



# City of Aurora

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

## Legistar History Report

**File Number: 18-1078**

**File ID:** 18-1078

**Type:** Petition

**Status:** Draft

**Version:** 2

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 11/30/2018

**File Name:** Oscar Morales / 260 S. LaSalle Street / Downzoning

**Final Action:**

**Title:** An Ordinance Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by Rezoning the Property located at 260 South LaSalle Street from R-4, Two-Family Dwelling District to R-3, One Family-Dwelling District (Illinois Velocity Restoration, LLC - 18-1078 / AU27/1-18.008-DZ - SB - Ward 2) (PUBLIC HEARING)

**Notes:**

**Agenda Date:** 01/10/2019

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Legal Description - 2018-11-27 - 2018.008.pdf, Site Plan - 2018-11-30 - 2018.008.pdf, Floor Plan - 2018-11-30 - 2018.008.pdf, Elevations - 2018-11-30 - 2018.008.pdf, Land Use Petition and Supporting Documents - 2018-11-30 - 2018.008.pdf, Property Research Sheet - 2018-01-22 - 2018.008.pdf, Legistar History Report - 2018-12-18 - 2018.008.pdf, Findings of Fact - 2018-12-18 - 2018.008.pdf

**Enactment Number:**

**Planning Case #:** AU27/1-18.008-DZ

**Hearing Date:**

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

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	12/11/2018	referred to	Planning Council			
	<b>Action Text:</b>	This Petition was referred to to the Planning Council					
1	Planning Council	12/18/2018	Forwarded	Planning Commission	01/02/2019		Pass
	<b>Action Text:</b>	A motion was made by Mr. Broadwell, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 1/2/2019. The motion carried by voice vote.					
	<b>Notes:</b>	<i>Representative Present: Israel Lemus</i>					
		<i>My name is Israel Lemus. I'm with Illinois Velocity Restoration. I'm the contractor in charge of this</i>					

project.

Mr. Sieben said we've had a lot of discussions on this. We've had several DST meetings. The scope of the work has changed. Do you want to give us the latest and greatest where you guys are at with the project?

Mr. Lemus said where we are right now...

Mr. Sieben said well give a history of what happened to the house.

Mr. Lemus said the house caught on fire back in 2017.

Mr. Sieben said and this was a 2 unit.

Mr. Lemus said a 2 unit house, exactly. Since it was more than 50% damage, now we have to bring it up to codes. Now it requires to have only 1 single family because of the size of the lot.

Mr. Sieben said yes.

Mr. Lemus said so, of course, this meeting is for downzoning the property to R-3 technically. We are not going to be allowed to build a second unit as it was before, so we are trying to do it as a single family house.

Mr. Sieben said so I believe you are in for permit to remodel/repair as a single family. This is also an owner occupied home, so this will continue to stay an owner occupied home. It will just will not be that second smaller unit.

Mr. Lemus said exactly. We are just going to use it as one single family house, owner occupied. Right now the owner is in a temporary home paid by the insurance company. It was misleading or mismanaged by some other company. The time has come that the insurance company is pushing to have this project going in order for them to go back home.

Mr. Sieben said Steve Broadwell is the Planner. Steve will give you the dates.

Mr. Broadwell said we've been corresponding back and forth. I think we have everything we need. I'm going to make a motion to vote this out for the January 2nd Planning Commission. Mr. Minnella seconded the motion. The motion carried unanimously.

2	Planning Commission	01/02/2019	Forwarded	Planning & Development Committee	01/10/2019	Pass
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**Action Text:** A motion was made by Mrs. Anderson, seconded by Mr. Hull, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 1/10/2019. The motion carried.

**Notes:** Mrs. Vacek said the Petitioner is requesting to downzone the property at 260 S. LaSalle from R-4 Two Family Dwelling District to R-3 One Family Dwelling District. The subject is, again, located at 260 S. LaSalle Street. The lot area of the property is 5,663 square feet with a width of 33 feet. Therefore, the property is legal non-conforming. With that being said, there was a fire in the summer 2017. This was utilized as a 2 unit. The Petitioner is looking to downzone the structure to a single family as a result of that fire, so we are just now going through the process to downzone it to match what the use will be. The Petitioner is here, so if you have any questions, I would be happy to turn it over to him or if you have any question for me I can answer them.

The Petitioner was sworn in.

My name I Israel Lemus. I'm the President of Illinois Velocity Restoration and we are the contractor who is planning to do this construction and repairs on this house, as she already explained, because of a fire in 2017. I have no questions at all. I don't know if you have some questions for me.

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 rezoning the property located at 260 S. LaSalle Street from R-4 to R-3.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Hull

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Hull, Mr. Reynolds, Ms. Tidwell

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?

Mrs. Cole said these were 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?

Mr. Chambers said the traffic volume and pattern should not change and it should not have an adverse effect.

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. Cameron said those services are already in place.

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?

Mr. Chambers said there shouldn't be a change here.

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

Mrs. Cole said it is.

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

*Chairman Truax said I think downzoning is generally preferable in situations like this, so it is more suitable than uses permitted.*

*Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, January 10, 2019, at 4:00 p.m. on the fifth floor of this building.*

Aye: 9 At Large Cameron, At Large Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, Fox Valley Park District Representative Chambers, SD 131 Representative Hull and At Large Tidwell

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