



**PLAN COMMISSION AGENDA
VILLAGE HALL BOARD ROOM
25 E. STATE STREET
TUESDAY, MARCH 5, 2024
7:00 PM**

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated February 6, 2024.

PUBLIC HEARING

NEW BUSINESS

1. **Petition #24-06 (Zoning Map):** 2024 Zoning Map

OLD BUSINESS

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
FEBURARY 6, 2024**

CALL TO ORDER

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

ROLL CALL

In attendance: Commissioners Anna Tuohy, Tom Lenkart, Alex Negro, Richard Newell, Mark Bozik and Doug Botkin.

Not in attendance: Commissioners Aaron Anderson and Scott Branson.

Staff in attendance: Community Development Director Nathan Darga and Planner David Hansen

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated November 7, 2023

Motion for approval was made by Commissioner Botkin and seconded by Commissioner Bozik. All in favor. **Motion approved.**

PUBLIC HEARING

1. **Petition #24-01 (302 Mitchell Road):** The petitioner, Liberty Illinois, LP, requests the following actions in the O-R-I Office, Research and Light Industrial District:
 - a) Special Use - Planned Unit Development
 - b) Site Plan Approval

Motion to open the public hearing was made by Commissioner Newell and seconded by Commissioner Negro. All in favor. **Motion approved.**

Chairman Brackett opened the meeting and shared staff will provide information regarding the petition item, followed by a presentation from the petitioner, public comments and it will close with discussion and comments from the Plan Commission.

Planner David Hansen introduced Petition #24-01 (302 Mitchell Road). Hansen said the petitioner is requesting a special use planned unit development (PUD) and site plan approval in the Office, Research, and Light Industrial District (O-R-I). The petitioner is proposing to develop a 24-acre property as an industrial planned unit development and construct a 439,380 square foot office/warehouse building on Lot 3 (302 Mitchell Rd). Hansen provided background on the property's and subdivision history. Hansen shared the Liberty Business Center final plat of subdivision was approved by the Village Board back in December of 2007. Liberty Business Center subdivision comprises of six total lots with three of the lots created to accommodate

warehouse development. Lot 1, 400 Mitchell Rd, is the most southern parcel of the subdivision and a PUD was reviewed by the Plan Commission in March 2023 and approved by the Village Board in May of 2023. Lot 2, 300 Michell Rd, has a warehouse building already built on the property. Lot 3, 302 Mitchell Rd, is the parcel being discussed tonight.

Hansen continued due to the onset of the recession, Lot 2 and Lot 3 were ceased before any buildings were erected. Construction of 300 Mitchell Rd was later completed in 2015. In 2016/2017 the developer partially developed 302 Mitchell and 400 Mitchell, which included installing mass grading, sanitary sewer, watermain, hydrants, service extensions, and stormwater detention. Per section 17.5.4.B of the Zoning Ordinance, any nonresidential or multi-family parcel or parcels of land two acres or more in size shall be required to be a PUD. As the development of Lots 2 and 3 began prior to the adoption of the Zoning Ordinance in 2013, development of the 300 Mitchell Rd (Lot 2) property was allowed to commence as a permitted use. Hansen continued the original development designed access sufficient for three buildings and the applicant has provided an updated traffic study showing this access is still adequate. Since work on the subject property did not commence until after the adoption of the 2013 Zoning Ordinance, the subject property is required to meet the requirements of the current Zoning Ordinance, including any procedural requirements.

Hansen shared the requested actions from the petitioner, which includes a special use planned unit development and site plan approval. The special use planned unit development meets all O-R-I zoning district yard and bulk requirements and all other requirements of the Zoning Ordinance. The site plan shows all of the parking spaces being installed. If the petitioner decides to land bank some of the parking spaces, the PUD will provide the right to install the land banked parking stalls at any time, subject to building permit approval. The petitioner is also requesting to add data center to the list of permitted uses as part of the PUD. Data centers are not mentioned in the Zoning Ordinance currently; however, it is becoming a more common use and the Village will be looking to add a data center as a use to the Zoning Ordinance in the future. The Comprehensive Plan designates the subject properties as 'Office/Industrial'. The proposed Warehousing, Storage, and Distribution Facility use is classified as a permitted use in the O-R-I Office, Research and Light Industrial District.

Hansen concluded that the Community Development Department finds the information presented in Petition #24-01 **meets** the Standards for Specials Uses, Site Plan Approval and Planned Unit Developments as set forth in the Zoning Ordinance. Based on the above considerations, Staff recommends **approval** of Petition #24-01, subject to the following eleven (11) conditions. Hansen highlighted condition one (1) regarding the existing tree line / landscaping on the north end of subject property being maintained and any dead or missing landscaping shall be replaced and condition five (5) regarding the drive aisle on the northern side of the building being kept free and clear and shall have no truck parking, standing, idling, or stacking.

