



## Legislation Details (With Text)

**File #:** 16-00871      **Version:** 3      **Name:** O'Reilly Automotive / 1435 E. New York Street / Special Use PD / Rezoning

**Type:** Ordinance      **Status:** Passed

**File created:** 9/8/2016      **In control:** City Council

**On agenda:** 12/20/2016      **Final action:** 12/20/2016

**Title:** An Ordinance Establishing a Special Use Planned Development, Approving the O'Reilly Auto Parts Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Legal Description.pdf, 2. Exhibit B - Plan Description - 2016-12-07 - 2012.402.pdf, 3. Plat of Survey - 2016-09-08 - 2021.402.PDF, 4. Property Research Sheet - 2015-06-16 - 2012-402.pdf, 5. Land Use Petition and Supporting Documents - 2016-09-08 - 2012.402.pdf, 6. Legistar History Report (Special Use Planned Development) - 2016-12-09 - 2012.402.pdf

Date	Ver.	Action By	Action	Result
12/20/2016	3	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
12/20/2016	3	City Council	approved on the Consent Agenda	Pass
12/15/2016	3	Planning & Development Committee	recommended for approval	Pass
12/7/2016	2	Planning Commission	Forwarded	Pass
11/29/2016	1	Planning Council	Forwarded	Pass
9/13/2016	1	City Council	referred to	

**TO:** Mayor Robert J. O'Connor

**FROM:** Planning Commission

**DATE:** December 8, 2016

**SUBJECT:**

An Ordinance Establishing a Special Use Planned Development, Approving the O'Reilly Auto Parts Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue (O'Reilly Auto Enterprises, LLC - 16-00871 / AU24/3-12.402-Rz/Su/Fsd/Fpn - SB - Ward 7)

**PURPOSE:**

The Petitioner O'Reilly Auto Enterprises, LLC is requesting approval of a Special Use Planned Development for O'Reilly Subdivision located at 1435 E. New York Street generally located on the

south side of E. New York Street east of Farnsworth Avenue.

## **BACKGROUND:**

The Subject Property is located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue and is currently commercial with B-B Business Boulevard zoning. This property was part of the 1925 Ogden Gardens Subdivision which did not take into account flood plain areas or the New York Street commercial corridor. Most recently this property was the site of a restaurant use. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting the Establishment of a Special Use Planned Development, and to change the underlying zoning district from B-B Business Boulevard District to B-2(S) General Retail and OS-1 Conservation, Open Space, and Drainage District on the property. The details of the request include the establishment of B-2 zoning for Parcel A (Lot 1) and OS-1 zoning for Parcel B (Lot 2). The use regulations for Parcel A include the prohibiting of certain uses, front, rear and interior side yard setback reductions and monument signage requirements.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plat for O'Reilly Subdivision. The details of the proposal include the consolidation of the existing 20 lots into a two lot subdivision. Lot 1 will be buildable lot, with a stormwater control easement established on Lot 2 for a detention facility. There will also be 22 feet of right-of-way dedicated for E. New York Street.

The Petitioner is also requesting approval of a Final Plan for Lots 1 and 2 of O'Reilly Subdivision for an Auto Parts and Supplies (2820) Use. The details of the request include the demolition of the existing building and the construction of a new 7,527 square foot retail building, 40 parking spaces and a new monument sign on Lot 1. A dry bottom stormwater detention facility will be developed on Lot 2. A landscape plan and building and signage elevations are included in the proposal.

The Petitioner is also requesting the Vacation of a public utility easement for the property to facilitate the proposed redevelopment.

## **DISCUSSION:**

Staff has reviewed the Special Use Planned Development 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 report, staff has received public inquiries requesting additional information on this petition and raising concerns regarding the saturation of auto parts and supply stores in the area.

The AZO does take into consideration the saturation of automobile intensive uses looking at the concentration of similar uses within 1000 feet. An Auto Parts and Supplies (2820) use is a permitted use in the City's Business Zoning Districts and not considered by strict definition an automobile intensive use. However, in looking at the area there is currently two Auto Parts and Supplies (2820) uses within a two mile radius, Advanced Auto Parts at 3 N. Smith Street between East New York Street and Galena Boulevard, and Auto Zone located at 1017 E. Galena Blvd. This is a similar clustering to that which is currently found on N Lake Street with three such uses within approximately 1.75 miles each other on Lake Street. While in a competitive market a concentration of one particular use can create a non-diverse business environment, having similar uses in close proximity can create a larger available inventory of for consumers to choose from and more competitive pricing. In

order to reduce the impact the use may have on the surrounding area, Staff has recommended that a provision be added to the Plan Description which restates that all activities for the use, even by customers, are limited to being conducted indoors. This will allow us to more closely enforce unwanted activities such as customers working on their vehicles in the parking lot.

### **POLICIES AND GUIDELINES :**

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

- 11.0: To guide the growth of the City in an orderly and structured manner.
- 11.1 (3): To encourage development contiguous to existing development.
- 12.0: To plan and encourage new development for the growth of the City through the integration of land use patterns and functions that promote complementary interactions between land use components.
- 30.0: To develop and maintain an adequate supply of properly zoned areas for commercial facilities to serve existing and future population needs.
- 31.1 (3): To promote the development of commercial facilities in existing or planned commercial areas.
- 50.0: To promote sound diversified and organized industrial, office and commercial growth within the City to widen employment opportunities and strengthen the economic base.

### **RECOMMENDATIONS:**

The Planning Commission recommended APPROVAL of the Ordinance Establishing a Special Use Planned Development, Approving the O'Reilly Auto Parts Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue.

### **ATTACHMENTS:**

Exhibit "A" Legal Description  
Exhibit "B: Plan Description  
Property Research Sheet  
Land Use Petition  
Legistar History Report  
Finding of Facts

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



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_

DATE OF PASSAGE \_\_\_\_\_

An Ordinance Establishing a Special Use Planned Development, Approving the O'Reilly Auto Parts Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage for the property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue

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, O'Reilly Auto Enterprises 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 September 8, 2016, O'Reilly Auto Enterprises, LLC filed with the City of Aurora a petition Requesting the Establishment of a Special Use Planned Development, and to change the underlying zoning district from B-B Business Boulevard District to B-2 General Retail and OS-1 Conservation, Open Space, and Drainage District on the property located at 1435 E. New York Street, generally located on the south side of New York Street east of Farnsworth Avenue and related required documents attached hereto as Exhibit "B"; 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 December 7, 2016, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on December 15, 2016, the Planning and 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 Commission, finds that the proposed Special Use / Planned Development 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 (8000), a Special Use permit is hereby granted for a Planned Development (8000) use for the real estate legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Planned Development (8000) 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 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 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 Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto be, and the same are, hereby amended to rezone the real property described in Exhibit "A", from B-B Business Boulevard District to B-2 General Retail and OS-1 Conservation, Open Space, and Drainage District. Upon termination of the use of said property for a Planned Development (8000) this Special Use permit shall terminate and the classification of B-2 General Retail and OS-1 Conservation, Open Space, and Drainage shall be in full force and effect.

Section Eleven: That this Planned Development (8000) use 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 Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set forth in the Plan Description, are hereby granted and approved.

