



# City of Aurora

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

## Legistar History Report

**File Number: 15-00231**

**File ID:** 15-00231

**Type:** Ordinance

**Status:** ATS Review

**Version:** 3

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 03/18/2015

**File Name:** Trevino Properties, LLC - Rezoning and Special Use

**Final Action:**

**Title:** An Ordinance Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, by Rezoning Property from R-4 Two Family Dwelling to R-3(S) One Family Dwelling, and Establishing a Special Use Planned Development and Approving the Plan Description for 0.13 Acres located at 20 N. Chestnut Street, Aurora, Illinois 60506

**Notes:**

**Agenda Date:** 06/11/2015

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Legal Description.pdf, Exhibit "B" Plan Description 2015-04-21.pdf, Exhibit "C" Landscape Plan - 2015-03-12 - 2014.060.pdf, Property Research Sheet - 2015-08-20 - 2015.060.pdf, Land Use Petition and Supporting Documents - 2015-03-12 - 2014.060.pdf, Plat of Survey - 2015-03-12 - 2014.060.pdf, Legistar History Report - 2015-05-14 - 2014.060.pdf

**Enactment Number:**

**Planning Case #:** AU21/2-14.060-Rz/Su

**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	City Council	03/24/2015	referred to	DST Staff Council (Planning Council)	03/31/2015		
	<b>Action Text:</b> This Petition was referred to to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	03/31/2015					
	<b>Notes:</b> Mrs. Vacek said this is just a follow up to a petition that they actually had done a while back. We will just be taking this through the process.						
	<i>Mr. Sieben said this is a condition to the rezoning for 403 W. Galena. This is also owned by the Petitioner and there is some shared parking on this property.</i>						

- 1 DST Staff Council 04/07/2015  
(Planning Council)  
**Notes:** Mrs. Vacek said this is just a follow up to a condition that was placed on 403 W. Galena that they come in for a rezoning. They are going to rezone the property to R-3 with a Special Use. We are going to allow office uses in that building, along with single family. I wrote up the Plan Description. I will be looking at this and then setting the hearing for it.
- 1 DST Staff Council 04/14/2015  
(Planning Council)  
**Notes:** Mrs. Vacek said this is a follow up to an approval that was done for 403 W. Galena, so we'll be moving this one forward. I think this will go to the May 20th Planning Commission tentatively.
- 1 DST Staff Council 04/21/2015  
(Planning Council)  
**Notes:** Mrs. Vacek said I just did a little quickie Plan Description for this. This is going to Planning Commission on May 20th. I wanted it to go earlier, except I couldn't get their signs done, so it is going to be slated for May 20th.
- 1 DST Staff Council 04/28/2015  
(Planning Council)  
**Notes:** Mrs. Vacek said this is tentatively going to the May 20th Planning Commission. I'm just waiting to make sure that they get their notices done.
- 1 DST Staff Council 05/05/2015  
(Planning Council)  
**Notes:** Mr. Sieben said there was a little snafu with the notices, so this will go to the June 3rd Planning Commission meeting.
- 1 DST Staff Council 05/12/2015 Forwarded Planning 05/20/2015 Pass  
(Planning Council) Commission
- Action Text:** A motion was made by Mrs. Vacek, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 5/20/2015. The motion carried by voice vote.
- Notes:** Mrs. Vacek said this will go to the May 20th Planning Commission. I make a motion to move this forward. Mr. Minnella seconded the motion. The motion carried unanimously.
- 2 Planning Commission 06/03/2015 Forwarded Planning & 06/11/2015 Pass  
Development Committee
- Action Text:** A motion was made by Mrs. Cole, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 6/11/2015. The motion carried.
- Notes:** Mrs. Vacek said I just wanted to kind of go over a little bit of background with this petition. In 2013 the Petitioner actually concurrently applied for 2 petitions at that time. It was a Special Use Petition for 403 W. Galena Boulevard for a medical office and 20 N. Chestnut for a Rezoning from R-4 to O. Up on the screen on your right is the 20 N. Chestnut and to the left would be the 403 W. Galena Boulevard. The Planning Commission did review both of these petitions, as well as the Planning and Development Committee and they did recommend approval of both petitions. However, at the Committee of the Whole meeting, the petition for 20 N. Chestnut was actually returned back to Planning Commission. A condition was placed on the Special Use for 403 W. Galena stating that the Petitioner agree to submit and support a revised Rezoning Petition to R-3(S) for 20 N. Chestnut Street to allow non-residential parking and the flex single family/office uses prior to the Certificate of Occupancy for the medical office for 403 W. Galena. That happened in late 2013. The Special Use was approved in November 2013. Since then, the Petitioner has been working on the medical office. He was looking to get his Certificate of Occupancy, so he did apply for the rezoning for this particular property at 20 N. Chestnut to meet the condition that was placed on it at the City Council level. The Rezoning that is before us tonight will rezone the property to R-3(S) with a Special Use. The Plan Description will allow for the non-residential parking within the R-3 zoning, as well as the flex single family dwelling and office uses. In addition, as you can see up on the screen, the Petitioner is looking to do a hedge row of shrubs that will enclose kind of the actual house from the parking lot. With that, the Petitioner is here unless you have other questions for me.
- The Petitioner was sworn in.
- My name is Rick Trevino from Trevino Properties. My address is 3112 Hoffman Street, Plano, Illinois 60545. I don't have anything to add. Everything was laid out beautifully.
- The public input portion of the public hearing was opened. The witnesses were sworn in.

