



# City of Aurora

44 E. Downer Place  
Aurora, IL 60505  
www.aurora-il.org

## Legistar History Report

**File Number: 24-0313**

**File ID:** 24-0313

**Type:** Ordinance

**Status:** Agenda Ready

**Version:** 2

**General Ledger #:**

**In Control:** Building, Zoning, and Economic Development Committee

**File Created:** 04/19/2024

**File Name:** Mariscos El Vallartizo 4, Inc / 1218 N Lake St / Rezoning

**Final Action:**

**Title:** An Ordinance Amending Chapter 49 of the Code of Ordinances, City of Aurora, by Modifying the Zoning Map Attached thereto to Rezone the Property Located at 1218 North Lake Street, from R-1, One Family Dwelling District and B-3, Business and Wholesale, to B-3, Business and Wholesale

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" - Legal Description - 2024-05-15 - 2024.175, Land Use Petition Form and Supporting Documents - 2024-04-19 - 2024.175, Qualifying Statement - 2024-04-19 - 2024.175, Site / Landscape Plan - 2024-05-13 - 2024.175, Building and Floor Plans - 2024-05-13 - 2024.175, Parcel and Zoning Map - 2024-05-23 - 2024.175

**Enactment Number:**

**Planning Case #:** AU15/1-24.175-RZ/FSD

**Hearing Date:**

**Drafter:** sbroadwell@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	05/22/2024	Forwarded	Building, Zoning, and Economic Development Committee	05/29/2024		Pass
<b>Action Text:</b> A motion was made by Mrs. Martinez, seconded by Mr. Lee, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 5/29/2024. The motion carried.							
<b>Notes:</b> <i>Chairman Pilmer said I would ask Staff if they'd provide a report.</i>							
<i>Mr. Broadwell said thank you, Mr. Chairman. It's good to see you all again in our new Chambers. This is my first time at Planning Commission here, so...umm...I'll just have to spend some time getting adjusted. (Laughs) I hope I'm at the right podium. But anyways, as we heard...umm...this is the...umm...there's 3...3 requests here for the property at 1218 North Lake Street: the Rezoning, the</i>							

*Final Plat, and Setback Variance.*

*I'm sure you're all familiar with the property, but a little bit of background: The Subject Property is about an acre and a half, fronts on North Lake Street to the east, West Indian Trail to the north, Old Indian Trail to the south. Right now, there are 4 separate parcels that make up the subject property, 3 of them are zoned B-3, Business and Wholesale, which are on the...these parcels make up the building and the 2 existing parking lots to the south. And then the western property, where there's a single-family detached home that's been there for a number of years, that's zoned R-1, which is the One-Family Dwelling District.*

*So, the existing commercial building that fronts on Indian Trail, it's approximately 12,000 square feet. And then there's the detached home just to the south. So, really the proposal here, again, is to consolidate the whole lot into one...into one...into the...excuse me, the Subject Property, and then kind of clear up all of the parcels with the 2 different zoning districts into the one...the one...the consolidated B-3 zoning district. And then also, there's setback variances that are being requested. So, the nature of their proposal is that the representative, whom we have...they're here tonight and you'll hear from them in a little bit, they're proposing to open up a restaurant here, which the City is really excited about because this property has been vacant a number of years, I'm sure you're all aware. So, this is a chance really to reactivate this long dormant property and then bring some new exciting economic development to this intersection.*

*So, actually getting into the proposals themselves...umm...Tracey, the screen just went blank if you can get it back on, please. The map that was up. I was just about to get into it when it changed. Thank you.*

*So, the map we have here, I put this together. This, I think, is a really condensed display of...easy to understand display of really the whole scope of the proposal. So, you can see the thick black outline that shows the one...the one lot that's being consolidated with the Subject Property and it's representing the B-3 zoning. And then you can see the call outs going along the outside border of the new lot that shows the setback variance. So, this property is a little bit tricky as you can see from the layout. It's got 3 separate road frontages, again, West Indian Trail, North Lake Street, and Old Indian Trail to the south. So, on the west and the east...kind of...and then the southwest property line, it abuts an R-1 zoning district, which per the B-3 zoning district, the minimum is 20 feet which would limit really their development of that vacant lot...the vacant portion for the parking lot. So, they're requesting where it's adjacent to the R-1 zoning to reduce it from 20 feet to 10 feet. And then on the existing frontage on West Indian Trail and North Lake Street, reducing it from 30 feet to 0 feet. And then there's no minimum setback for the B-3 where it's adjacent to other B-3 properties, so they're not required to request the setback variance. And so, if...Tracey, if you can pull up the site plan, please. So, we worked with the Petitioner to put together this site that really shows how...umm...how the lot will look in terms of layout. So, the existing commercial building is remaining the same. They're using, again, about 2/3 of the existing building for the restaurant and then the remainder for accessory storage for the restaurant, and then bringing the parking down, you can see to where the R-1 parcel is, the vacant lot next to the residential. So, the minimum parking requirement is 77 spaces for the restaurant and they're at 77 spaces. You can see the 10-foot setback along the western property line, the Indian...the West Indian...excuse me, the Old Indian Trail frontage and the adjacent to the little R-1 portion on the Taco Bell there. So, they're not changing the access points. On the next page, Tracey, if you don't mind...umm...they've also put together some landscaping, which I think is really...the design team has done a really good job of buffering the...umm...really the new parking lot from the adjacent...adjacent residential structure just to the west on Old Indian Trail, which is...which is required. And then, they're also adding a new 6-foot solid fence basically from the front of the building, the residential structure on Old Indian Trail, basically from the front of the house all the way back to provide additional screening along the property line.*