Kelsey Perrin, Vice President and Investment Officer for Prologis in Chicago, presented the property's proposed project and shared information on Prologis as a firm. Perrin said Prologis holds real estate for the long term and Prologis Chicago portfolio includes over 83 million square feet and 374 buildings, which includes a team of 60 to 70 in the Chicago area to help manage and lease the properties. Perrin showed a submarket map of all the warehouses Prologis has in the immediate area. Perrin continued that the project for 302 Mitchell is a standard warehouse and has

a lot of landscaping on the north side of the property proposed. Prologis has also added landscaping and screening to the existing building at 300 Mitchell Rd. There are two access points to the 302 Mitchell property, which would use the same drive aisles as 300 Mitchell Rd. Perrin showed a site plan, building elevations, and landscape plan. Perrin added the property use matches the Village's designation in the Comprehensive Plan as Office/Industrial.

Chairman Brackett facilitated the public hearing and comments portion and asked to please not reiterate something that has already been said.

Maxine Pearce, 724 Thompson Ave, mentioned she lives at the western edge of the existing warehouse's northern drive aisle entrance and would be located directly between the two warehouses should the new one be built. Pearce said she is the original homeowner and has lived at the home since 2002. Pearce said she wanted to clarify that for the approval back in 2007 she never received a notice about the project. Pearce said staff notes dated from October 7, 2014, said the surrounding residential neighborhoods are aware of the Mitchell Road development and have had the opportunity to comment on the plans during the original plat approval, which was presented to the Plan Commission December 10, 2007. Pearce said there was no notice given, residents were not aware of the project and did not approve of it and would like this to be on the record. Pearce added the location of the existing warehouse and proposed warehouse is located way too close to residences. Pearce added residential and warehouse are different zoning areas, but there is a nuisance and noise created in the warehouse zone that travels into the residential neighborhood. Pearce said the warehouse property is approximately 120 footsteps away from my backdoor, the trucks and backup beepers of onsite vehicles and equipment are noisy and this noise is preventing us from having a restful night sleep and making it difficult to enjoy our home and backyard.

Pearce mentioned Village Ordinance 12.5, environmental performance standards, which talks about vibration and states no earthborn vibration from the operation of any use shall be detectable at any point off the lot on which the use is located. Pearce added the trucks create a vibration and rumble and we can feel it in our home. There are consistent trucks idling before the yard opens. Pearce stated she would prefer the trucks use the southern entrance since there are no homes nearby. Pearce also stated the warehouse use and activity causes noise pollution and said in May and June of 2021 the tenant was working 24/7 and trucks were coming and going at all hours, which made it difficult to get 3-4 hours of sleep a night and impacted our productivity at work and peace at home. Pearce said this incident developed health issues for her. Pearce quoted the American Heart Association regarding noise pollution. Pearce said her doctor agreed noise pollution did impact her health and has a letter the doctor wrote should anyone want it. Pearce said the letter states noise does impact an individual sleep and health and external noises are detrimental to one's health and this should be discussed with the Village. Pearce said there are many articles online regarding noise pollution. Pearce quoted the noise pollution clearinghouse, which stated noise pollution affects human health, wellbeing and problems relating to noise include hearing loss, stress, high blood pressure, sleep loss, distraction, loss of productivity and a reduction quality of life and the air unto which secondhand noise is emitted and which it travels is a common good and no one person or group owns it since it belongs to everyone, people businesses and organizations do not have unlimited rights to broadcast noise as they please. Pearce also quoted Harvard Medicine Magazine, which stated other health issues including childhood learning delays can occur when situated next to a noisy environment. Pearce added backup beeping creates noise pollution and can creep through cracks and walls and there have been occasions in which I woke

up from a loud noise and thinking they are on my backyard patio so the noise carries a lot and can wake up someone asleep or interfere with conversations or quiet moments in our home.

Pearce said she was hoping to alleviate this situation and spent money on window inserts to help reduce outdoor noise, but they don't appear to help due to the loud noise of the warehouse operations. Pearce shared that last October a truck arrived at 3am and blared on the horn for over 2 minutes and the driver should have noticed the residential area due to the one row of trees. Pearce added pine trees have branches that are spread out and the deciduous don't have any leaves seven months out of the year so there is no deterrent or landscape buffer currently. Pearce stated Zoning Ordinance Chapter 14.1, which mentions that landscaping regulations are intended to minimize the adverse impact of noise, motor vehicle headlights, and glare or other artificial light created by other adjoining or neighboring uses. Pearce said headlights have shined in her bedroom window and doesn't believe one row of trees is sufficient for a buffer and no one will realize the impact unless they live on the block next to the warehouse. Pearce added improved sound measures need to be taken to block out the noise since the existing landscaping does not do it. Pearce said the parking lot lights are very bright currently and another building will create even more lights. Pearce added that back in 2021, when visiting with the neighbors, parking lot lights were the number two issue outside of noise. Pearce added even though the plans meet code and recommendations no one feels affected unless living there since all the bedrooms in our home face the warehouse and the light is a nuisance every night. Pearce stated Chapter 5.4 of Zoning Ordinance for General Standards Planned Unit Developments states PUD's shall be compatible with the purpose and intent of this ordinance and the Village's comprehensive plan shall not diminish the market value of surrounding properties and it shall cause no impairment of the use of these properties. Pearce said this is a concern for us property owners since we already have one warehouse in our backyard and let alone there will now be two. Pearce said our property values are going to diminish and we are not comfortable being in my own backyard with truck drivers going by and parking behind our home.

