



## Legislation Details (With Text)

**File #:** 16-00874      **Version:** 2      **Name:** O'Reilly Automotive / 1435 E New York / Vacation  
**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 Vacating a City Easement on the Property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue, in Kane County, Aurora Illinois 60505

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plat of Vacation - 2016-10-28 - 2012.402.PDF, 2. Plat of Survey - 2016-09-08 - 2021.402.PDF, 3. Property Research Sheet - 2015-06-16 - 2012-402.pdf, 4. Land Use Petition and Supporting Documents - 2016-09-08 - 2012.402.pdf, 5. Legistar History Report (Vacation) - 2016-11-20 - 2012.402.pdf

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

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

**FROM:** Steve Broadwell, Planner

**DATE:** December 5, 2016

### SUBJECT:

An Ordinance Vacating a City Easement on the Property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue, in Kane County, Aurora Illinois 60505 (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 the vacation of a public utility easement for the property at 1435 E. New York St, generally located on the south side of 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 Vacation of a public utility easement on the property to facilitate the proposed redevelopment.

Concurrently with this proposal, 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.

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 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.

#### **DISCUSSION:**

Staff has reviewed the Vacation petition and have determined that it meets the applicable codes and ordinances.

#### **IMPACT STATEMENT:**

The Planning and Zoning Division would anticipate that this project will increase the City's overall tax base and viability by facilitating investment and development.

#### **RECOMMENDATIONS:**

Staff would recommend CONDITIONAL APPROVAL of the Ordinance Vacating a City Easement on the Property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue, in Kane County, Aurora Illinois 60505, conditional upon the approval of the previously discussed Special Use Planned Development on the site.

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



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance Vacating a City Easement on the Property located at 1435 E. New York Street being south of E. New York Street and east of Farnsworth Avenue, in Kane County, Aurora Illinois 60505 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 territory legally described in Exhibit "A", attached hereto and incorporated by reference as if fully set forth herein, was heretofore reserved and granted to the City of Aurora for purposes of an easement for the installation of utilities; and

WHEREAS, it has been determined that the vacation of the easement described in Exhibit "A" will have no adverse effect upon the provision for utilities for which said easement was granted.

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, provided a Special Use Planned Development is approved for the Subject Property, the easement heretofore reserved and granted to the City of Aurora and shown on Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth shall be, and is, hereby vacated.

Section Six: That the City Clerk be and is hereby authorized and directed to cause this Ordinance and the Plat of Vacation hereby designated as Exhibit "A", to be placed on record forthwith with the

applicable County Recorder of Deeds.