 2003.

Mr. Sieben said (off mic) it's 2000s...early 2000s.

Ms. Field said oh, early 2000s.

Mr. Sieben said (off mic) but there was no fence there.

Mrs. Owusu-Safo said okay. There was no fence when...?

Mr. Ashek said when I bought the house in 2012, this fence was already there.

Mrs. Owusu-Safo said okay.

Mr. Pickens said now how far does the pool come out from the corner of the house?

Mr. Ashek said oh, it's 12 feet.

Mr. Pickens said 12 feet beyond the corner of the house towards the walk?

Mr. Ashek said no, so the distance that I need to keep is 10-foot from the Gardner Circle fence. So, it's already 12-foot.

Mr. Lee said so, you've lived with this fence for roughly 12 to 13 years?

Mr. Ashek said yeah, see it wasn't a problem. The problem is right now...I have a daughter, so...and we just finished the pool on November 1st. So, that...because now everybody...everything can be seen. So, that initiated this thing because I can do it with trees and everything, but fence is a lot more secure, and I had mentioned that in my explanation. Yeah, I'm not bothered about the side of...those things, 5 feet is fine. I'm only concerned about the corner section.

Chairman Pilmer said so, you'd be amenable to a 5-foot on one side and 6 across the other 2?

Mr. Ashek said I don't need to do 6 at all, 5 is fine. That gives me...at least...I mean, it's a little bit of the security issues.

Mr. Sieben said so, it sounds like Mr. Ashek would be willing to instead of a 6-foot-tall fence, do a 5-foot-tall fence. It would still require a Variance from the Commission. But, it sounds like that would more match the neighbors.

Ms. Field said 5-foot for...

Mr. Sieben said 5-foot-tall.

Ms. Field said all of it?

Mr. Sieben said all of it.

Mr. Ashek said all of it's fine.

Chairman Pilmer said any additional questions of the Petitioner?

Mr. Pickens said if the fence was moved back further from the walk, how much further up the hill could they move it to?

Ms. Field said sorry, what was your question?

Mr. Sieben said (off mic) I didn't understand the question.

Mr. Pickens said well, the question is with the pool there, and if they want that 5-foot fence, how much further can they move it away from the sidewalk to be up closer to the pool?

Mr. Sieben said so, your question is how far...how close is the pool to the sidewalk?

Mr. Pickens said yeah, I guess so.

Mr. Chambers said I think his question is how close would the fence, or could the

fence, be to the pool...

Mrs. Owusu-Safo said or to the house.

Mr. Chambers said or to the...closer to the house.

Mrs. Owusu-Safo said bring it closer to the house. Because I think the concern is...I'm surprised your neighbor right next door is not here. They can be the one that can really talk about the sight distance issues, if there's any. So, if you can give them even a few more feet to be able to approach the sidewalk and then make a decision what direction they're going to turn, I'm assuming that's you are heading with those questions.

Mr. Pickens said yeah.

Mrs. Owusu-Safo said how close can you bring the fence away from the sidewalk towards your property?

Mr. Ashek said see, the way I see it is the requirement is...I...and this is what different people told me: so, for the pool to be there, the distance from the pool and the sidewalk needs to be 10 feet. Now, I have a...I believe I have a little bit of room from sidewalk to the fence, is 3 feet. And from the fence to the pool is 12 feet.

Mrs. Owusu-Safo said 12 feet.

Mr. Ashek said so, that means 15 feet from the sidewalk. So, when they suggested to me that okay, you do a 5-foot setback, it was fine with me. So, coming back to your question, I don't know what the...I know that different people told me the requirement from the fence...from the sidewalk to the pool should be 10 feet and I have 15.

Chairman Pilmer said yeah, I think I understand. I mean, from my perspective I don't want to...I...the neighbor on that side isn't present. I know it does sound like, for what it's worth, the homeowners' association approved that height of fence, but I would...I'm making an assumption here, but the blockage that we're concerned about I think is already in place with a 4-foot fence whether it's 4-foot, 5-foot, or 6-foot. That's just my opinion but I'm certainly not an expert. I would tend to think...I mean, there's a large evergreen there already that's a pretty good buffer but that's just my opinion. I don't know if we'd benefit much from pulling that off the fence line or off the sidewalk. But it sounds like the Petitioner is willing to amend it to go to a 5-foot.

Mr. Ashek said yeah, 5-foot is perfectly fine.

Chairman Pilmer said alright.

Mrs. Owusu-Safo said so, instead of 3 feet offset from the sidewalk, you're okay to a 5...

