



# City of Aurora

44 E. Downer Place  
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## Cover Memorandum

File Number: 24-0095

**Agenda Date:** 4/17/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Planning and Zoning Commission

**File Type:** Petition

TO: Planning & Zoning Commission

FROM: Stephen Broadwell, Planner

DATE: April 11, 2024

**SUBJECT:**

An Ordinance Establishing a Conditional Use Planned Development and Approving the Fazal Plan Description for the Property Located at 1125 Aurora Avenue. (Flip 25, LLC - 24-0095 / AU15/2-24.065-CUPD/FSD/FPN - SB - Ward 1) (PUBLIC HEARING)

**PURPOSE:**

The Petitioner, Flip 25, LLC, is requesting the establishment of a Conditional Use Planned Development on the property located at 1125 Aurora Avenue, which includes reducing the minimum exterior setbacks, and inclusion of a Gasoline Station (2831) as a permitted use.

**BACKGROUND:**

The Subject Property is zoned B-2(C), Business District - General Retail with a Conditional Use for an Automotive Service Station use. The Conditional Use was approved per O84-5300. The Subject Property is approximately three quarters of an acre and was previously used as a gas station until it was demolished in 2018. The Comprehensive Plan designates the Subject Property as Commercial, while the adjacent blocks of Aurora Ave. and E. Indian Trail are designated as Arterial.

The Petitioner, Flip 25, LLC, is requesting the establishment of a Conditional Use Planned Development for the property located at 1125 Aurora Avenue. The details of the request include reducing the minimum Front Yard setback, Exterior Side Yard, and Exterior Rear Yard from thirty (30) feet to five (5) feet with the Front Yard and Exterior Rear Yard, and one foot, nine inches (1'-9") within the Exterior Side Yard. The Conditional Use Planned Development also allows for a Gasoline Station as a permitted use. The Plan Description also includes changes to the sign requirements that, due to the twenty-five (25) right-of-way dedication at the intersection of Aurora Ave and E Indian Trail, allows for the sign's setback requirement to be five (5) feet, instead of the sign's overall height. Staff has also included a revision that allows the retaining wall's maximum height to be increased to nine (9) feet.

This Conditional Use Planned Development is required due to the lots line of the Subject Property being expanded and consolidated into a one lot subdivision with the accompanying Final Plat request. Due to the B-2 zoning standards, the drive-through restaurant is a permitted use at this location and is not required to be included in the Conditional Use Planned Development proposal.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plat for Fazal Subdivision. The details of the request include consolidating the Subject Property into a single lot that is approximately three quarters of an acre. The Final Plat also includes a twenty-five (25) foot right-of-way triangle be dedicated at the intersection of Aurora Avenue and E. Indian Trail. There is also a fifteen (15) foot wide City Easement to be dedicated.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plan for Fazal Subdivision. The details of the request include developing the Subject Property for an approximately five thousand, one hundred (5,100) square foot building that will be used for a combination gasoline station with accessory retail, and a fast food drive-through restaurant. The gasoline station has eight (8) associated pumps on the west side of the property. The drive-through restaurant has one (1) window, which is located on the building's east side. The drive-through lane shows the minimum stacking requirement of five (5) vehicles. The Final Plan is reducing the number of access points from four (4) to two (2): the access point from Aurora Avenue has a right-turn in, and a left turn/right turn exit; the access point from E. Indian Trail is shown as full access with a left turn entrance and a right turn exit.

#### DISCUSSION:

Staff has reviewed the Conditional Use Planned Development petition and have sent comments back to the Petitioner based on those submittals. The Petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances with the exception of the items reflected in the conditions listed below in the Staff Recommendation

This was a long-time gas station on this corner. This is the same owner. He has acquired an additional lot to the south to make for a redevelopment that enhances the look of this corner. Access points are being lowered from four to two and are located farther from the intersection. The site will also generally have a 5' setback on it's exterior perimeter to allow for a small landscaped area which is an improvement from the previous 0' setback. This allows for a productive economic use of this highly visible corner while implementing a landscaped setback and modern construction.

#### PUBLIC INPUT:

Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has not received public inquiries regarding this petition.

#### 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 the Conditional Use Planned Development will be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Staff also believes that re-establishing a gas station at this location, which is the last commercial stop in Aurora for north-bound vehicles on State Route 25, will create additional revenue for the City's tax base.

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, because the Subject Property is adjacent to commercial and institutional uses, and is located at the intersection of two Arterial streets, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity. Staff feels the Petitioner has shown a willingness to comply with the City's code requirements to ensure the Subject Property use and form is consistent and complimentary to the surrounding neighborhood.

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 feels the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. As previously stated, the proposal is consistent with the surrounding, built out neighborhood, which is mostly of a commercial and institutional nature.

4) Will the proposal provide for adequate utilities, access roads, drainage, and/or other necessary facilities

as part of the conditional use?

Staff feels that, because the infrastructure surrounding the Subject Property is already built out, the proposal adequately incorporates the existing, necessary facilities.

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?

Staff feels the proposal takes adequate measures to provide ingress and egress so designed to minimize traffic congestion in the public streets. While the minimum stacking requirement for a drive-through window is five (5) vehicles, the Petitioner is showing a drive-through lane that can adequately stack more vehicles than the minimum requirement. The Petitioner is also shown to reduce the previous number of access points from four (4) to two (2), which Staff feels will also reduce traffic congestion on the adjacent roads.

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 the conditional use does, in all other respects, conforms with the applicable regulations of the district in which it is located.

#### POLICIES AND GUIDELINES:

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

- 11.1 (5): To guide and promote development to areas where public utilities, public roads, and municipal services are either available or planned.
- 14.1 (1): To foster future growth in the City that does not contribute to deterioration in either existing developments of a reduction in the City's ability to provide adequate services.
- 31.1 (3): To promote the development of commercial facilities in existing or planned commercial areas.

#### RECOMMENDATIONS:

Staff would recommend APPROVAL of the ordinance establishing a Conditional Use Planned Development and approving the Fazal Plan Description for the property located at 1125 Aurora Avenue.

#### ATTACHMENTS:

Exhibit "A" Legal Description  
Exhibit "B" Plan Description  
Land Use Petition with Supporting Documents  
Qualifying Statement  
Property Parcel Maps

cc: Edward T. Sieben, Zoning & Planning Director  
John P. Curley, Chief Development Services Officer

CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance Establishing a Conditional Use Planned Development and Approving the Fazal Plan Description for the Property Located at 1125 Aurora Avenue. (Flip 25, LLC - 24-0095 / AU15/2-24.065-CUPD/FSD/FPN - SB - Ward 1) (PUBLIC HEARING)

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Flip 25, LLC, is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated February 7, 2024, Flip 25, LLC filed with the City of Aurora a petition Requesting the Establishment of a Conditional Use Planned Development on the Property Located at 1125 Aurora Avenue. in the form of Exhibit "B" attached hereto, and have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on April 17, 2024, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on April 24, 2024, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: In accordance with Section 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article VI of Chapter 34 of the Code of Ordinances, City of Aurora, a Conditional Use permit is hereby granted for a Planned Development for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Conditional Use.

Section Seven: That the Plan Description in the form of Exhibit "B" attached hereto and included herein by

reference as if fully set forth and incorporated in and made a part of this Ordinance is hereby approved.

Section Eight: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided Section 34.601 of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Nine: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of and upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of shall be in full force and effect.

Section Ten: That this Planned Development shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.

Section Eleven: That all modifications and exceptions under the Zoning Ordinance and all modifications and exceptions from the Subdivision Control Ordinance and Building Code as set forth in the Plan Description, are hereby granted and approved.