



Legislation Text

File #: 21-0110, **Version:** 2

TO: Mayor Richard C. Irvin
FROM: Planning and Zoning Commission
DATE: February 19, 2021

SUBJECT:

An Ordinance Approving a Revision to the Estate of Adeline Diehl and Chicago Land Trust Plan Description on 3.4 Acres for Property located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor Road (Circle K - 21-0110 / AU11/2-21.014-CUPD/R/Ppn - JS - Ward 1)

PURPOSE:

The Petitioner Arc Design Resources on behalf of Circle K is Requesting a Plan Description Revision to the Conditional Use Planned Development on the property located at 1340 Molitor Road being the northwest corner of Farnsworth Avenue and Molitor Road.

BACKGROUND:

The Subject Property is currently Vacant Land with B-2(C) General Retail District with a Conditional Use zoning, which is part of the Estate of Adeline Diehl Conditional Use Planned Development. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting a Plan Description Revision to the Conditional Use Planned Development on the property located at 1340 Molitor Road being the northwest corner of Farnsworth Avenue and Molitor Road. When the Plan Description was originally approved in 2013, Gasoline Stations (2831) were removed from the permitted uses. This was due to restrictions The Illinois Tollway had in place that would not allow access off Farnsworth Avenue, due to the long off ramp along the east edge of this property. When the interchange was redone in 2016, the restriction on Farnsworth was lifted, allowing a right-in/right-out on Farnsworth, which is what is being proposed. Without an access to Farnsworth, proposed uses would be very limited. Once the restriction was lifted, that opened up the corner to other uses. Still, because of the large amount of storm water detention and compensatory storage area, certain commercial uses which rely on a lot of parking, would still be limited.

Concurrently with this proposal, the Petitioner is requesting approval of a Preliminary Plan and Plat for a Gasoline Station (2831) Use. Attached to this item are the plans for the proposed gas station. The Petitioners are not opening an additional gas station, instead they are moving across the street to a larger property. The exiting Circle K will be demolished and sold for a different type of use. There are currently four (4) pumps with 8 fueling positions at the station located at 1851 N. Farnsworth Ave while there seven (7) with 14 fueling positions being proposed at the new location.

Along with the gas station, an approximately 5,200 sq. ft. convenience store is being proposed as well; larger than the 1,500 sq. ft. store on the current property. Due to this property being in the floodplain, a large amount of this property is being utilized as detention/compensatory storage. Roughly 106,000 sq. ft., or 2.43 acres, will be dedicated to open space in order to mitigate the concerns of flooding. As proposed, the building is approximately 150 feet to the nearest residential lot line, and further to the nearest house.

Along with the right-in/right-out access on Farnsworth, there is a proposed full access on Molitor. Both access points are being put as far as feasibly possibly away from the intersection in order to abate congestion at the intersection. The bike path along Farnsworth Ave is being continued and improved and will be located on the property. A sidewalk will be constructed along Molitor Road. A right turn taper and deceleration lane is being added for Farnsworth access, and Molitor Road is being widened and the left turn lane being extended west an additional approximately 150 feet. ROW is also being dedicated.

Because this is a preliminary plan and plat, a photometric plan has not been submitted at this time. Once this comes back for final approvals, a photometric plan along with color elevations and updated landscape plan will be submitted. Staff wanted the petitioner to preliminarily show landscaping and elevations at this time. The address at 1851 N. Farnsworth is incorporated into the City, and while there are currently no plans for the property, the intention is to have the developers demolish the existing facility, pull out the tanks, and deed restrict gas stations on the property. Possible re-use may be for a small coffee shop to take advantage of northbound traffic heading towards the Tollway.

DISCUSSION:

Staff has reviewed the Special Use / Planned Development Revision petition and have determined that it meets 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 public inquiries requesting additional information on this petition and raising concerns regarding several aspects of the use. Staff has also been in contact with the alderman of the ward. Some of the City's engineers as well as members of the petitioner's team are on the meeting in order to help ease these concerns.

