



## Legislation Text

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**File #:** 16-00651, **Version:** 3

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**TO:** Mayor Thomas J. Weisner

**FROM:** Planning Commission

**DATE:** August 18, 2016

**SUBJECT:**

An Ordinance Granting a Special Use Permit for a Vehicle/Car Dealership, Entirely Used (2811) Use associated with a Vehicle Rental (2840) Use on the Property located at 4000 and 4100 Ogden Avenue (Enterprise Leasing Company of Chicago, LLC - 16-00651 / NA28/2-15.267-Su/Ppn/Psd - JH - Ward 10)

**PURPOSE:**

The Petitioner, Enterprise Leasing Company of Chicago LLC, is requesting approval of a Special Use for a Vehicle/Car Dealership, entirely used (2811) Use associated with a Vehicle Rental (2840) Use on Lots 100 & 200 of Fox Valley Medical/Business Campus Subdivision located at 4000 and 4100 Ogden Avenue.

**BACKGROUND:**

The Subject Property is located at 4000 and 4100 Ogden Avenue being the northwest corner of Ogden Avenue and Longmeadow Drive. It is currently a vacant building and is zoned as part of the Fox Valley East Plan Development District. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The details of the proposal include a Special Use for a Vehicle/Car Dealership (2811), Entirely Used Use associated with a Vehicle Rental (2840) use.

Concurrently with this proposal, the Petitioner is proposing a Preliminary Plan on which the current vacant building will remain mostly unchanged but will be rehabilitated for retail use for the used car business along with offices for the rental car business. A car wash will be added on the western portion of the building but will only be for the businesses' use. The entrance and exit for the development will remain from Healthway Drive. The current parking lot will be reconfigured and additional spaces will be added around the building for the vehicle rental use. The eastern portion of the property will be developed with a parking lot for the car sales. The Petitioner is also proposing a Preliminary Plat which will consolidate two lots into one large lot for the proposed facility.

**DISCUSSION:**

The petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances, with the exception of the concerns raised by Staff regarding the proposed signage.

Currently on the site is a multi-tenant sign that advertises businesses on other lots in the area. No documentation has been found regarding the existence of the sign. Enterprise is asking for variation in the sign code in order to maintain the multi-tenant sign in addition to an Enterprise specific sign. Staff supports a variation in order to retain the existing sign with conditions that a Sign Easement is placed on the multi-tenant sign outlining the parameters of the sign and that the two signs are placed in a manner that presents a cohesive appearance.

Conditions addressing Staff's concerns regarding the signage are listed in the Recommendation section below.

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.

### **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.

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.

31.1(3) To promote the development of commercial facilities in existing or planned commercial areas.

### **RECOMMENDATIONS:**

Staff would recommend **CONDITIONAL APPROVAL** of the Ordinance Granting a Special Use Permit for a Vehicle/Car Dealership, Entirely Used (2811) Use associated with a Vehicle Rental (2840) Use on the Property located at 4000 and 4100 Ogden Avenue, with the following conditions:

1) That the Special Use Permit for a Vehicle/Car Dealership, Entirely Used (2811) Use is to be associated with a Vehicle Rental (2840) Use. Upon termination of the Vehicle Rental (2840) Use, the Special Use for a Vehicle/Car Dealership, Entirely (2811) Used shall be terminated.

2) That pursuant to this Special Use the inaccessible parking spaces shown on the Preliminary Plan may be permitted in connection with the Vehicle/Car Dealership, Entirely Used (2811). Upon termination of the Vehicle/Car Dealership, Entirely Used (2811), the parking lot shall be restriped so that all parking spaces are individually accessible.

3) That the Preliminary Plan be revised to align the off-premise signage with the proposed development sign and that a sign easement shall be recorded for said off-premise sign.

4.) That Enterprise shall, in all advertisements, promotions, and identification of the Dealership, clearly and prominently indicate that the Dealership is located in "Aurora," by use of the Words "Aurora" or "City of Aurora" in said advertisement, promotion or identification. Where more than one municipality is referenced, the reference to "Aurora" or "City of Aurora" shall appear first.

### **ATTACHMENTS:**

#### **EXHIBITS:**

Exhibit "A" Legal Description

Exhibit "B" Memorandum of Agreement

Property Research Sheet

Land Use Petition with Supporting Documents

Plat of Survey

## Legistar History Report

Legistar Number: 16-00651

cc:

Alderman Saville, Chairman

Alderman Donnell

Alderman Irvin

Alderman Hart-Burns, Alternate



### CITY OF AURORA, ILLINOIS

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

An Ordinance Granting a Special Use Permit for a Vehicle/Car Dealership, Entirely Used (2811) Use associated with a Vehicle Rental (2840) Use on the Property located at 4000 and 4100 Ogden  
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, Judd Properties and John and Susan Mullins are the owners 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 July 5, 2016, Enterprise Leasing Company of Chicago, LLC filed with the City of Aurora a petition Requesting approval of a Special Use for a Vehicle/Car Dealership, entirely used (2811) use associated with a Vehicle Rental (2840) use on the property located at 4000 and 4100 Ogden Avenue

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 August 17, 2016, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on August 25, 2016, the Planning and Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL 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 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,

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 4.3 (2811) and Section 10.6 a Special Use permit is hereby granted for a Vehicle/Car Dealership, entirely used (2811) use associated with a Vehicle Rental (2840) use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Vehicle/Car Dealership, entirely used (2811) use associated with a Vehicle Rental (2840) 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 petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance and that said Special Use permit is granted specifically contingent upon the following conditions:

- 1) That the Special Use Permit for a Vehicle/Car Dealership, Entirely Used (2811) Use is to be associated with a Vehicle Rental (2840) Use. Upon termination of the Vehicle Rental (2840) Use, the Special Use for a Vehicle/Car Dealership, Entirely (2811) Used shall be terminated.
- 2) That pursuant to this Special Use the inaccessible parking spaces shown on the Preliminary Plan may be permitted in connection with the Vehicle/Car Dealership, Entirely Used (2811). Upon termination of the Vehicle/Car Dealership, Entirely Used (2811), the parking lot shall be restriped so that all parking spaces are individually accessible.
- 3) That if the off-premise signage remains the Preliminary Plan should be revised to align the off-premise signage with the proposed development sign and that a sign easement shall be recorded for said off-premise sign.
- 4.) That Enterprise shall, in all advertisements, promotions, and identification of the Dealership, clearly and prominently indicate that the Dealership is located in "Aurora," by use of the Words "Aurora" or "City of Aurora" in said advertisement, promotion or identification. Where more than one municipality is referenced, the reference to "Aurora" or "City of Aurora" shall appear first.

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 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 the property legally described in Exhibit "A" shall remain in the underlying zoning classification of PDD Planned Development District and upon termination of the use of said property for a Vehicle/Car Dealership, Entirely Used (2811) use associated with a Vehicle Rental (2840) Use, this Special Use permit shall terminate and the classification of PDD Planned Development District shall be in full force and effect.

Section Eleven: That this Vehicle/Car Dealership, entirely used (2811) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.