



Legislation Details (With Text)

File #: 23-0920 **Version:** 3 **Name:** Car Wash Pro Designers / SW Corner of Liberty Street & N. Eola Road / Annexation Agreement

Type: Ordinance **Status:** Passed

File created: 11/8/2023 **In control:** City Council

On agenda: 12/19/2023 **Final action:** 12/19/2023

Title: An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the southwest corner of Liberty Street and N. Eola Road on Vacant Land in Dupage County, Aurora Illinois 60502

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" Annexation Agreement - 2023-12-05 - 2023.005, 2. Land Use Petition and Supporting Documents - 2023-01-03 - 2023.005, 3. Plat of Survey - 2023-01-03 - 2023.005, 4. Aerial Map - 2023-11-08 - 2023.005, 5. Legistar History Report - Annexation - 2023-11-22 - 2023.005

Date	Ver.	Action By	Action	Result
12/19/2023	3	City Council	adopted	Pass
12/5/2023	3	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
11/29/2023	3	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
11/15/2023	1	Planning and Zoning Commission	Forwarded	Pass

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: December 19, 2023

SUBJECT:

An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the southwest corner of Liberty Street and N. Eola Road on Vacant Land in Dupage County, Aurora Illinois 60502 (Car Wash Pro Designers - 23-0920 / NA20/1-23.005 - PA/A/RZ/CUPD - JM - Ward 7)

PURPOSE:

The Petitioner Car Wash Pro Designers is requesting approval of an Annexation Agreement for 5.4 acres located at the southwest corner of Liberty Street and N. Eola Road for Car Wash Pro Designers Development which includes an Annexation Agreement with an attached Plan Description allowing for the property to be annexed and rezoned to permit for the development of a single-bay car wash, future commercial development, and stormwater management.

BACKGROUND:

The Subject Property is currently vacant land with Unincorporated DuPage County zoning.

The Annexation Agreement, Annexation, Conditional Use Planned Development, and Preliminary Plat and Plan are being review and approved concurrently under separate actions.

The Petitioner is requesting approval of an Annexation Agreement for 5.4 acres for Car Wash Pro Designers Development. The details of the request include an Annexation Agreement outlining responsibilities of the developer, responsibilities of the City, and Public Roads and Utilities.

The Petitioner is also requesting Annexation of 7.303 acres including right-of-way.

Concurrently with this proposal, the Petitioner is requesting the Establishment of a Conditional Use Planned Development with an underlying B-2 General Retail District and OS-1 Conservation, Open Space, and Drainage District zoning. The details of the request include a Plan Description that allows for modifications to the uses and bulk restrictions. This includes allowing one Car Wash, Single-Bay (2832) use on Lot 2 while prohibiting additional uses, including laundromat, alternative financial institutions, used clothing store, pawnshop and tattoo parlor. The minimum interior side yard setback on the western property line of Lot 1 abutting residential, was increased from 20 feet to 50 feet. The Landscaping and Screening requirements were amended to require the installation of a three-to-five-foot berm and an 8' privacy fence along the western property line of Lot 1 at the time of development of Lot 2, being the car wash, along with the installation of the required perimeter yard and buffer yard landscaping at the time of development of Lot 2, or Lot 1 being whichever occurs first. The City also reserves the right to limit the access off Liberty Street to a Right In/Right Out Only should traffic problems arise as determined by the City Engineer in consultation with other departments.

The Petitioner is also requesting approval of a Preliminary Plan and Plat. The Plat includes the creation of four lots with three lots being developable and one being a stormwater control easement.

The Preliminary Plan proposes an approximate 5,000 square foot car wash on a 69,518 square foot lot located at the corner of Liberty Street and Eola Road. A second 72,565 square foot lot is being planned for a future commercial development. The preliminary plan outlines an approximate 6,400 square foot commercial building with a potential drive through and associated parking. The third proposed lot, being 38,472 square feet in size, is proposed to have a future 4,000 square foot building and associated parking. The car wash is in the process of being developed and will subsequently come through with a Final Plan and Plat following entitlements. The two lots noted as future only show a preliminary hypothetical layout that maximizes potential development opportunities. Final Plans for the future lots will be required once specific projects are proposed. The fourth lot consisting of 56,497 square feet is for stormwater management for all four lots.

The access to the site includes a full access off Liberty Street that is setback as far from Eola Road as possible being around 350 feet from the intersection; however, as noted above the City reserves the right to limit this full access if traffic becomes an issue. The second access to the site is a proposed full access on Eola Road near the southern end of the site. This access and any improvements on Eola Road will be determined by the DuPage County Department of Transportation. An internal drive aisle with cross access easements connects all three lots to the two access points and to each other. A 5' sidewalk will be installed along Liberty Street and an 8' foot path

will be installed along Eola Road.

