



Legislation Details (With Text)

File #: 21-0064 **Version:** 3 **Name:** Circle K / 1340 Molitor Road / Preliminary Plan
Type: Resolution **Status:** Failed
File created: 1/26/2021 **In control:** City Council
On agenda: 3/23/2021 **Final action:** 4/27/2021

Title: A Resolution Approving a Preliminary Plan and Plat for vacant land located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor Road

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A-1" - Preliminary Plan, 2. Land Use Petition and Supporting Documents - 2021-01-25 - 2021.014, 3. Property Research Sheet - 47074-62888 - (2020-02-28), 4. Memorandum of Decision (Vacating Diehl Road Easement) - 2021-01-25 - 2021.014, 5. Plat of Survey - 2021-01-25 - 2021.014, 6. Fire Access Plan - 2021-01-25 - 2021.014, 7. Building and Signage Elevations - 2021-01-25 - 2021.014, 8. Legistar Histoy Report (Preliminary Plan and Plat) - 2021-02-19 - 2021.014

Date	Ver.	Action By	Action	Result
4/27/2021	3	City Council	denied	Fail
4/13/2021	3	City Council	held in council	Pass
3/23/2021	3	City Council	(HELD)	Pass
3/16/2021	3	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
3/10/2021	3	Building, Zoning, and Economic Development Committee	recommended for approval as amended	Pass
2/24/2021	3	Building, Zoning, and Economic Development Committee	held	Pass
2/17/2021	2	Planning and Zoning Commission	Forwarded	Pass

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: February 19, 2021

SUBJECT:

A Resolution Approving a Preliminary Plan and Plat for vacant land located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor Road (Circle K - 21-0064 / AU11/2-21.014-CUPD/R/Ppn - JS - Ward 1)

PURPOSE:

The Petitioner Arc Design Resources on behalf of Circle K, is requesting approval of a Preliminary Plan and Plat located at 1340 Molitor Road being the northwest corner of Farnsworth Avenue and Molitor Road for a Gasoline Station (2831) Use

BACKGROUND:

The Subject Property is currently Vacant Land with B-2(C) General Retail District with a Special 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 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 existing 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) pumps with 14 fueling positions being proposed at the new location. The bike path along Farnsworth Ave is being continued and will be located on the property.

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.

Concurrently with this proposal, 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 of 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.

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 Preliminary Plat / Preliminary Plan 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. 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 from an already bad situation. 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. As stated above, these items have been addressed and mitigated. A detailed review of the CU Findings of Fact are included in the Plan Description (CU) staff report.

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:

The Planning and Zoning Commission recommended APPROVAL of the Resolution Approving a Preliminary Plan and Plat for vacant land in located at 1340 Molitor Road being at the northwest corner of Farnsworth Avenue and Molitor Road

ATTACHMENTS:

Property Research Sheet
Land Use Petition
Exhibit A-1 Preliminary Plan
Exhibit A-2 Preliminary Plat

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

RESOLUTION NO. _____
DATE OF PASSAGE _____

A Resolution Approving a Preliminary Plan and Plat for vacant land 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, by petition dated January 19, 2021, Arc Design Resources filed with the City of Aurora on behalf of Circle K a petition requesting approval of a Preliminary Plan and Plat located at 1340 Molitor Road being the northwest corner of Farnsworth Avenue and Molitor Road, requesting a conditional use for a Gasoline Station (2831), and containing related required documents as attached hereto as Exhibits "A-1" through Exhibit "A-2"; and

WHEREAS, the Planning and Zoning Commission 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 City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on or 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 petition shall require the consent of two-thirds of all of the members of the City Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Aurora, Illinois, finds as facts all of the preamble recitals of this Resolution and hereby grants APPROVAL of said petition with the following conditions:

- 1.) That a fence be constructed between the development and the residential properties.
- 2.) That the existing gasoline station and canopy at 1851 N. Farnsworth be demolished and the underground tanks removed within 90 days of obtaining occupancy of the new location

conditioned on receiving all City and State permits.

3.) That a deed restriction be put on the property at 1851 N. Farnsworth to prevent the development of a new gasoline station; and further

BE IT RESOLVED that the City Council hereby adopts the Preliminary Plan and Plat, authorizes the conditional use therein contained, and the related required documents as attached hereto as Exhibit "A-1" Preliminary Plan and Exhibit "A-2" Preliminary Plat; and further

BE IT RESOLVED that this resolution 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.