



## Legislation Details (With Text)

**File #:** 22-0249      **Version:** 3      **Name:** Lake Street 31 Development, LLC / 970 N. Lake Street / Conditional Use  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/23/2022      **In control:** City Council  
**On agenda:** 6/28/2022      **Final action:** 6/28/2022

**Title:** An Ordinance Establishing a Conditional Use Planned Development and Approving the Lake Street 31 Development Plan Description for the property located at 970 N. Lake Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit "A" Legal Description, 2. Exhibit "B" Plan Description -2022-06-29 - 2022.081, 3. Land Use Petition and Supporting Documents - 2022-03-22 - 2022.081, 4. Plat of Survey - 2022-03-22 - 2022.081, 5. Maps, 6. Legistar History Report (Conditional Use) - 2022-06-10 - 2022.081

| Date      | Ver. | Action By  | Action                          | Result |
|-----------|------|--|---------------------------------|--------|
| 6/28/2022 | 3    | City Council   | adopted                         | Pass   |
| 6/21/2022 | 3    | Committee of the Whole                               | (PLACED ON UNFINISHED BUSINESS) |        |
| 6/15/2022 | 3    | Building, Zoning, and Economic Development Committee | recommended for approval        | Pass   |
| 6/8/2022  | 2    | Planning and Zoning Commission                       | Forwarded                       | Pass   |

**TO:** Mayor Richard C. Irvin

**FROM:** Planning and Zoning Commission

**DATE:** June 10, 2022

### SUBJECT:

An Ordinance Establishing a Conditional Use Planned Development and Approving the Lake Street 31 Development Plan Description for the property located at 970 N. Lake Street (Lake Street 31 Development, LLC - 22-0249 / AU15/1-22.081-CU/Fsd - TV - Ward 6)

### PURPOSE:

The Petitioner, Lake Street 31 Development, LLC, is requesting the Establishment of a Conditional Use Planned Development on the property located at 970 N. Lake Street to redevelop this site.

### BACKGROUND:

The Subject Property contains a 187,117 square foot building which has been vacant and largely unused since Carson Pirie Scott vacated the premises in 2017. The property is currently zoned B-3 Business and Wholesale District zoning. The owner did allow the building to be used as a regional vaccination center in 2021.

The Petitioner is requesting the establishment of a Conditional Use Planned Development. The detail of the request includes the approval of a Plan Description that outlines specific requirements and

allows for modifications including certain additional permitted uses, including a list of prohibited uses, and a requirement to market one of the proposed newly created retail units along Lake Street for a fast casual sit-down restaurant at least two years. It also includes modifications to the bulk restrictions including the establishment of minimum setbacks and codifying parking requirements.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plat for Lake Street 31 Development Subdivision. The detail of the request includes subdividing the property into two parcels and granting several easements. This subdivision will allow for future development at the southeast corner of the property for a proposed car wash.

The Petitioner is also requesting approval of a Final Plan for Lot 1. The detail of the request includes the redevelopment of the existing building into mix use by repurposing the department store into a temperature and access controlled indoor storage facility with retail units fronting along Lake Street. The storage facility will have a retail/office component and two flex areas that can be rented out to people for office space.

The proposal also reconfigures and upgrades the parking lot by establishing new landscaped areas along the southern and western property lines, landscaped islands throughout the parking lot, and a 30' landscaped setback along Lake Street. Access to the property will be via the existing signalized intersection, a right-in right-out from Lake Street and a new 4-way stop which will be added internally on the shared private drive to slow traffic and improve circulations. This new 4-way stop will be along the south property line and the shared east/west private drive, directly across from the westerly drive at Northgate.

Frontage along Lake Street will be improved. A new 5' sidewalk is being provided along Lake Street which will be setback 5' from the property line. Landscaping is being implemented along Lake Street, within the parking lot, and along the southern and western sides of the property. There is a total of 187 parking spaces which exceeds the parking requirement.

As part of this proposal, the Petitioner is proposing to upgrade the building elevations. The proposed elevation changes include repairing and repainting the existing façade, new aluminum storefronts with fabric and metal awnings. In addition, the entrances are distinguished by new taller parapets with EIFs or stone veneer. The Petitioner is also proposing a new canopy with outdoor seating along the south corner of the front façade. A new 10' tall monument sign will be located along Lake Street.

Lastly, Super Sudz Aurora, LLC, is requesting approval of a Final Plan for Lot 2. The detail of the request includes the construction of a 6,144 square foot single bay car wash. A car wash is currently a permitted use on this property. The entrance and exit into the car wash will be via the shared east/west private drive along the south property line. There is stacking for 30 vehicles on site when entering the car wash and 41 parking spaces with self-service vacuum stations. A new 5' sidewalk is being provided along Lake Street which will be setback 5' from the property line. Landscaping is being implemented throughout the property including within the newly created 30' setback along Lake Street.

The building elevations consists of stone and brick facades accented with a blue metal cornice. In addition, a metal canopy will be constructed over the parking spaces with self-service vacuum stations. An 8' tall monument sign will be located along Lake Street at the south portion of the property.

## DISCUSSION:

The Lake Street Corridor is an important regional gateway into the City of Aurora, not only for its connection from the Interstate to Downtown, but also because of the many retail and restaurant uses that serve the nearby neighborhoods and visitors. Unfortunately, the corridor has experienced some disinvestment and has seen large vacancies over the last several years. This is common not just in the Chicagoland area, but also nationally, as traditional commercial corridors have had to deal with changing shopping habits and aging infrastructure.

