



Legislation Text

File #: 23-0601, Version: 2

TO: Mayor Richard C. Irvin

FROM: Planning & Zoning Commission

DATE: September 22, 2023

SUBJECT:

An Ordinance Granting a Conditional Use Permit for a Vehicle Repair, Minor (2834) Use on the Property Located at 1995 Melissa Lane. (Omega Equipment Sales LLC - 23-0601 / SG12/2-23.377-FPN/CUPD - SB - Ward 5)

PURPOSE:

The Petitioner is requesting approval of a Conditional Use for a Vehicle Repair, Minor (2834) use on Lot 8 of Podolsky Orchard 88, Phase I, Subdivision, located at 1995 Melissa Lane, which includes development of the Subject Property for a trucking facility, which includes light fleet maintenance services on company trucks.

BACKGROUND:

The Subject Property is zoned ORI, Office, Research, Light Industrial. The Comprehensive Plan designates the Subject Property as Office / Research / Light Industrial, and designates Melissa Lane as a Local Street. The Subject Property is an approximately three (3) acre vacant lot that fronts on Melissa Lane, with rear frontage on the I-88 Toll Road.

The Petitioner, Omega, LLC, is requesting approval of a Conditional Use for Vehicle Repair, Minor (2834) use. The details of the request include dedicating approximately eight thousand (8,000) square feet of space for light vehicle maintenance, which typically includes services such as oil changes, tire rotations, tire replacements, and windshield wiper replacements. The vehicle repair use will otherwise comply with the standards of the ORI zoning district.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plan for a Business and Professional Office (2400) use, Vehicle Repair, Minor (2834) use, and a Warehouse, Distribution and Storage Services (3300) use. The details of the request include construction of an approximately fourteen thousand, two hundred (14,200) square foot building, which will include a total of six (6) bay doors: four (4) for the vehicle repair services, and two (2) for the warehouse services. The Final Plan shows a total of twenty-five (25) parking passenger vehicle parking spaces, which is the minimum requirement per the Zoning Ordinance for the entire proposed use. There are also thirty-six (36) parking spaces on the Final Plan for trailer parking stalls, and five (5) spaces for bob-tail semis. The building itself is approximately twenty-nine (29) feet tall, and consists of a CMU block masonry design on the warehouse and vehicle repair portions of the building, and a framed aluminum composite material on the office portion of the building.

DISCUSSION:

Staff has reviewed the Conditional 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.

PUBLIC INPUT:

Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has received comments from a representative from the Owner's Association regarding their separate review of the proposal via their private covenant and restrictions.

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 of general welfare?

Staff does not believe that the Conditional Use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort of general welfare.

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 does not believe that the Conditional Use will 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. The surrounding area is already developed and planned for industrial use.

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 that the establishment of the Conditional Use will impede the orderly development and improvement of surrounding property for uses permitted in the district.

4) Will the proposal provide for adequate facilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

Staff feels that because the subdivision is already built out, the adequate facilities are already in place for this Conditional Use.

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 that the Petitioner's proposal takes adequate measures to provide ingress and egress so designed to minimize traffic congestion in the public streets. As noted in the Petitioner's Qualifying Statement, the Qualifying Statement also clarifies that the trucks will only travel to and from the subdivision via Deerpath Rd to the northeast, connecting from there to the I-88 Toll Road via N

Orchard Rd in North Aurora. This route of travel is crucial, as the trucks will avoid traveling through the areas to the east that are built or planned for residential or commercial uses.

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 that the Conditional Use, in all other respects, conforms to the applicable regulations of the ORI zoning district in which it is located. The Petitioner is not requesting any additional Zoning changes.

POLICIES AND GUIDELINES:

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

- 13.1 (5): To develop major retail, office and industrial uses that rely on efficient access to expressways in the vicinity of expressway interchanges.
- 41.1 (1): To attract and encourage industrial, office, and office-research development to planned sites where requisite public facilities are either present or proposed.
- 41.1 (8): To promote a quality environment through the enforcement of industrial performance standards.

RECOMMENDATIONS:

The Planning & Zoning Commission recommended **CONDITIONAL APPROVAL** of the ordinance granting a Conditional Use permit for a Vehicle Repair, Minor (2834) use on the property located at 1995 Melissa Lane, with the following conditions:

- 1) That, prior to final occupancy being issued, Final Engineering be fully approved.

ATTACHMENTS:

- Exhibit "A" Legal Description
- Exhibit "B" Memorandum of Agreement
- Qualifying Statement
- Land Use Petition with Supporting
- Legistar History Report

Legistar Number: 23-0601

- cc: Building, Zoning, and Economic Development Committee:
Alderman Patricia Smith, Chairperson
Alderman Shweta Baid, Vice Chairperson
Alderman Michael B. Saville
Alderman William "Bill" Donnell
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Granting a Conditional Use Permit for a Vehicle Repair, Minor (2834) Use on the Property Located at 1995 Melissa Lane.

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, 1995 Melissa Lane 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 July 26, 2023, Omega Equipment Sales LLC filed with the City of Aurora a petition Requesting approval of a Conditional Use for a Vehicle Repair, Minor (2834) use on Lot 8 of Podolsky Orchard 88, Phase I, Subdivision, Located at 1995 Melissa Lane. 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 September 20, 2023, reviewed the petition and recommended **CONDITIONAL APPROVAL** of said petition; and

WHEREAS, on September 27, 2023, the Building, Zoning and Economic 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 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 Sec. 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 V of Chapter 34 of the Code of Ordinances, City of Aurora, a Conditional Use permit is hereby granted for a Vehicle Repair, Minor (2834) use 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 Vehicle Repair, Minor (2834) 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 conditional 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 Conditional Use permit is granted specifically contingent upon the following conditions:

1) That, prior to final occupancy being issued, Final Engineering be fully 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 V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of Office, Research, Light Industry, and upon termination of the use of said property for Vehicle Repair, Minor (2834), this Conditional Use permit shall terminate and the classification of Office, Research, Light Industry shall be in full force and effect.

Section Eleven: That this Vehicle Repair, Minor (2834) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.