Pearce said Prologis did give us some barriers and her anxiety has decreased since those barriers went up, but this new warehouse will cause an impairment to our properties. Pearce said the neighbor with a young child says they do not like her in the backyard with trucks parking behind his home. Pearce said 22 years ago we bought our home and had faith in the Village Board to look after our best interest and understand our desire is the same as theirs, which is to provide a place of rest and enjoyment, a home where the value will increase and be provided with surroundings that would enhance our quality of life. Pearce said this has not been the case and we are living in a disrupted atmosphere and hope the Village Board can ensure our neighborhood and children can live in a noise free environment and not develop health issues or learning disabilities due to noise pollution. Pearce concluded the warehouses are too close to a residential neighborhood and cause an adverse impact on the neighboring properties.

Perrin thanked Pearce for her comments and said they have worked on their end to address as many concerns as they can regarding the current building and looking for more solutions for the operation taking place there. Perrin said Prologis will look into other screening tactics. Perrin mentioned there was a lot more landscaping and foliage in the middle on the Nicor property before it was removed. Perrin added the new development will help alleviate truck stopping and other options can be considered for screening out light and noise.

Doug Pearce, 724 Thompson Ave, mentioned he is a retired engineer with 33 years of experience in designing industrial facilities with high-capacity warehouses. The planned unit development plan for the first warehouse and now this one inadequately protects residents in Chesterfield subdivision for noise and light pollution. Pearce said this pollution occurs from tractor trailer lights, shuttle truck operations, snow removal, parking lights and building lights. Noise pollution from tractor trailers includes engine noise, air braking, release noises, engine idling, horn honking, and engine braking. Pearce said the current mitigation measures do not address these. Pearce added noise pollution from shuttle trucks are from reversing, stopping and kingpin latching noises, that snow removal will not go away and is loud and occurs in early morning hours. Pearce said his recommendations would be to limit truck traffic to south side of current and proposed building, prohibit horn honking, truck idling, and engine braking. Pearce added replacing shuttle truck backup arms with back up cameras for safety and installing shields on parking/building lights and turning them off when possible when operation not active would help alleviate light pollution.

Dan Jackson, 692 Thompson Ave, said he had nothing new to add and agrees to what have been said.

Julie Jastremski and Greg Snyder, 104 Harding Ct, and said their home looks directly into the lobby of the existing building and would like to echo everything that has already been said. Jastremski shared the employees vehicles are making noises over multiple shifts, cars will come in and idle for awhile, and they can hear their music from our bedroom. Jastremski said it is not just the truck traffic, but the employee vehicle traffic as well. Jastremski said she is concerned the northern access will have more trucks and traffic that there is now causing more disruptions and noise. Jastremski said the property between our homes belong to Nicor and I think they had a role in the trees being removed and having them removed didn't help this situation. Jastremski added there isn't enough landscaping and screening to help mitigate the sound of the warehouse use.

Michele Grigsby, 652 Thompson Ave, said the proposed warehouse would be located in my backyard. Grigsby mentioned the light on the first building is annoying and I can see it in my bedroom and bathroom and asked if there will be a light on the second building since, she doesn't want to close her blinds 24 hours a day. Grigsby asked how we live together going forward since this building sounds like it is going to happen. Grigsby said her backyard is visible from the other property and people can look into it all the time and she cannot enjoy her backyard. Additional construction noise and dirt from the new building will impact quality of life of myself and my neighbors. Grigsby asked what the hours of construction for the building are now and how long will the build process take.

Melissa Roman, Prologis representative, shared the existing building light was Liberty's build at the time before Prologis acquired it; however, she can speak to the light on the new building. Roman said energy codes require cutoffs on all new light installations and this new building will be LEED silver and is required under LEED so no light should trespass on other properties with this new development. Roman said scheduling wise it will come down to the end user and construction will be during daylight hours. Perrin added they are looking for a user for this construction and not looking to build this on a speculative basis. Perrin said the economy last year was more volatile, but this year it has picked up and are in preliminary conversations with groups that are very cognizant of the surrounding properties. If there is a lease signed in a few months

perhaps construction could begin this summer, but if we were to start on the building, we would start in September at the latest due to the winter months, but it is still very preliminary right now.

