



Legislation Text

File #: 23-0922, Version: 2

TO: Mayor Richard C. Irvin
FROM: Planning and Zoning Commission
DATE: November 20, 2023

SUBJECT:

An Ordinance Establishing a Conditional Use Planned Development, Approving the Liberty and Eola Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of B-2 Business District - General Retail and OS-1 Conservation, Open Space and Drainage Zoning for the property located at the southwest corner of Liberty Street and N. Eola Road (Car Wash Pro Designers - 23-0922 / NA20/1-23.005 - PA/A/RZ/CUPD - JM - Ward 7)

PURPOSE:

The Petitioner Car Wash Pro Designers is requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying B-2 General Retail District and OS-1 Conservation, Open Space, and Drainage District zoning on the property located at the southwest corner of Liberty Street and N. Eola Road for Car Wash Pro Designers Development which includes a Plan Description allowing for the property to be rezoned to permit 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 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.

Concurrently with this proposal, the Petitioner is requesting an Annexation Agreement for 5.4 acres for Car Wash Pro Designers Development and Annexation of 7.303 acres including right-of-way. 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 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 Conditional Use Planned Development 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.

With regards to Finding of Facts, staff notes the following:

Conditional Use

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the project takes appropriate measures to address traffic circulation, includes buffering to the adjacent residential, is located at a corner of major arterials, is identified as Commercial on Aurora's Comprehensive Plan, and the development is setback from abutting residential with screening. The car wash utilizes environmentally friendly procedures and uses biodegradable products.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as the proposed project abuts a major arterial that is designed for commercial development. A traffic Study, the Sound Study, and Photometric Plan has been completed. Decibels do not exceed maximum limitations. Light illumination shall not exceed the maximum footcandle requirement at lot line or protrude onto adjacent properties or public right-of-way. Traffic patterns shall not impede or effect traffic and street improvements and conditions have been added to ensure traffic will not become an issue.
3. The development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as the surrounding properties are identified for commercial, this development installs access points that could benefit surrounding properties, and the site has cross-access easements extending to the southern property to allow any future connections.
4. The proposed subdivision has adequate water and sewer capacity to serve the project. Use of water or other utilities have been minimized to be efficient and are below other established operations of the same kind.
5. The proposal provides adequate ingress and egress designed to minimize traffic congestions on public streets as the access points are situated as far from the intersection as possible to prevent traffic conflict at the intersections. Adequate stacking lanes along with additional preparation lanes are provided on site along with an internal drive aisle that will prevent traffic from backing-up on the public streets. The design has separate access drives and internal drive aisles with cross-access easements to encourage internal circulation and prevent impact on the public streets.
6. The Conditional Use in all other respects conforms to the applicable regulations of the B-2 General Retail district.

Rezoning

1. Staff has noted below the physical development policies that the proposal meets.
2. The proposal represents the logical establishment and is consistent extension of the requested classification in the consideration of the existing land uses, existing zoning classifications, and character of the area as the area is identified as commercial on the Comprehensive Plan, the surrounding properties fronting Eola Road are commercial, and the site is located at the intersection of two arterials.
3. The proposal is consistent with a desirable trend of development in the area as it provides a commercial use not located in the immediate vicinity and provides access points that can be utilized by adjacent development.
4. The rezoning will allow for more suitable uses as it is the area is identified for commercial development and the B-2 General Retail zoning is in line with that classification and the surrounding commercial development on Eola.
5. The rezoning is consistent with the existing land uses, zoning classifications, and general character as Eola Road is meant for commercial development and it provides sufficient setback to the residential.

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" Legal Description
- Exhibit "B" Plan Description
- 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 Establishing a Conditional Use Planned Development, Approving the Liberty and Eola Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of B-2 Business District - General Retail and OS-1 Conservation, Open Space and Drainage Zoning for the property located at the southwest corner of Liberty Street and N. Eola 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, Eola Liberty 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 January 3, 2023, Car Wash Pro Designers filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying B-2 General Retail District and OS-1 Conservation, Open Space, and Drainage District zoning on the property located at the southwest corner of Liberty Street and N. Eola Road 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 November 15, 2023, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on November 29, 2023, 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 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 Conditional 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 Article VI of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto be, and the same are, hereby amended to rezone the real estate property described in Exhibit "A", from R-1 One-Family Dwelling District to B-2 (C) Business District - General Retail and OS-1 (C) Conservation, Open Space and Drainage Zoning, with a Conditional Use Planned Development. Upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of B-2 Business District - General Retail and OS-1 Conservation, Open Space and Drainage Zoning shall be in full force and effect.

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

Section Twelve: 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.