



Legislation Details (With Text)

File #: 22-0402 **Version:** 3 **Name:** All Pets Wellness Centers / 1975 Melissa Lane / Conditional Use
Type: Ordinance **Status:** Passed
File created: 5/10/2022 **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 All Pets Wellness Center Plan Description for the Property Located at 1975 Melissa Lane.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" - Legal Description - 2022-06-01 - 2022.152, 2. Exhibit "B" Plan Description - 2022-06-02 - 2022.152, 3. Qualifying Statement - 2022-06-01 - 2022.152, 4. Site Plan - 2022-06-03 - 2022.152, 5. Land Use Petition and Supporting Documents - 2022-05-10 - 2022.152, 6. Property Research Sheet - 2022-06-02 - 2022.152, 7. Legistar History Report -2022-06-10 - 2022.152

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 All Pets Wellness Center Plan Description for the Property Located at 1975 Melissa Lane. (All Pets Wellness Centers - 22-0402 / SG12/2-22.152-CUPD - SB - Ward 5)

PURPOSE:

The Petitioner, All Pets Wellness Centers, is requesting the establishment of a Conditional Use Planned Development on the property located at 1975 Melissa Lane, which includes utilization of the existing commercial building and parking lot for a comprehensive care and services facility for small breed animals.

BACKGROUND:

The Subject Property is currently zoned ORI, Office, Research, Light Industry. This is Lot 7 in Podolsky Orchard 88, Phase I. The Comprehensive Plan designates the Subject Property as Office/Research/Light Industrial. The lot is approximately four (4) acres, with a two-story commercial building that is approximately sixty-thousand, seven hundred (60,700) square feet. The Subject

Property has approximately two hundred-eight (208) striped parking spaces. Additional information on the legislative history of the Subject Property can be found in the attached Property Research Sheet.

The Petitioner, All Pets Wellness Centers, is requesting the establishment of a Conditional Use Planned Development on the property located at 1975 Melissa Lane. The details of the request includes use regulations that allows for specific uses related to the proposal that are prohibited within the ORI zoning district. The uses that are allowed with this Plan Description includes: Pet and Animal Sales or Services (Except Veterinary) (2700) use, Kennel with Outdoor Pens and Runs (2710) use, and Animal Hospital (2720) use.

The Petitioner is also proposing to build an outdoor pen for the animals that is approximately one thousand, seven hundred (1,700) sq ft, with a solid, eight (8) foot fence. The outdoor pen will be used for the animals to get outdoor exercise. The outdoor pen is included within the uses that are proposed with the Conditional Use Planned Development. The outdoor pen will be used only for the animals to play and get exercise.

The Petitioner is proposing to utilize approximately two-thirds of the building for this comprehensive care and services facility for small breed animals. The remaining one-third of the building will continue in its current use. The minimum parking requirement for the Subject Property, which includes the Petitioner's proposal and the remaining portion of the building, is one hundred, forty-five (145) parking spaces. The minimum parking requirement for the Petitioner's portion of the building is seventy-eight parking spaces. The minimum parking requirement for the remaining portion of the building is sixty-seven parking spaces. Based on the approximately two hundred, eight (208) parking spaces, there is enough on-site parking for the Petitioner's uses and the remaining portion of the building to occupy the building while ensuring that the minimum parking requirement is still being met.

DISCUSSION:

Staff has reviewed the Conditional Use Planned Development 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.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has not received public inquiries regarding this petition.

Findings of Fact:

1) Will the establishment, maintenance or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Staff does not believe that this proposal will be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2) Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood; factors including but not limited to lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural and building operation?

Staff believes that the proposal will be not be injurious to the use and enjoyment of other properties in

the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood.

3) Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses in the district?

Staff believes that, not only has the Petitioner has gone to great lengths to find a suitable location in an industrial area, but has also made great efforts to adapt the proposal to the surrounding area, especially in regards to locating the outdoor pen in an unobtrusive location on the property.

4) Will the proposal provide for adequate utilities, access roads, drainage and/or other necessary facilities as part of the conditional use?

Staff does not believe that this proposal will have any impact on the subject property, or the surrounding area's utilities, access roads, drainage, and/or other necessary facilities.

5) Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets?

Staff believes that the proposal takes adequate measures to provide ingress and egress so designed to minimize traffic congestion in the public streets.

6) Does the conditional use in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the commission?

Staff believes that the proposal does in all other respects conform to the applicable regulations of the district in which it is located.

POLICIES AND GUIDELINES:

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

- 31.1 (4): To encourage the development of multiple use, commercial, employment and service centers.
- 41.1 (2): To promote a balanced distribution of industries within the City.
- 41.1 (6): To promote attractive, well-maintained industrial and office-research areas through landscaping and site design.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the ordinance establishing a Conditional Use Planned Development and approving the All Pets Wellness Center Plan Description for the property located at 1975 Melissa Lane.

ATTACHMENTS:

Exhibit "A" Legal Description
Exhibit "B" Plan Description
Qualifying Statement
Site Plan

Land Use Petition with Supporting Documents
Property Research Sheet
Legistar History Report

cc: Building, Zoning and Economic Development Committee:
Alderman Michael B. Saville, Chairperson
Alderwoman 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 All Pets Wellness Center Plan Description for the Property Located at 1975 Melissa Lane.

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, PHS PARTNERS, 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 May 10, 2022, All Pets Wellness Centers filed with the City of Aurora a petition Requesting the Establishment of a Conditional Use Planned Development on the property located at 1975 Melissa Lane 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 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 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 with the following conditions:

1) That any future animal sales on the Subject Property shall comply with the applicable guidelines per the State of Illinois.

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 ORI, Office, Research and Light Industry and upon termination of the use of said property for a this Conditional Use permit shall terminate and the classification of 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 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.