Community Development Director, Nathan Darga added construction hours are 6am to 9pm Monday – Saturday and 8am to 6pm on Sunday. Darga added the site is already mass graded however there will be dust, as every construction project does, but the stormwater ponds have been already installed and earthwork to prep the site should be the only grading construction needed. Darga asked Prologis how long construction typically takes. Roman added it would be about a 6 month build out schedule. Roman added in regard to dust mitigation, we are cognizant of neighbors around and we try to keep the streets and job site clean and dust control like water trucks will be provided should it get dry in summer months.

Commissioner Lenkart asked if 6 months was start to finish inside and out. Roman said since the site is graded that 6 months would be the estimate for completion with the shell of the building being 4 to 5 months and ultimately depends on what the customer wants. Roman said the noisy part is 2 to 3 months and usually right in the middle. Commissioner Newell asked if there was any way the entrance road could be moved from the north to the south to elevate noise for the residents. Darga said there are two entrance points, one on north and one on south. One of the conditions staff recommended was to keep the northern entrance aisle free and clear so no parking or idling. Darga said this is important the user since the proposed warehouse would use a common drive aisle and fire lane. Darga added hey could look into it and see if they can direct more traffic to the south entrance and the traffic study looked like it showed an even distribution, but perhaps they could take a look, but would probably need to redo the south entrance to make it more viable for trucks to enter and exit.

Chairman Brackett summarized some of the questions and concerns, which included noise, lights, vibration, and sound. Chairman Brackett said it looks like the petitioner can look into mitigating those things and most of the current issues are from the existing building, which was not built or owned by Prologis at the time there were issues for lighting and noise. Chairman Brackett added it looks like with the new building some of these problems may be able to be resolved. Darga added that the Village does have a lighting ordinance and not sure if it was in place in 2013. Darga said the current building and new building will follow current codes and the grade is lower for the new building so it won't appear as tall even though it may be the same height.

Ryan Miles, 651 Thompson, said he shares the same concerns as all the other residents. Miles asked if the Plan Commission looked into the economic impact of the properties that border the subject property in terms of property value and asked if it has been studied. Miles also asked what the benefit is for the Village for developing this property. Darga said the site is zoned ORI, which is light industrial and allows warehouses, which provide an economic benefit to the Village in regard to property taxes for the Village, School District and everyone else. Darga said warehouses also brings jobs and business to the Village. In terms of property value there is no specific study either positive or negative impact however the existing warehouse has been there for a number of years and if you check your taxes the assessed values tend to go up. Darga said there is no evidence to show a drop in property values. Darga added there is no study showing every house in town comparing homes next to a warehouse vs homes that aren't, but we haven't seen any values drop after a warehouse is built. Miles mentioned he appreciates the Village looking out for residents in

terms of jobs and taxes to fund projects however it would be nice to see a study provided for houses adjacent to warehouses and if there is a negative impact to property values.

Denise Vancil, 118 Gorham Ct, asked why does the warehouse have to be located on this property since Prologis owns all the property from here to I-88. Vancil asked why the open field along I-88 can't have the warehouses instead of locating it next to our homes so there is no problem from noise, light and vibrations. Perrin said Prologis owns this property and the property to the south and the property to the south already has a warehouse approved for that location. Vancil asked if the North Aurora Park District can buy the property this warehouse is proposed on and create it into a natural prairie land with walkable paths and enjoy nature instead of building the warehouse.

Jeremy Stallone, 648 Stewart Ave, said he is a local realtor and asked what the Village is doing to protect the community right behind the warehouse. Stallone asked if there will be more trees and foliage to mitigate sound and noise for the adjacent residential homes. Stallone said although there is not a study, any home that does back to a warehouse back to something not beautiful and obstructive and it will impact the homes value at some point in time and make the home harder to sell since it will need to be disclosed what is being built near the property. Perrin added all landscaping meets the Village's codes as it is designed, but the existing building/property has had gaps and dead spots that we have filled and will continue to monitor. Perrin said the bump outs were created to block the activity that was going on in the truck court and put it in as a screening measure. Perrin said the new building should mitigate a lot of the concerns and we will continue to update the existing building and work with the residents as we have in the past. Perrin added Prologis has changed the operation that was causing the issue and has made over five changes to the site to help mitigate issues that residents have brought up.

One resident said she lives on Stewart Ave, which is the street over from Thompson Ave, and asked why they were not notified of this meeting. She said the only reason we are here is because someone shared their letter to our HOA Facebook group. Another person added they were not notified either and they live on Thompson Ave. Chairman Brackett asked what the notification distance requirement was. Darga said there is a newspaper notice, signs posted on the property and mailings are send out to property owners within 250 feet. Some residents said sound does not stop at 250 feet. Chairman Brackett said if you feel like you weren't notified and should have been, please reach out to the Village. Commissioner Lenkart said the distance requirement is a state law. Chairman Brackett said residents can bring up the distance and notification concerns to the Village Board since they may be able to change that.

