



Legislation Text

File #: 20-0239, **Version:** 2

TO: Mayor Richard C. Irvin

FROM: Edward T. Sieben, Director
Zoning & Planning Division

DATE: April 20, 2020

SUBJECT:

An Ordinance Establishing a Special Use Planned Development and approving the Glazier Corporation Plan Description for the property located at 1165 N. Lake Street (The Glazier Project, LLC - Aurora - 20-00239 / AU15/1-20.023-SUPD/Fpn - JS - Ward 6)

PURPOSE:

The Petitioner, the Glazier Project, LLC, is requesting the establishment of a Special Use Planned Development on the property located at 1165 N. Lake Street

BACKGROUND:

The Subject Property consists of a vacant Long John Silvers restaurant with B-2 General Retail District zoning. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting the establishment of a Special Use Planned Development. The proposed plan description varies the front and rear setback regulations. The plan description also permits a restaurant with a drive through by right for the property.

Concurrently with this proposal, the is requesting approval of a Final Plan for the property to construct approximately an 8,300 square foot multi-tenant commercial building on the property located at 1165 N. Lake Street. The property currently consists of a vacant restaurant building which was previously a Long John Silvers. This have been vacant several years in a deteriorating condition. The new retail building will be anchored by a national coffee company with drive thru of approximately 2,400 square feet, and additional retail of approximately 5,900 square feet. The building will be 100 percent masonry. The entire site will be re-constructed with a new landscaped setback of almost 10 feet along Lake Street, and a new monument sign. Currently the site has a 0 feet setback with a pole sign. This plan also proposes the construction of 45 parking spaces which meets the zoning requirements for this use. The northerly access to the site will be removed, leaving the southerly access point across from Old Indian Trail Road. The layout will also provide plenty of vehicle stacking for the drive thru, meeting our requirements. A new 5'6" wide sidewalk will also be installed.

DISCUSSION:

Staff has reviewed the Special Use Planned Development and Final Plan 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, with the exception of the items reflected in the conditions listed in the Staff Recommendation below.

This property was previously a restaurant with a drive-through, therefore, by adding this as an additional permitted use it should not have a negative impact to the area. Even though the front setback does not meet the 30 foot requirement, the proposed plan is enlarging the current setback from 0 feet to over 9 feet along Lake Street allowing landscape to be implemented. In addition, the removal of northerly access point on to Lake Street should help control the traffic congest and patterns.

This new retail development will help with the redevelopment of North Lake Street as there has not been new retail construction here in a number of years. It will help beautify the corridor and help stimulate other redevelopment along the North Lake Street corridor.

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.

11.1(5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.

11.1(3) To encourage new development contiguous to existing development.

RECOMMENDATIONS:

Staff would recommend APPROVAL of the Ordinance Establishing a Special Use Planned Development and approving the Glazier Corporation Plan Description for the property located at 1165 N. Lake Street

ATTACHMENTS:

Exhibit "A" Legal Description

Exhibit "B" Plan Description

Land Use Petition with Supporting Documents

Property Research Sheet

Legistar Number: 20-0249

cc: Edward T. Sieben, Zoning & Planning Director
John P. Curley, Chief Development Services Officer



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Establishing a Special Use Planned Development and Approving the Glazier Corporation Plan Description for the property located at 1165 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, LJ Reminder 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 April 3, 2020, The Glazier Project, LLC, filed with the City of Aurora a petition requesting the Establishment of a Special Use Planned Development on the property located at 1165 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, the City Council, upon referral by the Mayor, and after due notice and publication of said notice, conducted a public hearing on April 28, and May 12, 2020 on said petition pursuant to its authority under Section 2-82 of the City Code; and

WHEREAS, upon such hearing, the City Council finds that the petition:

1. is in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora;

2. is a logical establishment and/or a consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question;

3. is consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora;

4. maintains a compatible relationship with the traffic pattern and traffic volume of adjacent streets and does not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question;

5. allows for the provision of adequate public services and facilities to the property in question and would have no adverse effect upon existing public services and facilities;

6. takes adequate measures or they will be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets;

7. does not preclude the normal and orderly development and improvement of surrounding properties due to the saturation or concentration of similar uses in the general area;

8. is in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the this ordinance; and

9. considers ingress and egress in its design to minimize congestion in the public streets.

WHEREAS, based upon the these findings, the proposed Special Use / Planned Development set forth in the petition 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, 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 and incorporates them as if fully set forth herein.

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 10.7 a Special Use permit is hereby granted for a Planned Development (8000) 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 Planned Development (8000) 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 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 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 B-2 General Retail District and upon termination of the use of said property for a Planned Development (8000) this Special Use permit shall terminate and the classification of B-2 General Retail District 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 Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set forth in the Plan Description, are here by granted and approved.