



## Legislation Text

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File #: 20-318, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the staff report for the acquisition of land for right of way for the North Aurora Road improvements from the property at 600 Industrial Drive (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director of TED/City Engineer

#### **BOARD/COMMISSION REVIEW:**

NA

#### **BACKGROUND:**

North Aurora Road west of Route 59 is a minor arterial roadway in the City which carries about 21,000 vehicles a day. The City has two different projects planned in the area; widening and replacing the underpass at the CN Railroad and widening the roadway from Frontenac Road to Weston Ridge Drive. To address capacity issues, the City plans to widen the roadway from three lanes to five lanes along with the installation of a bikeway, sidewalk, street lighting and curb and gutter. Construction will commence in 2021.

To facilitate the roadway widening, additional land is needed from several of the adjacent property owners. In addition to compensating the property owners for the land itself, in some cases the City is also compensating for impacts to their property including parking lot modifications and moving fences, gates, signs and lights. The City is either paying the property owner to complete the work themselves or the City is having the work completed, either as part of the roadway contract or through another contract.

Most of the properties are in conformance with the Municipal Code requirements today but will not be after the acquisition of a portion of their property. In most cases the acquisition results in the front yard not meeting setback requirements. In addition to compensation, some property owners have requested that the City confirm and document their legal non-conforming status due to the setback reductions.

#### **DISCUSSION:**

##### **Purchase and Sale Agreement**

The City needs to acquire a ten-foot wide strip of land along the frontage of the property at 600 Industrial Drive. This property currently has a full access onto North Aurora Road and one-way circulation through their parking lot. The roadway improvements require the full access to be reduced to a right-in, right-out access. This will require the existing parking lot to be widened to accommodate two-way traffic flow.

The Purchase and Sale Agreement includes the City compensating the property owner for the land and the cost to widen the parking lot and relocate their front sign which conflicts with the widened parking lot. The total amount of compensation is \$155,000, with the property owner being responsible for the parking lot and sign improvements. This has been budgeted in the City's Capital Improvement Program under CIP Project SC033.

Resolution to affirm the applicability of Section 6-2-19 of the Municipal Code

Section 6-2-19 of the Code discusses existing buildings and structures. The property at 600 Industrial Drive was annexed into the City in the 1970's, has always been zoned Industrial and was improved with a multi-tenant building in the 1980's.

Because the property on the other side of North Aurora Road is zoned residential, the 600 Industrial Drive property requires a 100-foot front yard setback. The attached resolution states that following the land acquisition the parking lot and building will continue to be legal non-conforming and that the provisions of Section 6-2-19 of the Code allow:

1. Continued use of the existing parking lot and building
2. Repairs and alterations to the parking lot and building that are within the requirements of the Code
3. Repairing, reconstructing and rebuilding portions of the parking lot and building if the work does not exceed 50% of the value of the total improvements
4. If repairs, reconstruction or rebuilding exceeds 50% of the total improvement value then any new improvements must comply with the Code

The existing tenants located at the subject property continue to be in compliance with the uses permitted in the I (Industrial) zoning district.

**FISCAL IMPACT:**

Funding of the \$155,000 is included in the CIP as part of project SC033.