Teresa Ibarra, parents live at 716 Thompson Ave, said her parents are older and this property is their forever home. Ibarra said they get woken up all the time from the beeping and their health has declined so much because they can't sleep. Ibarra said even with her fathers hearing aid off he can hear the beeping and she grew up in this home. Ibarra added they can't afford sound barriers or new windows since they are on a fixed income and both retired. Ibarra added landscaping needs to be enhanced and sound needs to be mitigated. Ibarra said you can see truck drivers eating their lunch when you look out their window and there is sound, light and noise pollution and its very stressful for them and directly impacts my parents.

Greg Saewert, 668 Thompson Ave, said he's not too bothered by the trucks, but bothered by the shuttle vehicles and forklifts and they wake him up. Saewert said the beeping is profoundly loud and if there were an alternative option available that would help out.

Maxine Pearce had a question regarding the tenants and if they will be limited on their hours of operation to be more conducive to the residents living and asked if they can work 24/7 currently. Draga said the zoning district does not have hours of operation and no zoning district in the Village does, but every district has to follow the rules and performance standards.

Chairman Brackett said he appreciates the concerns, and the best approach is to work with Prologis and take this list of concerns to them and try to make it better. Chairman Brackett said being fair to the residents is one thing, but being fair to the property owner and their right to do business is another and we will need to work on living together and will be better off. Perrin said they do not put any limitations on customers for hours of operation. Perrin said what we can control and mitigate are any issues that arise after the fact, which includes improvements to site and building. Darga asked a question regarding the backup alarms and understand it is the law and OSHA rule but are there any alternatives to mitigate noise. Perrin said she is not on the operation side of Prologis so she will need to reach out to them. Chairman Brackett said we will add this to the list of the concerns. Perrin said Prologis has a large portfolio so we probably have had an instance like this before and will look into the alternatives.

Grigsby asked if there will be windows or a second floor on the building. Darga said the clear story windows are open space and are there to provide light, but sometimes there is a two-story office component to let in natural light as well. Grigsby was concerned about people on the roof and upper stories looking into her windows. Chairman Brackett closed the public hearing portion of the meeting.

Commissioner Botkin thanked all the residents for sharing their concerns and apologize this has been a disrupted issue for them. Botkin said we hear your concerns and agree with them however we don't have the authority to say you can't built that building. The current building was built and purchased legally and built to code in a zoning district your elected officials approved. We are balancing resident concerns and businesses ability to operate. Botkin said he is confident the building owners have heard our concerns. Botkin added screening and lack of trees are a concern. Botkin added he would be for going forward with approval with areas of focus spelled out to help mitigate these concerns regarding noise and light. Commissioner Newell said he agrees with Commissioner Botkin and hopes the Village and developer will look into these concerns and comments.

Commissioner Negro asked outside of the trees, what are the alternatives for noise. Commissioner Negro suggested a wall or barrier such as a highway sound walls. Darga added fences in industrial districts can go up to 8 feet, but highway noise walls are usually 10 to 15 feet tall. Darga suggested screening the bump outs better could help mitigate trailer parking noise and light pollution. Commissioner Negro asked if a wall could be added along both buildings along the north side. Roman said Prologis has looked into a sound wall and there isn't a lot of room between the pipeline easement and property line. Roman added the foundation for the walls are pretty big and hefty and all landscaping would need to be ripped out should we try to pursue that.

Commissioner Tuohy said she would not buy a home on that back border because of all the nuisances and would suggest limiting hours of operation for a business. Commissioner Tuohy said 24/7 operation behind these homes are not ideal especially if you have children and pets. Commissioner Tuohy said noise control needs to be addressed whether with landscaping or a barrier. Commissioner Tuohy added the notification distance of 250 feet seems to be a disservice to our community and it needs to be reviewed. Commissioner Tuohy said in the end we enforce the zoning, and the zoning allows industrial in regard to use.

Commissioner Lenkart said understands the concerns from the residents, but we have to weigh the residents rights of privacy and peace with the landowner's rights of building there. Commissioner Lenkart asked who owns the property to the existing building and if it is possible to look into the lighting of that building and provide better shielding to lights on the northern end facing the residential properties. Darga said Prologis bought that property and currently maintain it. Commissioner Lenkart said he agrees with a taller wall or fencing if it can be built and would recommend it going the length of both properties to address the concerns. Commissioner Lenkart said he understands truck drivers and employees get there and are waiting, which is part of the job, but if we can put up additional signage maybe that will help. Commissioner Lenkart added the southern access point would probably need to be completely redone to make it feasible for trucks to enter and exit Mitchell appropriately. Commissioner Lenkart asked about land banking parking. Darga said the plan shows all parking spaces being installed, but the Village usually adds that provision in the PUD to help increase greenspace and decrease unnecessary pavement on the site.

