



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 21-0738

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**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 09/15/2021

File Name: Shiv Durga Hindu Temple / 4315 Westbrook Drive /
Conditional Use

Final Action:

Title: An Ordinance Granting a Conditional Use Permit for a Religious Institution (6400) Use on the Property Located at 4315 Westbrook Drive (Shiv Durga Hindu Temple - 21-0738 / NA28/2-21.280-CU - SB - Ward 10) (PUBLIC HEARING)

Notes:

Agenda Date: 10/27/2021

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" - Legal Description - 2021-09-17 -
2021.280, Exhibit "B" - Memorandum of Agreement -
2021-10-13 - 2021.280, Qualifying Statement -
2021-10-08 - 2021.280, Land Use Petition and
Supporting Documents - 2021-09-14 - 2021.280, Plat
of Survey - 2021-09-14 - 2021.280, Property Maps -
2021-10-13 - 2021.280, Findings of Fact - 2021-10-13 -
2021.280

Enactment Number:

Planning Case #: NA28/2-21.280-CU

Hearing Date:

Drafter: broadwells@aurora.il.us

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning and Zoning Commission	10/20/2021	Forwarded	Building, Zoning, and Economic Development Committee	10/27/2021		Pass
Action Text: A motion was made by Mr. Choudhury, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 10/27/2021. The motion carried.							

Notes: *Mr. Broadwell said this item is in regard to the Conditional Use for a Religious Institution for the Shiv Durga Hindu Temple at 4315 Westbrook Drive. We have the Petitioner here representing the Temple, which they intend to utilize the building for worship and prayer services. A little bit of background, you can see the property up on the screen. The property is zoned Planned Development District. It is in the Fox Valley East, a little bit south of the Fox Valley Mall. It is approximately .62 acres and it is occupied by a retail building. I believe this is the former Hix Brothers music shop and lesson location. The building is approximately 6,000 square feet with 35 parking spaces. The Comprehensive Plan designates this property as Office, Research and Commercial. The majority of the area surrounding the property is retail and office space. You can see the property outline, the surrounding zoning and then the Comprehensive Plan. Like I mentioned earlier, the Petitioner is here. He can go into the background a little bit on their request for the Conditional Use. As you can see in the staff report, details of the request include individual and congregational services on weekends, as well as individual visitors for prayers during the weekdays. The primary use of the building will be for the religious institution, although it is anticipated that there will be accessory religious dance and yoga classes for the Temple's members. The Temple has enough seating for its 108 members. The Zoning Ordinance minimum parking requirement for religious institutions is 1 parking space per 4 seats in the principle sanctuary, so the site is overparked based on anticipated membership. Are there any questions for staff at this point?*

Mr. Chambers said I have a question. You had mentioned that the primary use of the building is for a religious institute, but you also mentioned about dance and yoga classes. In the qualifying statement, it says there will be no community center services held at the building. I'm just curious of what those community center services are referring to.

Mr. Broadwell said we talked about that and I think the distinction is to make the distinction between the religious institution and community center where you might have like meetings for Comprehensive Plans to update the community or to like have other sort of other public spaces, public events that aren't necessarily associated with the Temple. Does that make sense?

Mr. Chambers said it does. It is just interesting that it says no community center activities, but then it lists yoga, which is a community center activity.

Mr. Broadwell said I think what I was trying to get at in the staff report is that the activities that are held there are for the Temple's members.

Chairman Pilmer said so yoga won't be open to the community? It will just be for the members?

Mr. Sieben said they can answer that when they come up.

Mr. Gonzales said a quick question here. It says no additions to the existing building, so there won't be any additions? This is internal and external?

Mr. Broadwell said you can see it is pretty well built out, so there is no space for the building to be expanded.

Mr. Sieben said I don't know if Steve said in the report, I stepped out, but this is the old Hix Music Center, which has been there for a long time.

The Petitioner was sworn in.

My name is Shanti Nautiyal and the address is 710 E. Ogden Avenue, Suite 200, Naperville, 60563.

Chairman Pilmer said I know there was a question and maybe you could clarify the use as a community center or not.

Mr. Nautiyal said it is not.

Chairman Pilmer said it will just be services that you offer, religious and some of the activities, that

will just be for members of the Temple?

Mr. Nautiyal said I was hearing that there will be some yoga classes, but it is only our members. They come like Sundays, Saturdays and they do their yoga and meditate.

Chairman Pilmer said and you have a congregation already established east of here, correct?

Mr. Nautiyal said yes.

Chairman Pilmer said and then you'll be relocating to this location in Aurora?

Mr. Nautiyal said yes.

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

Mr. Broadwell said staff has some comments on the Findings of Fact:

1. Will the establishment, maintenance or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare?

Staff does not believe that this Conditional Use will have a negative impact and we believe that it will provide a resource to the surrounding community based on this location.

2. Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood, factors including but not limited to lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation?

Staff believes that the Conditional Use will not have a negative effect or impact the enjoyment of other properties within the immediate vicinity. As was mentioned earlier, the Petitioner is not expanding the footprint of the building or any other part of the subject property. The peak hours of operation will be during the weekends, meaning that there will be a minimal impact on the operation of the neighboring commercial and office properties. Any changes to the building's exterior elevations will be reviewed to comply with the applicable requirements.

3. Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Staff does not believe the Conditional Use will impede the normal development of surrounding properties for uses permitted in the district. We believe that this is consistent with the area.

4. Will the proposal provide for adequate utilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

We do not anticipate that this will be an issue.

5. Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets?

We believe that based on the 35 parking spaces and the minimum parking of 1 space to 4 seats with 108 congregation members that this will not be an issue.

6. Does the conditional use in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Commission?

Staff believes that the Conditional Use otherwise conforms to the applicable regulations of the district

in which it is located.

Staff would recommend approval of the Ordinance granting a Conditional Use Permit for a Religious Institution Use on the property located at 4315 Westbrook Drive.

MOTION OF APPROVAL WAS MADE BY: Mr. Choudhury

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn

NAYS: None

Chairman Pilmer said we do have 6 Findings of Fact. These findings were part of the staff report as well as were presented to the Commission by staff. Are there any additions or clarifications? Hearing none, is there a motion to accept these 6 Findings of Fact?

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Chambers

AYES: Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn

NAYS: None

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, October 27th at 4:00 in Council Chambers.

Aye: 5 At Large Anderson, Fox Valley Park District Representative Chambers, At Large Gonzales, At Large Choudhury and At Large Kahn
