



# City of Aurora

44 E. Downer Place  
Aurora, IL 60505  
www.aurora-il.org

## Legistar History Report

File Number: 23-0249

File ID: 23-0249

Type: Ordinance

Status: Agenda Ready

Version: 2

General  
Ledger #:

In Control: Building, Zoning,  
and Economic  
Development  
Committee

File Created: 03/23/2023

File Name: W.E. Mundy Landscaping and Garden Center, Inc /  
1299 Mitchell Road / Rezoning / Conditional Use  
Planned Development

Final Action:

**Title:** An Ordinance Establishing a Conditional Use Planned Development, Approving the W.E. Mundy Landscaping Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, Illinois by modifying the zoning map attached thereto to an underlying zoning of B-3 Business and Wholesale District for the property located at 1299 Mitchell Road

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2023-04-08 - 2023.139,  
Exhibit "B" Plan Description - 2023-04-08 - 2023.139,  
Land Use Petition and Supporting Documents -  
2023-03-20 - 2023.139, Maps

Enactment Number:

Planning Case #: AU10/4-23.139-A/CUPD/RZ

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

Related Files:

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	04/19/2023	Forwarded	Building, Zoning, and Economic Development Committee	04/26/2023		Pass
<b>Action Text:</b> This Ordinance was Forwarded to the Building, Zoning, and Economic Development Committee							
<b>Notes:</b> <i>Mr. Sieben said good evening. Subject property is about 3 and 1/2 acres, currently zoned F-2, which is a business in unincorporated Kane County. City's comp plan designates this as a mix of commercial and residential. The majority of this area is not residential uses on the plan. The property is contiguous to the City of Aurora along a small portion on the west and then a portion of the Turners Club to the rear. As you stated, Chairman, they're asking for...this will be an annexation and then once a property annexes to the City, it's automatically put into R-1, the request is to zone it to B-3, Business and Wholesale District, to allow for the use on the property which is a landscape</i>							

business. As part of that, a Conditional Use Planned Development to allow for any modifications on the site. Just a little background of this; we've been working closely with Mundy Landscaping and their team for the last year or 2. This was granted F-2 zoning in Kane County so we worked it out where they were able to build the facility in Kane County, we worked closely with Kane County, but because they had to then hook onto City water, our policy is usually if you are contiguous to the City that you do annex to the City. The benefit of annexing, one of the benefits is you pay a normal City rate instead of a double City rate and we assured the Petitioner that we would zone and grant the Conditional Use on the property to make everything legal conforming. So, this was all kind of negotiated in advance, so they are now at that last stage, hooking up to City water for the building. I think that may have already been done and then they had signed a water service agreement to annex and zone the property into the City. And again, we welcome Mundy Landscaping. They've been a great partner with the City of Aurora for many years, I believe, maybe over 50 years they've been working with us, so we're pleased to keep them in the City of Aurora. This is a public hearing, but I believe their attorney and the owner's here, if there are any questions.

Chairman Pilmer said any questions of Staff? Thank you. If the Petitioner just wants to come forward, I'll swear you in before we start. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Weiler said I do. I'm Bernie Weiler, 1770 Molitor Road in Aurora. I am the General Counsel for W.E. Mundy Landscaping. With me tonight is the Operations Manager and Chief Executive Officer, Mike Mundy. You are probably familiar with W.E. Mundy and I think right to, right behind you is Mundy Park which was donated by Mundy Landscaping, all the work there and that's the park in between the buildings. Mundy started in 1960 while in the....in the 1960s....while in high school. It occurred to him that somebody ought to be mowing the lawn around the water towers in the City of Aurora, and so he imposed himself on the City Council at that time and was awarded the right to do that and from that grew Mundy Landscaping which was incorporated in 1970. Mundy Landscaping has been doing much of the work in this area from Copley Hospital at the very eastern end all the way to the western end, Aurora University, much of their work is done there. Currently, their facilities are on the south side of Indian Trail and they had the opportunity to acquire this site on the north end, the north side of Indian Trail. It was in the county, and it was developed in the county with the understanding that it would eventually be annexed into the City of Aurora, therefore it was built in conjunction with the understanding that it would be built pursuant to the County's code but also in conjunction with the City's input with regard as to how those improvements have been made. So, all those improvements are done with the exception of fencing, that is now in progress. So, we're...you know...over the course of those years, Mundy Landscaping has grown from one young high school person with a lawn mower to 25 employees who make their living in the City of Aurora. I've been very proud to have represented them for many, many years and as many of you know, we lost Wally this winter and so we're going to miss him, but we are glad to be in the City of Aurora, so if you have any questions either Mike or I can answer those for you.

Chairman Pilmer said thank you. Any questions for the Petitioner? Thank you. This is a Public Hearing so if anyone in the audience would like to speak to the Commission about this case, they have the right to do so. Please note for the record that no one has come forward. I will close the Public Hearing and ask Staff for a recommendation.

Mr. Sieben said I just also wanted to state that there's actually an Annexation Petition that will meet up with this by the time we get to City Council. There's also a Dedication of Right of Way along Mitchell Road because currently the property goes to the center line of Mitchell Road, so that will also catch up to this property. Staff does recommend approval of the Ordinance establishing a Conditional Use Planned Development, approving the W.E. Mundy Landscaping Plan Description amending Chapter 49 of the Code of Ordinances, City of Aurora by modifying the zoning map attached thereto to an underlying zoning of B-3 Business and Wholesale District for the property located at 1299 Mitchell Road.

Chairman Pilmer said you've heard Staff's recommendation, is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mr. Roberts

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kuehl,  
Mrs. Owusu-Safo, Mr. Roberts

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And then if Staff will just state where this will next be heard.

Mr. Sieben said this will next be heard at the Building, Zoning, and Economic Development  
Committee meeting next Wednesday, April 26th, 4 pm, this room.

Chairman Pilmer said good luck.

Aye: 8 Chairperson Pilmer, At Large Anderson, At Large Chambers, At Large  
Gonzales, At Large Owusu-Safo, At Large Choudhury, At Large Roberts  
and At Large Kuehl

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## **Text of Legislative File 23-0249**