*And then, also adding a...what is it...a best management practices, they're adding a rain garden in that western parking lot island, which I think will help mitigate some of the run-off there in the parking...in the new parking lot and existing parking lot. And then, one last thing Tracey, I really appreciate it, we do have the building elevations which we're really excited about. I think we asked them to put together something that'll really, you know, make the building look great. And you can see it there. So, these...these are what we're...what we're working towards with the Petitioner.*

*So, I think that's everything. Any questions for Staff at this point?*

*Chairman Pilmer said questions of Staff?*

*Mr. Pickens said I have one. The resident between the Taco Bell and...uhh...I don't know what the other business is...is that...what's the future look of that? Or is it just...*

*Mr. Broadwell said the residence you mean to the...between the Taco Bell and the parking lot? So, that's...that's kind of a weird...umm...I think Ed, you might know the history here a little bit. But it's just like a little...umm...you could see it on the site plan that we had...umm...it's just like a little triangular*

strip of R-1 zoning that's used by the Taco Bell parking lot. So, it's associated with the...umm...with the parking lot, and for some reason it has...it's always had R-1 zoning and when...

Mr. Pickens said no, I meant the one west of the proposed parking lot.

Mr. Broadwell said to the west? I'm sorry. We don't...that's not included in the proposal. It's remaining as a single-family, which is why we were really sensitive to working with the Petitioner to help screen...to, I guess, minimize any intrusion on their privacy.

Mr. Pickens said okay.

Chairman Pilmer said any other questions of Staff? Alright, at this time I would ask the Petitioner if they would like to come forward, if they have a presentation or anything they would like to add. Sure, I'll have you come forward and then...is there anyone else with the Petitioner that may present or speak? This is a Public Hearing so...this is a Public Hearing, so I'll swear you in before, so if you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Delgadillo said yes, sir.

Chairman Pilmer said thank you. And then, if you'll just state your name and address for the record, please.

Ms. Delgadillo said Martha Delgadillo, address...home address?

Chairman Pilmer said or work, either.

Ms. Delgadillo said 1871 Grassy Knoll Court in Romeoville.

Chairman Pilmer said thank you. You heard the presentation from Staff. Is there anything you want to add?

Ms. Delgadillo said umm...no. Everything he said was pretty much what it...what we're planning to do.

Chairman Pilmer said alright, good. Good. Are there any questions of the Petitioner from the Commission?

Mr. Gonzales said I have a question for you. The operating hours, what are the operating hours through Friday and the weekends?

Ms. Delgadillo said they're from 11 to 10, and Fridays and Saturdays will be from 11 to 11.

Mr. Roberts said is that the same for the outdoor seating or is it gonna...

Ms. Delgadillo said yeah, it'll be the same for the outdoor seating.

Mr. Roberts said what's your timeline for wanting to get open?

Ms. Delgadillo said it's a long...it's pretty...(laughs)...we're hoping in 2 to 3 months. That's our goal.

Chairman Pilmer said anything else?

Mr. Gonzales said question for you, as well. The parking lot that's west of Taco Bell, is that an open parking lot or are there, like, cement partitions in between the 2 parking?

Ms. Delgadillo said it's opened.

Mr. Gonzales said it's open? So, you're able to flow through...

Ms. Delgadillo said right...

Mr. Gonzales said through Taco Bell up through your parking?

Ms. Delgadillo said right.

Mr. Broadwell said (off mic) no, it's...

Chairman Pilmer said no, I don't...I think that's closed. I think it's...

Mr. Gonzales said I think that...that's why I'm asking. I didn't really...

Mr. Broadwell said yeah, it is...it is closed. Right now, you can go through it, but we're going to...I think the...Martha, you were...

