



Legislation Text

File #: 23-0921, Version: 1

TO: Mayor Richard C. Irvin
FROM: Jill N Morgan, Senior Planner
DATE: November 20, 2023

SUBJECT:

An Ordinance Annexing Certain Property being Vacant Land located at the southwest corner of Liberty Street and N. Eola Road to the City of Aurora, Illinois 60502, pursuant to an Approved Annexation Agreement (Car Wash Pro Designers - 23-0921 / NA20/1-23.005 - PA/A/RZ/CUPD - JM - Ward 7)

PURPOSE:

The Petitioner Car Wash Pro Designers is requesting the Annexation of 7.303 acres located at the southwest corner of Liberty Street and N. Eola Road which includes annexation of two current parcels for future development and adjacent right-of-way.

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 of 7.303 acres.

Concurrently with this proposal, the Petitioner is requesting approval of an Annexation Agreement for 5.4 acres located 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.

In addition, 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 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.

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:

Staff would recommend APPROVAL of the An Ordinance Annexing Certain Property being Vacant Land located at the southwest corner of Liberty Street and N. Eola Road to the City of Aurora, Illinois 60502, pursuant to an Approved Annexation Agreement.

ATTACHMENTS:

EXHIBITS:

Exhibit "A" Legal Description

Exhibit "B" Plat of Annexation

Exhibit "C" District Notice Mailing Affidavit

Land Use Petition with Supporting Documents

Aerial Map

Legistar Number: 23-0921

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 Annexing Certain Property being Vacant Land located at the southwest corner of Liberty Street and N. Eola Road to the City of Aurora, Illinois 60502, pursuant to an Approved Annexation Agreement

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, the above-named owner petitioned the City of Aurora to annex the real property legally described on said Exhibit "A" to the City of Aurora, in accordance with the provisions of Section 7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8); and

WHEREAS, the above-mentioned party, as owner of record of the real estate legally described on Exhibit "A", entered into an Annexation Agreement with the City of Aurora providing, pursuant to annexation, that said real estate be placed in a certain zoning category; and

WHEREAS, said Annexation Agreement as approved by the City, by Ordinance Number _____, on _____ is hereby made a part hereof and incorporated herein by reference as if fully set forth; and

WHEREAS, the corporate authorities of the City of Aurora have determined that the property is contiguous to the City of Aurora and is not within the corporate limits of any other municipality and that the petition in all other respects conforms to the requirements of law; and

WHEREAS, due statutory notice has been given to those entities listed in the affidavit and Annexation Notification List attached hereto as Exhibit "C", including the County Clerk (as election authority), the supervisor, clerk and all respective members of township board and the highway commissioner in any affected township, and the trustees of any fire protection district in which the Subject Property is located.

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 real estate described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, be, and the same is hereby annexed to the City of Aurora, Illinois.

Section Six: That the property to the far side of any adjacent public right-of-way within said annexed

area, and the same is, hereby also annexed to the City of Aurora, Illinois.

Section Seven: That the corporate limits of the City of Aurora, and the same are, hereby extended to include the territory hereby annexed to the City of Aurora, Illinois.

Section Eight: That the real estate legally described on said Exhibit "A" is hereby placed in the R-1 One-Family Dwelling District zoning classification of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, pursuant to Section 103.2 (h) of said Ordinance.

Section Nine: That the City Clerk of the City of Aurora is hereby authorized and directed to file with the applicable County Recorder of Deeds a certified copy of the Ordinance, together with an accurate plat of the territory annexed, which plat shall be certified as to its correctness and attached hereto as Exhibit "B".