Commissioner Lenkart said he had a concern about the data center use. Darga added the Zoning Ordinance does not have a data center use, but staff plans to bring the use to the Plan Commission in the future to consider for the ORI District. Commissioner Lenkart was concerned about the HVAC units noise, generator noise, vibration, water usage and power implications of a data center. Darga said any high-water user that looks to come into the Village will now need to conduct a water study and pay an impact fee, which is the last condition in the staff report. Darga added data centers typically don't have a lot of trucks, have better quality jobs and don't require the parking as much onsite parking. Commissioner Lenkart said he is against adding data center as a permitted use in the PUD but wouldn't mind it as a special use that can be conditioned and reviewed in greater detail by the Plan Commission. Commissioner Lenkart asked what a data center tax revenue is compared to a warehouse. Commissioner Lenkart added the safety aspect of a beeper is required and forklifts typically don't leave the building so those beepers shouldn't be heard as often as trucks backing up and most warehouses don't have second stories, they just have windows that may make it look like that.

Chairman Brackett asked about the fence on Randall Rd and if that could be replicated along the property line since it is taller and has landscaping along it. Commissioner Tuohy added she would like to see both fencing and landscaping not just one option.

Commissioner Bozik said there should be a condition added to have Prologis evaluate with staff a wall or increased landscaping for the totality of the border from Mitchell Rd to the end of this subject property to its western border. Commissioner Bozik added that another condition of approval of PUD should be for improving of lighting of 300 Mitchell building to match the new building on the north side whether it be shields or LED lighting to reduce the lighting carrying as far. Commissioner Bozik said this is a unique situation since if there was no change to the Village

Ordinance this project wouldn't even have come through this process. The PUD and new rules allow this petition to come back to us and should help mitigate and resolve the issues presented tonight with conditioning the PUD. Commissioner Bozik added the zoning for this property has been in place prior to the any house being built in Chesterfield and originally the property was looked at making it ORI all the way out to Butterfield Rd. Commissioner Bozik said in regard to the data center it addresses some issues, but also brings up other issues and think to make it a permitted use is not acceptable and should come back as a special use since it has air handling units, water, and power usage requirements and backup diesel generators. Commissioner Bozik said it would be nice to review it as a special use to potentially push louder equipment to the southern portion of the building should a data center want to go to this property. Commissioner Bozik said if we can push the traffic down to the south that would be great, however pushing it down there as a full intersection could create safety issues and I see it highly unlikely. If we can ensure no truck parking along the northern access drive that would be a big win as well.

Chairman Brackett summarized the concerns regarding lighting, noise, vibration, moving traffic along south entrance, increased landscaping/fencing on northern part of property, limitations on the data center use, and truck parking. Chairman Brackett said the developer seems to be open and not resistant to a lot of these concerns. Commissioner Lenkart was wondering if we can legally tie lighting into the existing property since it is not a PUD or part of this one. Darga said we have to ask the Village Attorney, but we can make a condition to look into it or suggest it.

2. **Petition #24-05 (Amendments to Title 17 of the North Aurora Municipal Code):** The Village of North Aurora requests text amendments to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding Commercial Vehicles.

Motion to open the public hearing was made by Commissioner Tuohy and seconded by Commissioner Botkin. All in favor. **Motion approved.**

Community Development Director Nathan Darga introduced Petition #24-05, text amendment amending provisions regarding Commercial Vehicles in the Zoning Ordinance. Darga said the current definition in the Zoning Code for commercial vehicles has some conflicting language. Commercial vehicles are different from recreational vehicles. Commercial vehicles are large work trucks on private property. Darga said there is a separate section of village code the police use for parking on public streets and right of way (ROW), which had a third definition of what a commercial vehicle was and has made it difficult to enforce for code enforcement.

Darga said tonight we have proposed a new definition that we can put in each code section, so it is consistent. A commercial vehicle would be defined as any one of these three definitions. Commercial Motor Vehicle. For the purposes of Title 17, commercial vehicles shall be any self-propelled or towed vehicle that meets one of the following categories:

- Has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 12,001 or more pounds (F Plate or greater).
- Is a box truck or cutaway (with any plate) where the passenger compartment is completely separate from the cargo area with seating for the driver and no more than one or two passengers.

- Has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 pounds to 12,000 pounds (D Plate) AND any one of the following characteristics: contains a bucket, lift, towing, dump bed, ladder storage or other similar equipment; is taller than ninety inches (90”) in height; is designed to carry more than fifteen passengers.

Darga showed an example in the Village where one residential lot has a commercial vehicle, another non-commercial vehicle work van, and a trailer and explained what was legal and what was not under this new definition. Chairman Brackett asked why the box truck was defined as such. Darga said it is differentiating from a sprinter van. Darga said the zoning aspect of the code relates to private property and the non-zoning code is what the police enforce in the public ROW.

Darga added when this item goes to the Village Board one code will be updated for the private side and one for the public side but will have the same definition. Commissioner Lenkart asked about trailer parking on public streets specifically landscaping trailers. Darga said that is a police issue since it's on the street but will take that into consideration when amending the public ROW side of the ordinance. Darga said the new ordinance will say no trailers, recreational vehicles or commercial vehicles on the street overnight. Commissioner Tuohy asked if RV's parking on the street is already prohibited currently. Darga added it is in the Zoning Ordinance, but not in the other non-zoning section of the code so it will be added as part of this update on the police enforcement side. Darga said for this petition tonight it is for private property's only. If a commercial vehicle is not parked inside a garage, it will be prohibited.

