



## Legislation Text

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**File #:** 22-0424, **Version:** 3

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**TO:** Mayor Richard C. Irvin

**FROM:** Planning and Zoning Commission

**DATE:** June 24, 2022

**SUBJECT:**

An Ordinance Approving a Revision to the West Aurora Plan Description on 3 Acres for Property Located at Lot 6 of the West Aurora Plaza Resubdivision (Hounds Town USA - 22-0424 / AU18/4-22.159-CUPD - SB - Ward 5)

**PURPOSE:**

The Petitioner, Hounds Town USA, is requesting approval of a Plan Description Revision of the West Aurora Plaza Planned Development District for Lot 6 of the West Aurora Plaza Resubdivision, which includes revising the West Aurora Plaza Plan Description to allow for up to one (1) Kennel with Outdoor Pens and Runs (2710) use on the Subject Property.

**BACKGROUND:**

The Subject Property is currently zoned B-2(C), Business District - General Retail with a Conditional Use Planned Development. The West Aurora Plaza Plan Description was approved as O18-053 on June 26, 2018. The West Aurora Plaza Resubdivision was approved per R18-145 on June 26, 2018. This is Lot 6 of the West Aurora Plaza Resubdivision. There are four buildings on Lot 6: 1981-1989 W. Galena Boulevard, 2005 W. Galena Boulevard, 2009 W. Galena Boulevard, and 2011 W. Galena Boulevard. The property with the address 2011 W. Galena Boulevard is a former drive-through restaurant, which has fifty-nine (59) associated striped parking spaces.

The Petitioner, Hounds Town USA, is requesting approval of a Plan Description Revision of the West Aurora Plaza Planned Development District for Lot 6 of the West Aurora Plaza Resubdivision. The details of the request include changing the West Aurora Plaza Plan Description to allow for up to one (1) Kennel with Outdoor Pens and Runs (2710) use on only Lot 6. The Plan Description that was approved per O18-053 is to otherwise remain intact, meaning that this Plan Description Revision is only for Lot 6 of the West Aurora Plaza Resubdivision.

The Petitioner's business is intending to construct the outdoor pen on the west side of the building with the address 2011 W. Galena Boulevard. Since early 2021, the Petitioner has undertaken efforts to remodel the building's interior for grooming and boarding services for cats and dogs, which is a permitted use in this zoning district. With this proposal, the Petitioner is expanding the business's scope of services to include an outdoor pen for the animals that is approximately two thousand (2,000) square feet. The outdoor pen is to be constructed on the west side of the existing building over part of the drive-through and adjacent drive aisle, and will also incorporate existing features of the building. The provided site plan is showing forty-five (45) parking spaces on the Subject Property

once construction of the outdoor pen is complete.

### **DISCUSSION:**

Staff has reviewed the Conditional Use Ordinance - 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 received one public inquiry regarding the nature of 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 the establishment, maintenance or operation of the Conditional Use 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 compatibility and building orientation?

Staff does not believe that the Conditional Use will be injurious to the use and enjoyment of other properties within the immediate vicinity. The Petitioner has prepared a proposal that limits the impact of the outdoor animal enclosure on the surrounding residential and commercial properties through the enclosure's screening and location on the property, and by also limiting outdoor activities to daylight hours.

3) Will the establishment or the Conditional Use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Staff does not believe that this proposal will at all impede the normal and orderly development and improvement of surrounding property for uses in the district.

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 the proposal will have a significant enough impact on the existing, adequate 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, because the property is already built out, that the proposal takes adequate measures 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 Conditional Use, in all other respects, does 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 (5): To promote the vitality of existing commercial centers within the commercial hierarchy.
- 32.1 (3): To minimum the adverse effects of commercial activity on neighboring development, particularly residential and open space areas through the provision of buffering land uses and/or screening.
- 51.1 (3): To actively promote and pursue the retention of businesses and industries presently located within the City of Aurora.

**RECOMMENDATIONS:**

The Planning and Zoning Commission recommended APPROVAL of the ordinance approving a revision to the West Aurora Plan Description on 3 acres for Lot 6 of the West Aurora Plaza Resubdivision.

**ATTACHMENTS:**

Exhibit "A" Legal Description  
Exhibit "B" Plan Description  
Qualifying Statement  
Site Plan  
Land Use Petition with Supporting Documents  
Parcel Maps  
Legistar History Report

Legistar Number: 22-0424

cc: Building, Zoning, and Economic Development Committee:  
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 Approving a Revision to the West Aurora Plan Description for Lot 6 of the West Aurora Plaza Resubdivision

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, WINDMILL HILL 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 17, 2022, Hounds Town USA filed with the City of Aurora a petition Requesting approval of a Plan Description Revision of the West Aurora Plaza Planned Development District for Lot 6 of the West Aurora Plaza Resubdivision, being north of West Galena Boulevard and west of Redwood Drive 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 22, 2022, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on June 29, 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.

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-2(C), Business District - General Retail with a Conditional Use Planned Development, and upon termination of the use of said property for a Planned Development (8000) use, this Conditional Use permit shall terminate and the classification of B-2(C) 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 hereby granted and approved.