The car wash will include three queue lanes with two additional preparation lanes on either side. These lanes will merge into a single lane to enter the single-bay car wash. Cars will exit out of the car wash onto the internal drive aisle and can either go east to the vacuum spots and to the entrance on Eola Road or west towards the entrance on Liberty Street. Twenty-four vacuum stalls are provided with six employee parking spaces.

DISCUSSION:

Staff has reviewed the Annexation Agreement Ordinance petition and have sent comments back to the petitioner on those submittals. The petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances

The Aurora Comprehensive Plan identifies this property along with the adjacent properties to the south and east abutting Eola Road as Commercial. Access points were located as far from the intersection to ensure proper traffic circulation. A left turn lane into the development was included to prevent traffic from backing up on Liberty Street.

While not required until Final Plan, the Petitioner has submitted Preliminary Landscape and Elevations to show the quality of the development and to show the screening being proposed to the adjacent residential. A three-foot landscape berm is identified on the Preliminary Plan within in the 50-foot setback along the western property line of Lot 1 along with an 8" solid fence. The Preliminary Landscape Plan shows preliminary landscaping on the car wash lot as well as landscaping along Lot 1 to provide buffering. Preliminary Renderings are also included and depicts a masonry building with large windows and end towers featuring pyramidal roofs. The canopy and vacuum spaces will have metal canopies.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has received one public inquiry regarding if the size of the room that the meeting is being held would be sufficient for all the public.

POLICIES AND GUIDELINES:

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

10.0 To provide for the orderly, balanced and efficient growth and redevelopment of the City through the positive integration of land use patterns, functions, and circulation systems. To protect and enhance those assets and values that establishes the desirable quality and general livability of the City. To promote the City's position as a regional center.

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(5) To provide for the visual enhancement of the City through attractive landscaping, quality signage and diverse building design and arrangement.

31.1(3) To promote the development of commercial facilities in existing or planned commercial areas.

32.1(3) To minimize the adverse effects of commercial activity on neighboring development, particularly residential and open space areas through the provision of buffering land uses and/or screening.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the southwest corner of Liberty Street and N. Eola Road on Vacant Land in Dupage County, Aurora Illinois 60502.

ATTACHMENTS:

EXHIBITS:

Exhibit "A" - Annexation Agreement
Land Use Petition with Supporting Documents
Legistar History Report
Location Map

Legistar Number: 23-0920

cc:

Alderwoman Patty Smith, Chairperson
Alderwoman Shweta Baid, Vice Chairperson
Alderman Michael B. Saville
Alderman Bill Donnell
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development zoning for the territory which may be Annexed to the City of Aurora located at the southwest corner of Liberty Street and N. Eola Road on Vacant Land in Dupage County, Aurora Illinois 60502

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, a proposed Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities

of the City of Aurora with the request that all required hearings be held thereon, and requisition annexation to the City of Aurora of a certain territory therein described, subject to the terms and conditions of said Annexation Agreement, pursuant to Section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Corporate Authorities of the City of Aurora caused a notice to be prepared describing in general the terms and conditions of the proposed Annexation Agreement and stating the time and place of a public hearing to consider the proposed Annexation Agreement; and

WHEREAS, such notice of the public hearing was duly published not less than 15 nor more than 30 days prior to said public hearing, in a newspaper of general circulation in the City of Aurora; and

WHEREAS, on Wednesday, November 15, 2023, the Planning and Zoning Commission, held a public hearing on the petition to enter into said Annexation Agreement and zoning amendment therein provided after due publication of notice of public hearing and has submitted a recommendation of APPROVAL for the Annexation Agreement and zoning amendment on said property to the City Council of the City of Aurora subject to certain conditions; and

WHEREAS, on November 29, 2023, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said Annexation Agreement and zoning amendment, reviewed the before mentioned recommendations and recommended APPROVAL of said Annexation Agreement and zoning amendment; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

WHEREAS, on December 19, 2023, the City Council also held a public hearing upon the proposed Annexation Agreement as specified in such notice; and

WHEREAS, Exhibit "A", attached hereto and included herein by reference as if fully set forth, in its present form, has been on file with the City Clerk of the City of Aurora for public inspection for at least one week; and

WHEREAS, the Corporate Authorities, after due investigation and consideration, and following the aforesaid public hearings, have determined that entering into the Annexation Agreement in the form of Exhibit "A" attached hereto and included herein by reference as if fully set forth, will serve the public good and benefit the City of Aurora; and

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: That the Mayor and City Council hereby find as fact all of the preambles contained in the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth.

Section Six: That the Annexation Agreement in the form of Exhibit "A", 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 and the Mayor of the City of Aurora is hereby authorized and directed to execute such Annexation Agreement on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City hereto.

Section Seven: That such number of duplicate originals of said Annexation Agreement may be executed, as the Mayor shall determine.