Over the last 5 years, staff has focused on improving important City gateways such as Lake Street. We have created several internal policies that we are using to guide redevelopment and reinvestment. First is that there should be separation between Lake Street and the parking lots where possible. And within this separation there should be a parkway that includes a sidewalk. This area should also include landscaping and new commercial monument style signs. Recent examples of where this has already been implemented is the new McDonald's and the new Starbuck's that is under construction at the former Long John Silver. As you walk, or drive along Lake Street, the new streetscaping will improve the look and feel of the area.

Another focus for the corridor is to fill in the large vacancies. This property is the largest vacancy within the corridor. When Carson's moved out, this large "big box" has stayed empty for the last five years with very little interest from the development community. Unfortunately, there just aren't retailers looking for space this large any longer.

Staff has done some visioning in the past for this property and the vision we developed was meant to help guide future redevelopment or repurposing of this site. The key goals we developed were 1) that the front - the side facing Lake Street - be a retail commercial use that takes advantage of the visibility and traffic counts, 2) that some outdoor space be created for outdoor dining opportunities, 3) that new streetscaping and landscaping be installed throughout, 4) that the west side of the building be improved to look better, and have better screening to the neighborhood, 5) that overall the building façade be improved, 6) that a new outlot be created in the unused parking lot to draw customers into the property - this will not only help the new businesses in the former Carson's but also help Northgate Center businesses, and 7) that traffic doesn't negatively affect the neighborhood.

With regards to the Finding of Facts, staff has found:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the redevelopment will be a huge improvement to the vacant property. It will also aid in the revitalization of the Lake Street Corridor.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as the proposed redevelopment will not only repurpose a blighted site that has been vacant since 2017 but also will improve the overall aesthetics of the building and property and improve the screening to the adjacent neighborhood.
3. The development will not impede the normal and orderly development and improvement of surrounding properties as this redevelopment will be a benefit to the adjacent properties as this will improve the entire site.
4. The proposed subdivision has adequate water and sewer capacity to serve the project. In addition, the redevelopment of the property will provide more landscaped area than the previous use

which will help with drainage and runoff.

5. The project not only provides adequate ingress and egress but also improve the ingress and egress to this site. With the improvement to the site, the access into this site along the south property line will be well-defined and aligned with the private drives to the south within Northgate Shopping Center. A new 4-way stop will be added internally on the shared east/west private drive to slow traffic and improve circulations.

6. The Conditional Use in all other respects conforms to the applicable regulations of the B-3 Business and Wholesale zoning district.

In conclusion, Staff has been working extensively with the Petitioner on the redevelopment of this property. The Petitioner has followed our goals and used them to help create the redevelopment of the property. Staff believes that this redevelopment will be a benefit to the community, it will repurpose a long vacant building, improve the look of the entire property, add new uses, create new landscaping and sidewalks, and add appropriate buffering from the nearby neighborhoods that is much better than what Carson's had for decades before. Staff further believes that this redevelopment will produce much lower traffic counts than the previous department store use as the City's Traffic Engineer indicated that a department store will generate 4 times the amount of traffic trips than these two uses combined, therefore, this will not have a negative effect on the neighborhood.

On May 11, 2022, the alderman of the ward had an open house regarding this proposal. As of the date of this memo, staff has received public inquiries requesting additional information, and two opposition letters (enclosed) raising concerns regarding the proposed use, safety, traffic, and property values.

#### **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

31.01(1) To promote the concept of a hierarchy of commercial development consisting of regional, community and neighborhood commercial centers supported by requisite population levels, which influence to location, scale and type of commercial development and redevelopment.

31.01(3) To promote the development of commercial facilities in existing or planned commercial areas.

32.01(4) To enhance the quality of the visual and physical environment of the City through the provision for landscaping in commercial development

#### **RECOMMENDATIONS:**

The Planning and Zoning Commission recommended APPROVAL of the Ordinance Establishing a Conditional Use Planned Development and Approving the Lake Street 31 Development Plan

Description for the property located at 970 N. Lake Street.

**ATTACHMENTS:**

Exhibit "A" Legal Description

Exhibit "B" Plan Description

Land Use Petition with Supporting Documents

Legistar Number: 22-0249

cc:

Alderman Michael B. Saville, Chairperson

Alderman Patty Smith, Vice Chairperson

Alderman Carl Franco

Alderman Sherman Jenkins

Alderman Ron Woerman



CITY OF AURORA, ILLINOIS

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

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

An Ordinance Establishing a Conditional Use Planned Development and Approving the Lake Street 31 Development Plan Description for the property located at 970 N. Lake Street

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, SOA Lake 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 March 23, 2022, Lake Street 31 Development, LLC filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development on the property located at 970 N. Lake Street 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, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on June 8, 2022, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on June 15, 2022, 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, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora.

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 Section 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article VI of Chapter 34 of the Code of Ordinances, City of Aurora a Conditional Use permit is hereby granted for a Planned Development use for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development 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 conditional 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 above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the conditional 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 Section 34.601 of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of B-3 Business and Wholesale District and upon termination of the use of said property

for a Planned Development this Conditional Use permit shall terminate and the classification of B-3 Business and Wholesale District shall be in full force and effect.

Section Eleven: That this Planned Development 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 Zoning Ordinance and all modifications and exceptions from the Subdivision Control Ordinance, as set forth in the Plan Description, are here by granted and approved.