There are several citizens concerned about traffic on along Molitor increasing. There is some concern as for the need for another gas station on the Farnsworth corridor, although this proposal does not include the net gain of any gas stations along Farnsworth. This property and the surrounding area are susceptible to flooding and there are concerns that this property will only exacerbate the issue. There was also concern about some areas along the property lines lacking adequate natural and artificial buffers, such as landscaping and fences. One citizen is also concerned regarding the potential for runoff and damage to his well water and existing landscaping.

Staff wanted to review briefly the Findings of Fact for Conditional Use petitions:

- 1) Staff believes that the many measures that are being proposed for the development will mitigate any outside impacts and would not be detrimental or endanger the general welfare,
- 2) Staff believes the CU will not be injurious to the use and enjoyment of other property in the immediate vicinity or impair property values based on the mitigating factors being proposed such as

- heavy landscaping, large setbacks to residential, storm water management, future lighting that will meet all codes, and roadway improvements,
- 3) Staff believes the CU will not impede the normal and orderly development and improvement of surrounding property. This proposed use complies with the Comprehensive Plan which has shown Commercial for this corner, with an Open Space buffer adjacent to the residential subdivision. The proposed use also complies with the underlying B-2 zoning of the property, Large buffers and setbacks are proposed.
- 4) Staff believes that the proposal provides adequate utilities, access roads and drainage as is required for the development. Staff has worked closely with the Engineering Department and the City Traffic Engineer on review and development of the site plan,
- 5) Staff believes that adequate measures to provide proper access to and from the site along with minimizing traffic congestion. As stated earlier, several roadway improvements are part of this proposal along with improved pedestrian access. Regarding concentration of gas stations in the vicinity, this is not an additional gas station, but an upgraded one which will replace the Circle K across the street. That site will be completely demolished and sold for new development that will not include a new gas station. Once that site is re-developed, access in and out of that site will also be improved,
- 6) And finally, Staff believes that the CU in all other respects conforms to the applicable regulations of the B-2 Zoning District.

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.
- 11.0 To guide the growth of the City in an orderly and structured manner.
- 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.
- 14.1 (4) To encourage quality site design throughout the City.

RECOMMENDATIONS:

Staff would recommend APPROVAL of the Ordinance Approving a Revision to the Estate of Adeline Diehl and Chicago Land Trust Plan Description on 3.4 Acres for Property located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor Road.

ATTACHMENTS:

- Property Research Sheet
- Finding of Facts
- Land Use Petition
- Exhibit A - Legal Description

Exhibit B - Plan Description Revision

cc: Alderman Michael B. Saville, Chairperson
Alderman Sherman Jenkins, Vice Chairperson
Alderman Carl Franco
Alderman Robert J. O'Connor
Alderman Juany Garza



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Approving a Revision to the Estate of Adeline Diehl and Chicago Land Trust Plan Description on 3.4 Acres for Property located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor 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, the Estate of Adeline Diehl and Chicago Land Trust, 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 19, 2021, Arc Design Resources filed with the City of Aurora a petition requesting a Plan Description Revision to the Conditional Use Planned Development on the property located at 1340 Molitor Road being the northwest corner of Farnsworth Avenue and Molitor 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, the Plan Description established for the subject property with Ordinance O13-071 approved October 22, 2013 shall remain in full forth and effect with the exception of the modifications included herein as Exhibit "B"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on February 17, 2021, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on March 10, 2021, 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, on our about April 20, 2021, a written protest signed and acknowledged by the owners of twenty (20) percent of the frontage adjacent to the subject property filed a written protest against the conditional use petitioned for pursuant to Sec. 34-504(d) of the Code of Ordinances, City of Aurora; and

WHEREAS, as a result of said protest, approval of the conditional use petitioned for shall require the consent of two-thirds of all of the members of the City Council;' and

the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the approval of the revised Plan Description for the property legally described in Exhibit "A" will promote the sound Building, Zoning and Economic Development of the City, and therefore serve the best interests of the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois,

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 revised 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 Six: That all modifications and exceptions under the Zoning Ordinance and all modifications and exceptions from Chapter 43 of the Code of Ordinances, City of Aurora, being the Subdivision Control Ordinance, as set forth in the revised Plan Description, are here by granted and approved.

Section Seven: That this ordinance shall not become effective without the affirmative vote of two-thirds of all of the membership of the City Council pursuant to Sec. 34-504(d) of the Code of Ordinances, City of Aurora