



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 17-00716

File ID: 17-00716

Type: Petition

Status: Draft

Version: 2

General Ledger #:

In Control: Planning & Development Committee

File Created: 07/31/2017

File Name: Juan Cervantes / Downzoning / 416-418 S. 4th Street

Final Action:

Title: An Ordinance Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by downzoning Property located at 416-418 S. 4th Street from R-4 Two Family Dwelling District to R-3 One Family Dwelling District (Juan Cervantes - 17-00716 / AU27/1-17.136-DZ - TV - Ward 3) (PUBLIC HEARING)

Notes:

Agenda Date: 01/11/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description.pdf, Land Use Petition and Supporting Documents - 2017-07-28 - 2017.136.pdf, Plat of Survey - 2017-07-31 - 2017.136.pdf, Property Research Sheet ID15236-67723 .pdf, Legistar History Report - 2017-12-19 - 2017.136.pdf, Findings of Facts - 2017-12-19 - 2017.136.pdf

Enactment Number:

Planning Case #: AU27/1-17.136-DZ

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	DST Staff Council (Planning Council)	08/15/2017					
	Notes: <i>Mr. Sieben said we have one item that did not make the agenda. We sent out a notice to a gentleman on a downzoning. We will get back to him with an actual date, but we'll talk about it right now. So this is Mr. Juan Cervantes. This is regarding 416-418 S. 4th Street. We are working with Property Standards on different downzonings. It is my understanding that this property is already being used as a single family.</i>						
	<i>Mr. Cervantes said yes.</i>						
	<i>Mr. Sieben said has that been like that for a while?</i>						

Mr. Cervantes said no. Actually we rented to my Uncle upstairs on the second floor. He just moved like 2 months ago, so after that I kind of fixed it a little bit to have a family home now. My family has grown. I need the entire house.

Mr. Sieben said what we're going to do is we may be doing these a little bit later in the year in a group because we have a whole bunch of them that have come in. We're going to let Property Standards know that you've applied and also Water Billing and then, hopefully, they'll take care of those issues immediately, but we may not process this until later in the year when we are a little bit less busy.

Mr. Cervantes said so what should I do?

Mr. Sieben said we will let Mr. Prisco know downstairs that you've applied. What he has told me is that as long as you have applied we can take it through the system a little later and I'll go ahead and take you off the list, so you don't have to apply for the license. This will be on the agenda at a later date, but we'll keep this for the record at that time.

1	Committee of the Whole	09/05/2017	Forward to Planning Council	DST Staff Council (Planning Council)
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Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)

1	DST Staff Council (Planning Council)	09/12/2017	placed on pending	Pass
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Action Text: A motion was made by Ms. Phifer, seconded by Mrs. Morgan, that this agenda item be placed on pending. The motion carried by voice vote.

Notes: Ms. Phifer said I make a motion to move this to Pending. Mrs. Morgan seconded the motion. The motion carried unanimously.

Ms. Phifer said just for the record, we'll move all of these to Pending and then at the end of the year we'll bring them all through the process.

1	DST Staff Council (Planning Council)	09/19/2017		
1	DST Staff Council (Planning Council)	09/26/2017		
1	DST Staff Council (Planning Council)	10/03/2017		
1	DST Staff Council (Planning Council)	10/10/2017		
1	DST Staff Council (Planning Council)	10/17/2017		
1	DST Staff Council (Planning Council)	10/24/2017		
1	DST Staff Council (Planning Council)	10/31/2017		
1	DST Staff Council (Planning Council)	11/07/2017		
1	DST Staff Council (Planning Council)	11/14/2017		
1	DST Staff Council (Planning Council)	11/21/2017		
1	DST Staff Council (Planning Council)	11/28/2017		
1	DST Staff Council (Planning Council)	12/05/2017		

1	DST Staff Council (Planning Council)	12/12/2017	Forwarded	DST Staff Council (Planning Council)	12/19/2017	Pass
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Action Text: A motion was made by Mrs. Vacek, seconded by Mr. Broadwell, that this agenda item be Forwarded to the DST Staff Council (Planning Council) , on the agenda for 12/19/2017. The motion carried by voice vote.

Notes: *Mrs. Vacek said I would like to move this up to the general agenda for next week because it needs to be voted out next week. I make a motion to move this up to the general agenda. Mr. Broadwell seconded the motion. The motion carried unanimously.*

1	DST Staff Council (Planning Council)	12/19/2017	Forwarded	Planning Commission	01/03/2018	Pass
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Action Text: A motion was made by Mrs. Vacek, seconded by Mr. Beneke, that this agenda item be Forwarded to the Planning Commission, on the agenda for 1/3/2018. The motion carried by voice vote.

Notes: *Mrs. Vacek said I make a motion to move this forward to the January 3rd Planning Commission. Mr. Beneke seconded the motion. The motion carried unanimously.*

2	Planning Commission	01/03/2018	Forwarded	Planning & Development Committee	01/11/2018	Pass
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Action Text: A motion was made by Mrs. Anderson, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 1/11/2018. The motion carried.

Notes: *Mrs. Vacek said the Petitioner is requesting to downzone the property at 416-418 S. 4th Street from R-4 to R-3. The subject property is currently a single family. I know it says a two family, but it has since been converted to a single family with R-4 zoning, so they are asking to downzone it. The proposed downzoning is consistent with the city's longstanding density reduction policy. In addition, the R-3 zoning reflects the current use of the subject property and is consistent with the zoning around it.*

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mrs. Vacek said staff would recommend approval of the Ordinance amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by downzoning the property located at 416-418 S. 4th Street from R-4 to R-3.

Mr. Cameron said I have one question. How do they get the car through 6.45 feet of driveway between the property line and the fence?

It might be that there is a shared driveway with the property next door.

Mr. Cameron said it shows a wood fence there.

Mrs. Vacek said they must not park back there I would assume.

Mr. Cameron said but that's where the garage is.

Mrs. Vacek said that doesn't look like a garage to me. It looks like it is just a pad.

Mrs. Anderson said on the map you can see the garage was actually there, but it is just the pad.

Mrs. Vacek said it looks like the garage comes off of the back alley. There is an alleyway, so it looks like they a thing off 4th Street and I'm guessing the driveway comes off of the alley. It looks like they have just a double access to their property, one from the alley and one from the front.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Head, Mr.

Reynolds

NAYS: None

FINDINGS OF FACT

1. *Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?*

Mr. Chambers said yes. I believe those are listed in the staff report.

2. *Does the proposal represent the logical establishment and/or 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?*

Mr. Reynolds said the proposal does represent the highest and best use of the property.

3. *Is the proposal 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?*

Mr. Reynolds said again, the proposal represents the highest and best use of the property.

4. *Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?*

Mrs. Anderson said there should be no change in traffic pattern in the area.

5. *Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?*

Mr. Chambers said once again, it will have no adverse effect. There should be no change to the area.

6. *Does the proposal take adequate measures or will they 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?*

Mrs. Head said adequate measures are already in place.

7a. *Is the rezoning a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area?*

Mr. Reynolds said the proposal does represent the highest and best use of the property.

7b. *Is the rezoning consistent with the 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?*

Mr. Reynolds said again, the proposal represents the highest and best use of the property.

7c. *Will the rezoning permit uses which are more suitable than uses permitted under the existing zoning classification?*

Mrs. Anderson said yes.

Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, January 11, 2018, at 4:00 p.m. on the fifth floor of this building.

Aye: 7 At Large Bergeron, At Large Cameron, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, Fox Valley Park District Representative Chambers and SD 129 Representative Head