Mr. Sieben said no, no, no. We're talking 2 different things. He's willing to go to a 5-foot-tall fence at a 5-foot setback.

Mrs. Owusu-Safo said oh, a 5-foot setback.

Mr. Sieben said the original petition is for a 6-foot-tall fence, 5-foot setback. He's willing to lower the whole thing to 5 feet, still leaving it at a 5-foot setback.

Chairman Pilmer said where the existing fence is today, pretty much.

Mr. Sieben said yeah.

Chairman Pilmer said anything else for the Petitioner? Thank you. I will close the Public Hearing. I know Staff does have Findings of Fact that they can read into the record.

Ms. Field said Staff has reviewed the Findings of Facts and have determined the following:

- 1. The owner has a reverse corner lot, and it is sloping downward almost 20 inches towards the fence located on Gardner Circle. The setup of the yard is very open, and the intersecting streets are relatively busy. There is no privacy since the fence is at the bottom of the slope.*
- 2. There are some other properties in the neighborhood that have similar reverse corner lot setups but the issue with this specific property is that the lot is a higher lot up compared to the sidewalk.*
- 3. The requested variance is based on alleged difficulty or hardship that is caused by the ordinance. The owner did think of other ways, now amended to 5 feet, to address this privacy concern, but the setup and downward sloping nature of the property makes it impossible to fix the privacy and security issues.*
- 4. The request is only to increase the height of the fence from the existing and required 4ft to 6ft. The fence is a wooden shadowbox fence which is permitted by code.*

Chairman Pilmer said those are the Findings of Fact. Staff will not make a recommendation. I think based on the testimony we've heard; the Petitioner is requesting us to reduce the fence height from 6 feet to 5 feet and the setback from the sidewalk would be consistent with the request at a 5-foot setback. Is there a motion or any additional discussion? Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Roberts

MOTION SECONDED BY: Mr. Lee

AYES: Chairman Pilmer, Mr. Chambers, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mrs. Owusu-Safo, and Mr. Roberts.

NAYS: Mr. Pickens

Motion carried.

Chairman Pilmer said motion carries. Staff did read into the record 4 Findings of Fact. Are there any additions or corrections? Is there a motion to accept the Findings of Fact as read?

*MOTION OF APPROVAL OF FINDINGS OF FACTS WAS MADE BY:
Martinez*

Mrs.

MOTION SECONDED BY: Mr. Chambers

AYES: Chairman Pilmer, Mr. Chambers, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Chairman Pilmer said motion carries. This will be approved with the 5-foot height. Thank you.

A motion was made by Mr. Roberts, seconded by Mr. Lee, that this agenda item be approved. The motion carried.

[25-0004](#)

An Ordinance Establishing a Conditional Use Planned Development and Approving the Galena Hotel Plan Description for the property located at 116 W. Galena Boulevard

Mrs. Morgan said good afternoon, Jill Morgan, Senior Planner. Let me just bring up the presentation. The Petitioner, Fox River House LLC, is requesting establishment of a Conditional Use Planned Development which includes a Plan Description to allow for the development of 21 micro units. The Subject Property is currently vacant with a Downtown Core zoning district. The details of the request include a Plan Description to allow residential on the first floor and to permit small units with a minimum of 220 square feet. The project includes redeveloping the historic Galena Hotel. The building was opened as the Fox River House in 1862 and was also known as the Huntoon House after its original builder and operator, E. D. Huntoon. The building has operated as other various hotels from 1862 until present day.

The current plan is to redevelop the building into 21 micro units ranging in size from 260 square feet to 550 square feet. The image shown here is the rendering of the front façade. I will also show you the drawing of the rear elevation.

The first floor will have 5 units including converting the existing lobby into a new apartment. The second and third floors will contain 7 units each, and then 2 larger units on the fourth floor. The only major change to the building is this rear elevation. It's a rear brick elevator addition and new rear stairwell. The developers worked with the City and the State Historic Preservation Office because they are using Historic Preservation tax credits for the project to position these changes to have the least impact on the historic building. And the changes to the exteriors were just approved by the Design Review Committee at the earlier meeting at 6 o'clock.

The new metal enclosure...there will be a new metal enclosure around the HVAC and mechanical units and that will match the other metal enclosures you see throughout the downtown. The interior will be mostly reconfigured but the center stairwell corridors, one of the building's most...only really significant interior feature will be retained and restored.