My name is Dan Miller. I'm at 209 N. View Street in Aurora. I'm also a Preservation Commissioner with Shanita, recently sworn in, and I was also asked up to head up the Tanner Committee of that Commission. I did pull a few people from the neighborhood together last evening to discuss this and see if people had any concerns about this zoning change, which is actually in a historic district, the Tanner Historic District. The things we talked about were the conditions for signage on the property, as this property is in a historic district. It was included in the Tanner District specifically as a buffer between the neighborhood and the commercial property on Galena. So the intention would be to leave it looking residential and toward that end, any signage thought would need to be something made of wood or a similar material or composite, something that looks like wood with external-like landscape lighting. Signage shouldn't be attached to the house or hanging in the windows or back lit like the plastic signs with the lights on the inside, which isn't really consistent with a historic district. I don't believe the Tanner District has an active signage regulation at this point, as there are neon lights hanging in windows of commercial properties that are actually in the district. So if there is some kind of ordinance covering that, it is not being enforced at this point. I see them going in. So this property needs something just to restrict that signage is appropriate and that the property still looks residential. Also toward the end of looking residential, if any ramps are required to be added to this home or to this structure because it is now a commercial office space, that they should be located like on the back or on the side of the property if possible and should not be on the front façade of the building, again just so it looks more or less like it originally did. And also as part of the agreement, it looks like there is some landscaping that will go in. Also, if there are any property improvements to the front steps, which are currently a hollow concrete type of thing, which if they were to be replaced in a historic district would then be replaced with something historically appropriate made of wood, probably with wooden spindles. That would be one example of an improvement that could be bundled with this so it would actually make the historic district better. As far as any outright opposition to making this a mixed use property, I didn't really hear that per se. One office on the first floor of this building isn't going to make Tanner a bad place to live. I didn't hear outright opposition to the plan per se, just concerns about what restrictions would be put on signage and ramps and what improvements could be made to the building as part of the package to make it look more like a contributing structure to the district. That's all I have for now.

Mr. Trevino said I understand the concern of the Tanner District and I appreciate a lot of the concerns. I don't have any objection to limiting any type of ramps or anything like that because I don't intend on doing any of the ramps or any signage on that house. That house was built in 1880 and I have no interest in turning it into an office at this time. I do object to improving it by putting in some wooden structure in the front. I believe he did mention some pillars or wood pillars or something to the effect of having to improve it and that I do object to. I've invested over \$500,000 in the upgrade of 403 W. Galena. Having to put any more money than what I already have put in with respect to the hedge rows, is going to be more of a financial burden upon me and Trevino Properties as we already have it. It's a small objection, but I don't believe I intend on doing too much more than what is required of me for this zoning.

Vice Chairman Cameron said if I understood the person that testified, you were saying if a change is made, like a change to the front of the building, then it would be necessary to do it in accordance with the guidelines of the historic district. In other words, if the stairs on the front, the steps, had to be replaced, then there would be a requirement due to the historic nature of the district to do that.

Mr. Trevino said I completely understand that. It is part of the historic district and if it needs to be done, it needs to be done. However, if it is something provisional right now that needs to be done before any of the zoning gets done, it is more of a burden. That's essentially what I'm objecting to.

Mr. Miller said I would agree with that. If changes were required to the front façade, it would come under the Historic Preservation Commission as I understand it. The other things we mentioned were essentially things that would affect the appearance of the front of the house, so just signage or ramps. So those were the concerns along with the Special Use which allows a commercial office.

Vice Chairman Cameron said I think he is saying basically don't junk it up.

Mr. Trevino said I withdraw my objection then.

Mrs. Cole said I have a comment. This building looks much improved over what it did in recent years.

Mr. Trevino said thank you.

The public input portion of the public hearing was closed.

Mrs. Vacek said staff would recommend conditional approval of the Ordinance amending Ordinance #3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto by rezoning the property from R-4 Two Family Dwelling to R-3(S) One Family Dwelling and establishing a Special Use Planned Development and approving the Plan Description on 0.13 acres located at 20 N. Chestnut with the following conditions:

1. That the property described in Exhibit A be developed in accordance with the Landscape Plan shown in Exhibit B.
2. That any landscaping installed that should die be replaced prior to the next planting season.
3. That the owner maintains the premises and structure at 20 N. Chestnut to be attractive and stable to ensure that the property is preserved in keeping with the standards found in the City of Aurora Historic Districts and Landmarks Guidelines book.
4. That a recorded parking agreement between 20 N. Chestnut and 403 W. Galena Boulevard shall be submitted to the city with commitment of a minimum of 6 parking spaces to be used by the owner of 403 W. Galena Boulevard and shall have no end date.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Bergeron, Mrs. Cole, Mr. Divine, Mr. Engen, Mrs. Hoffman, Mr. Pilmer, Mr. Reynolds

NAYS: None

#### FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Hoffman said no. It conforms to the area.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mrs. Hoffman said it complies with all of the requirements.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said this Special Use represents the highest and best use of the property, so it won't diminish or impair property values.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this should not impede the development of other structures in that area because it is actually being fixed up so it does look better to comply with the area that it is in. It will definitely be an improvement.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided as shown as being proposed on the site plan for the proposed Special Use?

Mr. Engen said all of that is in place.

6. What effect will the proposed Special Use have on traffic or general area? Has ingress and egress been designed to minimize congestion in the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)

Mrs. Cole said this should have no effect on traffic. There are multiple parking places if you drive down the alley between the Chestnut property and the Galena property through that alleyway and the back yards through there are almost all parking.

7. Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations and modified pursuant to the Plan Commission recommendations?

Mr. Engen said this request does conform to all of the applicable regulations that have been set forth.

Mrs. Vacek said this will next be heard at the Planning and Development Committee meeting on Thursday, June 11, 2015, at 4:00 p.m. on the 5th floor of this building.

Aye: 8 At Large Bergeron, At Large Cole, Fox Valley Park District Representative Hoffman, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Divine and At Large Engen

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