Motion to close the public hearing was made by Commissioner Tuohy and seconded by Commissioner Lenkart. All in favor. **Motion approved.**

Commissioner Botkin asked as part of the definition, what does other similar equipment mean, and is it a concern to leave that language in the definition since it leaves us open to interpretation. Darga added that it does not include decals and the Village Board discussed decals. The point of this definition is to prohibit large noxious vehicles in residential neighborhoods. Darga added that a D plate vehicle can be a personal vehicle however once ladders and other equipment are added it is pretty clear it is not used for that purpose. Commissioner Tuohy asked how often people are cited for this currently. Darga said it is a few times a year, but the issue right now is determining what is a commercial vehicle and if the Village can defend it in an adjudication hearing. Commissioner Lenkart asked if there is a notice period when something like these changes or goes into effect. Darga said if it is on private property, you get sent a notice that and how to meet it within 30 days otherwise you get a second notice and then could end up in adjudication if it does not comply. Chairman Brackett asked if Commissioner Botkin was okay with the language. Commissioner Botkin said he is, but wanted to bring attention to it, but would be okay with it and we can always change it in the future if it becomes an issue.

NEW BUSINESS

1. **Petition #24-01 (302 Mitchell Road):** The petitioner, Liberty Illinois, LP, requests the following actions in the O-R-I Office, Research and Light Industrial District:
 - a) Special Use - Planned Unit Development
 - b) Site Plan Approval

Motion for approval of Petition #24-01 with the eleven (11) conditions by staff along with the added conditions regarding lighting, noise, vibration, moving traffic along south entrance, increased landscaping/fencing on northern part of property, limitations on the data center use, and truck parking, signage at the entrances of Chesterfield subdivision for no construction traffic was made by Commissioner Tuohy seconded by Commissioner Bozik. Vote: Tuohy – Yes, Lenkart – Yes, Negro – Yes, Newell – Yes, Bozik – Yes, Botkin – Yes. **Motion approved.**

Chairman Brackett thanked the residents for voicing their concerns and said the public notification distance concerns can be brought up to the Village Board. Commissioner Lenkart also added we are an advisory board. We can only recommend or not recommend a petition with conditions and do not have voting authority. The Village Board has the voting authority, and the item will be reviewed by them next, and we encourage you attend any future meetings. Residents asked when the next meeting will occur regarding this item. Darga said the next Village Board meeting will be Monday, February 19th and the item will be on the Committee of Whole where it will be discussed. The final vote will most likely occur the first meeting in March.

2. **Petition #24-05 (Amendments to Title 17 of the North Aurora Municipal Code):** The Village of North Aurora requests text amendments to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding Commercial Vehicles.

Motion for approval of Petition #24-05 (Amendments to Title 17 of the North Aurora Municipal Code) as presented by staff was made by Commissioner Tuohy and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Lenkart – Yes, Negro – Yes, Newell – Yes, Bozik – Yes, Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Community Development Director Nathan Darga provided a construction update to the Fortunato restaurant development. Darga said the steel and roof is up and the business owner is hoping to be open late spring. Commissioner Lenkart brought up the positioning of the Starbucks sign and how close it was to Fortunato. Darga said it was approved that way and mentioned Starbucks has not reached out about it. Commissioner Bozik asked when the dispensary plans on opening on Orchard Rd. Darga said it is under construction, but signage permits have been issued and they are looking to open up end of March.

Darga shared the Village has received some concept plans since last meeting. One plan is for Gemco Roofing (property on Route 25/56) and is looking to expand the industrial building. The current building and site has a lot of nonconformities, and we are looking to clean up the building and site. Commissioner Tuohy asked about Towne Center and asked if any new businesses are coming to that area. Darga added Kids Empire will be going next to JCPenney and Slick City will be going in at the old Bestbuy site. Darga added there has been some residential use discussion for lots in this area to bring in more activity. There may be some concepts that come through in the future as we are currently discussing the projects with developers. Commissioner Lenkart asked

about the two Parcel 6 buildings next to Casey's. Darga said the buildings are going up, but there are no tenants to share at this time. Commissioner Lenkart asked if the fence can be removed at 300 Mitchell Rd along Mitchell Rd since the tenant is no longer using it. Darga said staff will look into it. Darga said a new business called Crave will be going in along Orchard Rd near Brother Chimp. The restaurant will have a beer pour wall, axe throwing and video gaming.