Staff worked with the developers early on in the process to better understand micro units. Micro units provide...they are small units, as the name suggests...they provide affordability for residents desiring to live in urban areas providing convenient access to jobs, public transportation, amenities, and entertainment. Typically, they also have...they've been shown with some of articles and information the developer provided, to have occupancy rates higher than other rental apartment types. They also have premiums of 25% to 100% per square foot compared to the larger units, they're sustainable, and they are kind of a new housing type for Aurora so the developers feel that it's something that will be unique bringing to Aurora.

The Petitioners have a presentation. Is there any questions for Staff before I bring them up?

Chairman Pilmer said questions of Staff?

Mr. Pickens said I have one.

Chairman Pilmer said go ahead.

Mr. Pickens said the historic...it's registered as a historical building...

Mrs. Morgan said yes.

Mr. Pickens said there is a whole new set of rules when that happens, right? Where the building has to pretty well match the original intent of the building. By adding the screens around the air conditioners; that is acceptable? And the elevator in the back, the enclosure; would that probably would need to be match the existing building, at least the brick?

Mrs. Morgan said yeah, so it will...you are correct. This is on the National Register; this is also locally within the FoxWalk Historic District. So, the Design Review Committee has approved it for our local regulations on historic buildings in the downtown. And since it's on the National Register and they're using Preservation Tax Credits, they have to go through the State Historic Preservation Office for all these changes. So, the State already has approved initially...they're still working through the details...but the initial concept. So, it will have to be brick to kind of match the historic building. They worked...the developer has worked really closely with the State Preservation Office and the Department that deals with ADA compliance...I can't think of what the name is...on the height of that rear addition. Originally, it was going to be a little taller, but they were able to work with the State Office to make it shorter, so it doesn't impact the visibility.

Mr. Pickens said and then I got a question regarding the fire escapes. I understand the one on the... I guess you would call it the east elevation, the existing one...that's not part of the registration or the certified registered...from what I read somewhere, and I hate outside fire escapes. I'll get that out right now. So, if that's a fact that it's not part of the register, I'd like to see it disappear and along with the one that they're adding in the back and put an enclosed stairway with the matching brick instead. They've already got the foundation for the stair that enters into the basement, so extend that foundation a little bit more, work it into the elevator, and you got you know your elevator and stair enclosure.

Mrs. Morgan said I think the developer can probably answer some more details on that. From my understanding, yes, the existing stair fire escape is not considered a contributing feature to the building because it predates it. It is existing. I think we tried to also work a way with not having it, but because of ingress and egress and all those code requirements, it had to be retained. And as far as the exterior, actually the SHPA will often, from my understanding with them, likes exterior staircases maybe better than adding a full enclosure because it provides...it's less of an impact to the historic building. You're not enclosing the whole kind of rear portion. You can still kind of see the historic building better. And it kind of looks like a historic...I mean, historic balconies and fire escapes are historic, and they sort of kind of reflects that more than a new build addition would. So, I would assume the SHPA would not want that enclosed.

Mr. Pickens said okay.

Chairman Pilmer said I just had a question on parking. So, I saw where it's not required but they'll have access to City lots and the City parking requirements are in the package.

Mrs. Morgan said correct. So, being the Downtown Core, there is no parking requirement. We do ask for a parking plan. So, there is the outline kind of all the existing parking lots. There is also, once the Casino moves out, there will be an additional parking garage. And I'm...they can work with the City will be owner of that and work with the City on using that as well.

Chairman Pilmer said any other questions of Staff? If the Petitioner would like to come forward, I'll swear you in and I think you've got a brief presentation. Good evening. If you could just raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Barrera said I do.

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

Mr. Barrera said yeah, Fernando Barrera, 1180 Trask Street, Aurora, Illinois. So, I'm the developer redeveloping 116 West Galena commonly known as the old Galena Hotel. I do have a presentation, however...I have a small presentation, but I think...do you mind going back to your...to my presentation? Sorry. So, the first slide shows a rendering of the after look, right after the renovation. The plan is to keep the staircase, you know, refurbish the exterior staircase on the west side of the building. And the goal would be to transform the building. It was known as a hotel, but some consider it a lodging house and so forth and the purpose would be to redevelop it into 21 micro units, each unit having its own kitchen, its own bathroom, but still keeping the historic integrity of the building with the trim, with the windows, with the corridors, and with the staircase.

Another before and after pic.

