



Legislation Details (With Text)

File #: 17-00284 **Version:** 3 **Name:** East Aurora School District #131 / 250-300 E. Indian Trail / Special Use for Educational Services
Type: Ordinance **Status:** Passed
File created: 3/30/2017 **In control:** City Council
On agenda: 5/23/2017 **Final action:** 5/23/2017

Title: An Ordinance Granting a Special Use Permit for an Educational Services (6100) Use on the Property located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" - Legal Description - 2017.007.pdf, 2. Fire Access Plan- 2017-05-11 - 2017.007.pdf, 3. Floor Layout - 2017.007.pdf, 4. Land Use Petition and Supporting Documents - 2017-03-29 - 2017.007.pdf, 5. Property Research Sheet - 15-10-401-078 - ID 72415 - 2017-01-24 - 2017.007.pdf, 6. Property Research Sheet - 15-10-401-049 - ID 19688 - 2017-01-19 - 2017.007.pdf, 7. Legistar History Report - 2017-05-05 - 2017.007.pdf, 8. Findings of Facts.pdf, 9. Plat of Survey - 15-10-401-078 - 2017-03-29 - 2017.007.pdf, 10. Plat of Survey - 15-10-401-049 - 2017-03-29 - 2017.007.pdf

Date	Ver.	Action By	Action	Result
5/23/2017	3	City Council	adopted	Pass
5/16/2017	3	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
5/11/2017	3	Planning & Development Committee	recommended for approval	Pass
5/3/2017	2	Planning Commission	Forwarded	Pass
4/25/2017	1	Planning Council	Forwarded	Pass
4/4/2017	1	Committee of the Whole	Forward to Planning Council	

TO: Mayor Robert J. O'Connor

FROM: Planning Commission

DATE: May 4, 2017

SUBJECT:

An Ordinance Granting a Special Use Permit for an Educational Services (6100) Use on the Property located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road (East Aurora School District #131 - 17-00284 / AU10/4-17.007-Su - JM - Ward 1)

PURPOSE:

The Petitioner East Aurora School District #131 is Requesting approval of a Special Use for an Educational Services (6100) Use located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road.

BACKGROUND:

The Subject Properties are currently a mixture of Commercial and Public School with B-2(S) General Retail and B-2 General Retail zoning. Additional information on the legislative history of the properties can be found in the attached Property Information Sheets.

The Petitioner is Requesting approval of a Special Use for an Educational Services (6100) Use on both properties. The details of the request include expanding East Aurora School District's early childhood program into additional space at 254-300 E. Indian Trail. Currently they occupy tenant space of approximately 9,800 square feet for a half-day program. They are proposing to convert the adjacent tenant space to classrooms adding approximately 18,500 square feet. The project includes interior renovations as well as creating a bus drop-off in front of the building and a parent drop-off behind the building. Parking will be reconfigured in the rear for faculty but the remainder of the parking will be unchanged. Staff is working with the applicant to alter the circulation for both properties to be one-way around both buildings going clockwise. Parents for both sites would proceed to the far west of the site and drive around both buildings. A pull-off will be provided at each site, allowing others to bypass the stopped cars. This configuration along with adding full-day status and additional busing should provide sufficient stacking to alleviate backup. The School District will continue leasing the building with future plans to possibly purchase. A 10' city easement is being requested along E. Indian Trail for a future bike path.

With the expansion of the above property, the Special Use is also being requested for 250 E. Indian Trail. The property was converted to a kindergarten center in 2013 but at that time, the school district did not have to go through a zoning process.

DISCUSSION:

Staff has reviewed the Special Use 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, with the exception of the items mentioned in the Staff Recommendation listed below.

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.

POLICIES AND GUIDELINES / IMPACT STATEMENT :

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies: / section(s) of the City of Aurora Historic Districts and Landmarks Guidelines:

- 11.0 To guide the growth of the City in an orderly and structured manner.
- 11.1(5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.
- 12.0 To plan and provide for the growth of the city through the integration of land use patterns and functions that promotes complementary interactions between different land use components.

RECOMMENDATIONS:

Planning Commission recommended **CONDITIONAL APPROVAL** of the an Ordinance Granting a Special Use Permit for an Educational Services (6100) Use on the Property located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road, with the following conditions:

- 1.) That upon the purchase of the property by East Aurora School District, a 10' city easement along

E. Indian Trail for the property at 254-300 E. Indian Trail shall be provided and upon the City Engineer's request, such city easement shall be dedicated as public right-of-way for a future bike path.

ATTACHMENTS:

EXHIBITS:

- Exhibit "A" Legal Description
- Exhibit "B" Memorandum of Agreement
- Site Plan
- Fire Access Plan
- Floor Layout
- Land Use Petition with Supporting Documents
- Property Research Sheets
- Legistar History Report

Legistar Number: 17-00284

cc:

- Alderman Saville, Chairman
- Alderman Donnell
- Alderman Irvin
- Alderman Hart-Burns, Alternate



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____

DATE OF PASSAGE _____

An Ordinance Granting a Special Use Permit for an Educational Services (6100) Use on the Property located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road

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, Indian Trail Business Center Partners I and School District #131 are the owners 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 March 29, 2017, East Aurora School District #131 filed with the City of Aurora a petition Requesting approval of a Special Use for an Educational Services (6100) Use located at 250 and 254-300 E. Indian Trail Road being the north side of Indian Trail Road between Aurora Avenue and Mitchell Road; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on May 3, 2017, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on May 11, 2017, the Planning and Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning Commission, finds that the proposed Special Use is not contrary to the purpose and intent of Ordinance Number 3100, being the Aurora Zoning Ordinance.

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 Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to Section 10.6 and Section 4.3 (6100) a Special Use permit is hereby granted for an Educational services (6100) use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of an Educational services (6100) use 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 special use.

Section Seven: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance and that said Special Use permit is granted specifically contingent upon the following conditions:

1.) That upon the purchase of the property by East Aurora School District, a 10' city easement along E. Indian Trail for the property at 254-300 E. Indian Trail shall be provided and upon the City

Engineer's request, such city easement shall be dedicated as public right-of-way for a future bike path.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the special use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: 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 by Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of B-2 General Retail and upon termination of the use of said property for an Educational services (6100) use, this Special Use permit shall terminate and the classification of B-2 General Retail shall be in full force and effect.

Section Eleven: That this Educational services (6100) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.