Ms. Delgadillo said at the present, yes, it's opened but we're...

Mr. Gonzales said oh, okay.

Mr. Broadwell said it's proposed to be closed off.

Mr. Gonzales said got it.

Chairman Pilmer said so ingress and egress is off of Lake Street or Indian Trail?

Mr. Broadwell said Lake Street and Indian Trail. Yeah, they're...well, we'll actually get to this in a little bit...

Chairman Pilmer said okay.

Mr. Broadwell said but, we...umm...we were looking through the recorded history of the property. We actually...I think there used to be, like, some sort of commercial building. Maybe some of...umm...people who have been around longer than I have might know. But there used to be a commercial building, I believe, on the empty existing parking lot. And so there was some history there where they had, I guess, shared movement through the property and it doesn't seem like it's necessary anymore. So, I think we'll...we're asking the Petitioner to work with Taco Bell to close it off.

Mr. Gonzales said thank you.

Ms. Delgadillo said thank you.

Chairman Pilmer said any other questions? Thank you.

Ms. Delgadillo said thank you.

Chairman Pilmer said this is a Public Hearing. If anyone in the audience would like to address the Commission regarding this case. Seeing that no one has come forward, I will close the Public Hearing and ask for Staff to read the Findings of Fact for this case.

Mr. Broadwell said okay. Yeah, so there's the Rezoning requires the Findings of Fact and then there's also for the Variance. So, I'll...should I just do both or...

Chairman Pilmer said just do the first one, and then we'll take a vote, and then work through the agenda items.

Mr. Broadwell said okay, thank you.

1) Staff feels the proposal is in accordance with the applicable and official physical development policies. Staff feels that, by consolidating the Subject Property and establishing the uniform B-3 zoning, the Petitioner is bringing the property into compliance with the Comprehensive Plan's Commercial land use designation of the adjacent properties along North Lake Street. The B-3 zoning is consistent with the Commercial land use designation. In addition, the Petitioner has gone to great lengths to prepare additional site plans and building drawings that detail how the Subject Property will not only re-activate a crucial and long dormant commercial property, but also preserve and respect the adjacent residential neighborhood to the west on Old Indian Trail.

2) Staff feels the proposal represents the logical establishment and consistent extension of the requested classification. With the exception of the R-1 zoned property that fronts on Old Indian Trail, and the existing single-family home in the rear, the Subject Property's legislative history has indicated it be utilized and re-developed for a Commercial use. Again, the B-3 zoning district is consistent with

the Comprehensive Plan's designation of the adjacent properties along North Lake Street as Commercial.

3) Staff feels the proposal is consistent with a desirable trend of development in the general area in question, as well as the City of Aurora's other related plans and policies.

4) Staff feels that, by rezoning the consolidated Subject Property to B-3 and thereby removing any existing legal nonconformities, the economic opportunities of the property are greatly expanded.

5) Staff feels the rezoning is a consistent extension of the existing land use, existing zoning classifications, and essential character of the general area.

Chairman Pilmer said thank you. Does Staff have a recommendation?

Mr. Broadwell said oh, yes. Staff would recommend Conditional Approval of the ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto rezone the property located at 1218 North Lake Street, from R-1, One Family Dwelling District and B-3, Business and Wholesale, to B-3, Business and Wholesale, with the following conditions:

1) That the Petitioner agree to work with the City of Aurora to provide permit drawings for the building's exterior that are consistent with the sample elevations provided with this Rezoning proposal.

2) That the location of the six (6) foot solid fence, which is indicated on the Site Plan, be revised to be placed on the western property line and be setback from the property line on Old Indian Trail a distance that it does not encroach the Front Yard of the adjacent residential property located at 333 Old Indian Trail. That distance is approximately 60 feet from the property line.

3) That the Petitioner work with the Owners of 1204 North Lake Street to reach a private agreement to remove the existing shared access between the two properties.

Chairman Pilmer said you've heard Staff's Recommendation with 3 conditions. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mrs. Martinez

MOTION SECONDED BY: Mr. Lee

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. Staff also read into the record the 5 Findings of Fact. Are there any additions or corrections? Hearing none, is there a motion to accept the Findings of Fact as read into the record?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Lee

MOTION SECONDED BY: Mrs. Martinez

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And if Staff will state where this case will next be heard.

Mr. Broadwell said this will next be heard at the Building, Zoning, Economic Development Committee, Wednesday, May 29th, City Hall Council Chambers, 4 pm.

Aye: 6 Chairperson Pilmer, At Large Lee, At Large Gonzales, At Large Pickens, At Large Roberts and At Large Martinez

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**Text of Legislative File 24-0313**