ADJOURNMENT

Motion to adjourn made by Commissioner Botkin and seconded by Commissioner Bozik. All in favor. **Motion approved.**

Respectfully Submitted,

David Hansen
Planner

**VILLAGE OF NORTH AURORA
STAFF REPORT**

TO: VILLAGE OF NORTH AURORA PLANNING COMMISSION
FROM: NATHAN DARGA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ZONING MAP 2024
AGENDA: MARCH 5, 2024 PLAN COMMISSION MEETING
PETITION NUMBER: #24-06

ITEM

Approving the Official Zoning Map for 2024

BACKGROUND

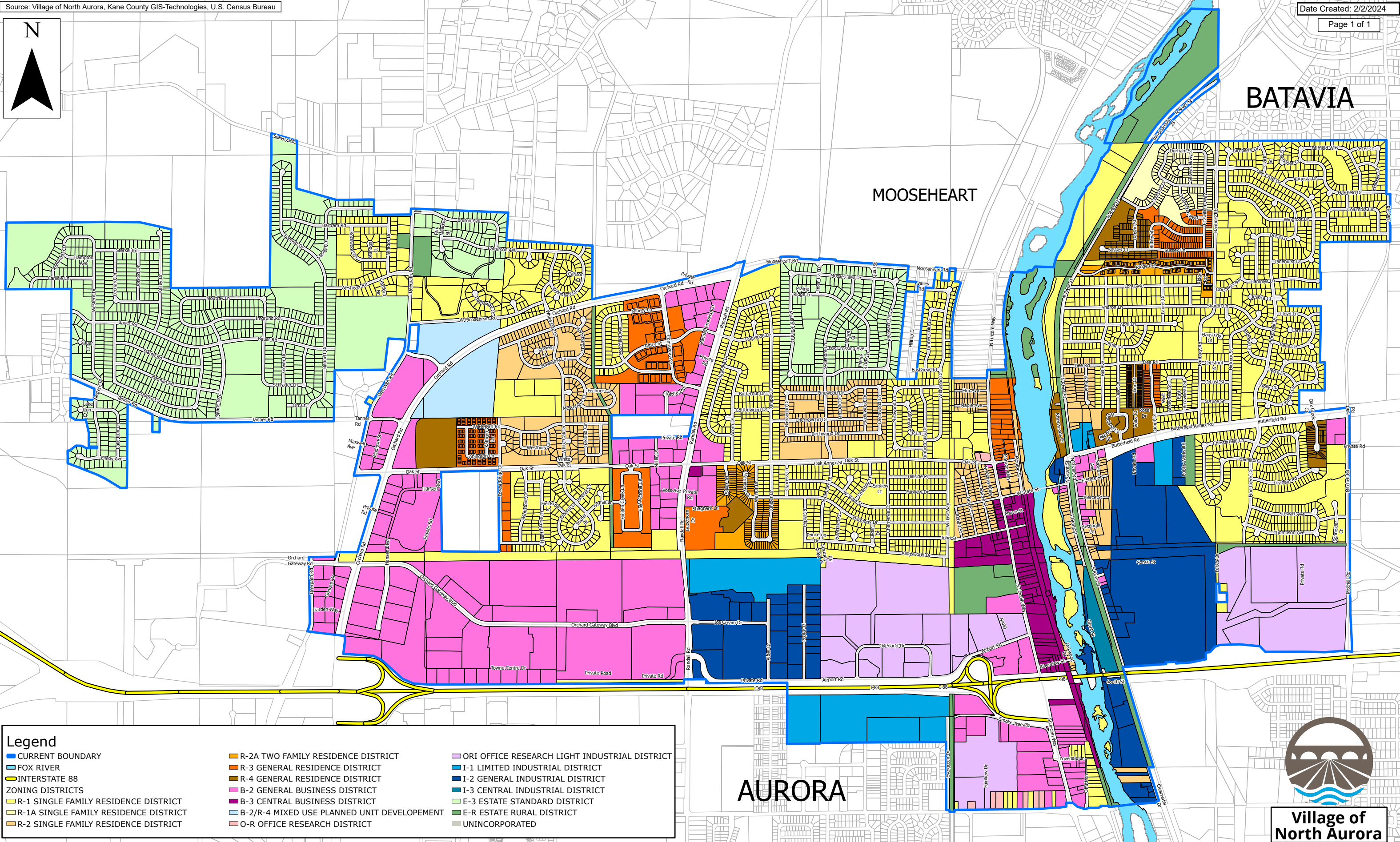
The Village of North Aurora maintains a Zoning Ordinance, which is found in Title 17 of the Code Ordinances (North Aurora's Municipal Code). Part of the Zoning Ordinance is the Zoning Map. State law (Chapter 65 ILCS 5/11-13-19) requires every municipality to adopt an updated zoning map at least once a year, before April. The updated map must include any annexations or rezonings that happened in the previous year. Attached for your review is the 2024 Zoning Map. It was created with the Village GIS mapping system. Once approved, it will be available on the Village website.

2024 ZONING MAP

Source: Village of North Aurora, Kane County GIS-Technologies, U.S. Census Bureau

Date Created: 2/2/2024

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BATAVIA

MOOSEHEART

AURORA



Village of North Aurora