Here's a rendering and concept of the rear elevation of the building. So, we did have to put in an elevator. Originally, the plan was to put it inside however just the numbers did not work. We would lose a lot of units, making the interior elevator. SHPA did let us put an exterior elevator so we figured this would be the best plan. Originally, the elevator was going to go on the east side of the building however SHPA did not allow us to put the elevator on the east side of the building. So, we figure the rear elevation would be the best side to put it.

Mr. Pickens said does that elevator have access to the basement as well?

Mr. Barrera said it will not access the basement. And another key point to that; it will only go to the third floor.

So, before and after pics: this would be a room prior to my ownership that would be rented out. So, I took over the building in 2023 and here I have a good rendering of...this rendering is 260 square feet so you will see a before and after of how it will look. Here you see it with the sofa. Each micro unit will have a Murphy bed that will be built in and very accessible for tenants.

Here's a good bird's eye view on layout of open concept feel of the micro unit. It's a small footprint but I feel like the open concept feel and the high ceilings will kind of make up for it and make it look more spacious. It will have built in storage which may include wall-mounted shelving, under-bed storage, and building closets to make up for a lot of space.

So, here you see the bed pulled out, you see the Murphy bed that's pulled out. And then, here this next rendering you see it pulled in.

So, same layout. This is one of the smaller sizes so there will be 8 units that are 260

square feet. The rest will be...I like to consider them as regular studios as they will be a little bit more in line with what the studios are in Aurora or in the downtown Aurora. Here's a great layout. So, the first floor will have 5 units. The first 2 entering the building will be the ADA units, roughly around 520 square feet. The second and third floors have the same layout, 7 units on each floor, identical layouts, and as you can see the smaller units are up front. I purposely did that because I think that would be the best view for the building, so I figured you go a little bit smaller but it kind of makes up for it with the view.

The third floor, same layout.

This is the fourth floor. So, the fourth floor will have 2 units. There will be an electric chair that goes from the third to the fourth floor for accessibility reasons. Since we couldn't get the elevator, we had to make it up somewhere, so we ended up getting approval for having an electric chair go from the third to the fourth floor.

This is my development team. So, I purchased the building in 2023. It took me a year and a half to kind of gather the right team, assemble the right team to get the best and highest use for the building. So, together we have over 90 years of real estate construction and design experience.

A little bit about myself: so, I'm a Benedictine undergrad. I went to Aurora Central Catholic, graduated with accounting and finance degree. I worked in 2 years in corporate accounting. After 2 years, I started my own real estate company buying income producing property. Currently...I currently probably own somewhere around 200 to 220 residential units in the Fox Valley area. I ended up taking on the task of doing my first development, which is the Galena Hotel.

With it being my first development, besides putting on a great team, assembling a great team, you know, I'm new to the historic tax credit world so I ended up getting a great consultant to help me with that aspect of things, educating not only myself but my team. So, I got John Kramer onboard, a part of my team. He has done multiple, multiple projects including one of the biggest ones here in Aurora, which would be Bloomhaven Campus.

Jeff Dowe would be the person helping me with accounting and tax aspect of things. Helped me with my capital stack, with the tax credit investor, and my loan and so forth. Torres Construction would be the person helping me, would be the GC of the project. Multiple projects under their belt as well. A lot of real estate experience, a lot of commercial experience, and definitely the right fit for the team.

Thank you. Any questions or comments?

Chairman Pilmer said any questions for the Petitioner?

Mr. Lee said just compliments on making the building accessible. Does the chair to the fourth floor really need to be called "the electric chair?"

(LAUGHING)

Chairman Pilmer said thank you.

Mr. Pickens said what marker are you going after, salary-wise, wage-wise for the occupants?

Mr. Barrera said yeah, the so target is working professionals.

Mr. Pickens said okay. And I also have a question regarding...what the intent on heating and ventilating this building? Is that and utilities...would the utilities all be inclusive in their rent? Or are there gonna be individual meters hanging on the outside of this wall?

Mr. Barrera said correct. So, no, there will be only one main meter for the whole building and each unit will have splits.

Mr. Pickens said okay.

Mrs. Owusu-Safo said so, how much would a micro unit go for that you are targeting?

Mr. Barrera said so, the starting base rent would be \$1,050.

Mrs. Owusu-Safo said okay.

Mr. Barrera said we have actually started...we started our demo work already and we've had...just by folks always inquiring, like, when are we opening up? They saw what's coming to downtown and definitely excited and they're already asking if there is a website to apply or so forth, so I think we'll be leased up before we even finish construction.

Mr. Roberts said so what is the answer to that question? When's it going to be ready if you get approval?

Mr. Barrera said end of the year.

Mr. Pickens said is the building fully sprinkled? Fire protected?

Mr. Barrera said no, so, it will not be sprinkled but we did...we worked with the City of Aurora Building Department so there was a couple of other alternative routes that we did to minimize the gap, minimize the funding and so forth, so we'll be adding more like fireproofing building materials to kind of offset the sprinklers...to not do the sprinkler system. So, we did...it was like around \$30,000 to \$40,000 in cost savings going this route.

Mr. Pickens said I imagine the structure's wood inside, right? Everything's wood?

Mr. Barrera said correct. And it's real 2 x 4s, 2 x 6s, right? Not like your typical Menard's 2 x 4, right? (laughs)

Mr. Pickens said yeah, the hardwood type.

Chairman Pilmer said any other questions of the Petitioner? Thank you.

Mr. Barrera said thank you, appreciate everybody's time.

Chairman Pilmer said this is a Public Hearing, if anyone in the audience would like to address the Commission on this item. Note for the record that no one has come forward. We will close the Public Hearing and turn it back over to Staff. There are Findings of Fact.

Mrs. Morgan said Staff would...Staff has the following comments regarding the Findings of Facts:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare as the development will reuse a building that has historic significance to the community and provide diverse housing types to accommodate the

needs of Aurora's population.

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as it will redevelop a building that was most recently used as an hourly boarding house with many property maintenance issues. The building is surrounded by other redeveloped residential buildings and will have a positive impact by adding additional affordable units to the downtown. The project will have a positive impact on property values as it will clean up what was once a blight on the area.

3. The development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as the surrounding properties are developed with similar residential apartments.

4. There is currently adequate water and sewer capacity to serve the project.

5. The project does provide adequate ingress/egress. Access points to the site already exist along Galena Boulevard. The small units are envisioned to have less cars per unit than larger apartments. Currently there are several city parking lots in the vicinity with additional parking opening when the casino moves out of the downtown.

6. The Conditional Use in all other respects conforms to the applicable regulations of the various zoning districts.

7. For hotels: Not applicable.

8. The uses are necessary, desirable, and appropriate with respect to the primary purpose of the development as the use brings additional housing to the downtown, promoting the continued redevelopment and growth of the downtown.

9. The uses are of a nature and are so located as to not exercise an undue detrimental influence on the surrounding neighborhood as they are existing redeveloped buildings containing residential units in the neighborhood.

10. The exceptions so allowed are reflected by the appropriate zoning district symbols and are so recorded on the zoning district map.

Chairman Pilmer said does Staff have a recommendation?

Mrs. Morgan said Staff would recommend approval of an Ordinance establishing a Conditional Use Planned Development and approving the Galena Hotel Plan Description for the property located at 116 West Galena Boulevard.

Chairman Pilmer said you've heard Staff's recommendation. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Martinez

AYES: Chairman Pilmer, Mr. Chambers, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mrs.

Owusu-Safo, Mr. Pickens, and Mr. Roberts.
 NAYS: 0
 Motion carried.

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

MOTION OF APPROVAL OF FINDINGS OF FACTS WAS MADE BY: Mrs. Martinez
 MOTION SECONDED BY: Mr. Lee
 AYES: Chairman Pilmer, Mr. Chambers, Mr. Kuehl, Mr. Lee, Mrs. Martinez, Mrs. Owusu-Safo, Mr. Pickens, and Mr. Roberts.
 NAYS: 0

Chairman Pilmer said motion carries. If Staff will state where this will next be heard.

Mrs. Morgan said this will next be heard at the Building, Zoning, and Economic Development Committee meeting on January 15th at 4:00 pm in this room.

Chairman Pilmer said good luck. That concludes our agenda.

A motion was made by Mr. Chambers, seconded by Mrs. Martinez, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 1/15/2025. The motion carried.

ANNOUNCEMENTS

Chairman Pilmer said any announcements?

Mr. Sieben said (off mic) two weeks.

Chairman Pilmer said we'll have a meeting in 2 weeks.

ADJOURNMENT

Chairman Pilmer said is there a motion to adjourn?

MOTION OF ADJOURNMENT WAS MADE BY: Mr. Roberts
 MOTION SECONDED BY: Mr. Lee
 Motion carried by voice vote.

Chairman Pilmer adjourned the meeting at 7:55 pm

A motion was made by Mr. Roberts, seconded by Mr. Lee, that this meeting be adjourned. The motion carried by voice vote.

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