



## Legislation Details (With Text)

**File #:** 23-0636      **Version:** 2      **Name:** JH Real Estate Partners/110 Cross Street/CUPD  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/9/2023      **In control:** City Council  
**On agenda:** 9/12/2023      **Final action:** 9/12/2023  
**Title:** An Ordinance Establishing a Conditional Use Planned Development, Approving the 110 Cross Street Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of DF Downtown Fringe District for the property located at 110 Cross Street and 213 S. River Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit "A" Legal Description - 2023-08-09 - 2023.343, 2. Exhibit "B" - Plan Description - 2023-08-09 - 2023.343, 3. Land Use Petition and Supporting Documents - 2023-07-07 - 2023.343, 4. Location Map -2023-08-09 - 2023.343, 5. Staff Report - 2023-08-10 - 2023.343

Date	Ver.	Action By	Action	Result
9/12/2023	3	City Council	adopted	Pass
9/5/2023	3	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
8/23/2023	2	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
8/16/2023	1	Planning and Zoning Commission	Forwarded	Pass

**TO:** Mayor Richard C. Irvin

**FROM:** Planning and Zoning Commission

**DATE:** August 17, 2023

**SUBJECT:**

An Ordinance Establishing a Conditional Use Planned Development, Approving the 110 Cross Street Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of DF Downtown Fringe District for the property located at 110 Cross Street and 213 S. River Street (JH Real Estate Partners, LLC - 23-0636 / AU21/4-23.343 - CUPD/Fpn - JM - Ward 4) (PUBLIC HEARING)

**PURPOSE:**

The Petitioner JH Real Estate Partners, LLC is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from M-1 Manufacturing - Limited District to DF Downtown Fringe District on the property located at 110 Cross Street and 213 S. River Street which includes a Plan Description to allow 110 Cross Street to be adaptively reused for a brewery on the first floor with residential apartments above.

**BACKGROUND:**

The Subject Property is currently vacant with M-1 Manufacturing - Limited zoning. The Petitioner is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from M-1 Manufacturing - Limited District to DF Downtown Fringe. The details of the request include changing the zoning to DF Downtown Fringe, which would allow apartments above the first-story, and a Plan Description to allow the brewery on the first floor of 110 Cross Street and retain the coffee roasting business at 213 S. River Street. The Plan Description also provides other variances to address the unique nature of rehabbing historic buildings, such as parking.

Concurrently with this proposal, the Petitioner is requesting approval of a Final Plan for 110 Cross Street for a Restaurant/Food and Beverage Services (2500) Use and Multi-Family Dwelling (1140) Use. The details of the request include a Final Plan for an approximate 46-seat brewery with 56 seats in an outdoor patio and 15 apartments above. The site will be improved with a fenced outdoor patio area on the east elevation, a new exterior staircase on the east elevation, new seeded area all along Cross Street, and a ramp in the rear for accessibility. The site will be accessed from a curb cut on Cross Street and River Street and will include a new parking lot with 13 spaces. The second building on the site, 213 S. River Street, will remain in its current use and configuration.

The building is a contributing resource to the Middle Avenue National Register Historic District. As the developer is pursuing Historic Preservation Tax Credits, the main façade had to remain mostly unchanged and the changes to the elevations still had to retain the historic character of the industrial building.

## **DISCUSSION:**

Staff has reviewed the Conditional Use Ordinance - Planned Development petition and have sent comments back to the petitioner on those submittals. The petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances.

The rezoning is consistent with the City's efforts to expand the Downtown Fringe zoning south of the current boundaries to include the Middle Avenue Historic District when those sites redevelop. The variances requested are addressing the unique circumstances of adaptively reusing an existing historic building and site for new uses and is consistent with other similar requests.

Staff has the following comments regarding the Findings of Facts:

### **Conditional Use:**

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the development will reuse a building that has historic significance to the community and reuse a building that has sat vacant for several years for a new brewery and rental housing, providing for diverse housing types to accommodate the needs of Aurora's population.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as it will prevent the property from sitting vacant and becoming a blighted property. There are 13 off-street parking spaces being provided. While not adhering to the typical two spaces per unit, these apartments are smaller units and are near the downtown where there is access to transit. In addition, there is on-street parking and parking on the adjacent city lot for the commercial use.
3. The development will not impede the normal and orderly development and improvement of

surrounding properties as it will bring diversity and vitality to the neighborhood by complementing the existing mix of commercial and residential properties.

4. There is currently adequate water and sewer capacity to serve the project.

5. The project does provide adequate ingress/egress. The current curb cut on Cross Street will be moved slightly west to be further from the intersection and a second access point on River Street will allow easy movement through the site.

6. The Conditional Use in all other respects conforms to the applicable regulations of the DF Downtown Fringe.

### Rezoning

1. Staff has noted below the physical development policies that the proposal meets.

2. The proposal does represent the logical establishment of the requested classification in considering the existing area as it is consistent with the City's efforts to expand the Downtown Fringe zoning south of the current boundaries when these areas redevelop.

3. The proposal is consistent with a desirable trend of development in the area as it continues the trend of residential development moving south from the current downtown, provides additional housing options in the area, and reuses a vacant historic building.

4. The rezoning will allow uses that are more suitable than the existing zoning classification as it will allow mixed use development adjacent to other mixed-use development.

5. The rezoning is consistent with the existing area as it continues the trend of mixed-use development adjacent to our downtown and within our historic Middle Avenue district.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has received public inquiries requesting additional information on this petition.

### **POLICIES AND GUIDELINES:**

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

11.1 (5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.

11.1 (3) To encourage new development contiguous to existing development.

12.0 To plan and provide for the growth of the city through the integration of land use patterns and functions that promotes complementary interactions between different land use components.

14.1 (3) To protect, preserve and restore the historical and architectural heritage of the City.

20.0 To insure the provision of decent housing and a quality living environment for every resident of Aurora

23.1 (7) To encourage that adaptive reuse of commercial and industrial structures to housing where such conversions are economically feasible, supportive of revitalization efforts, and consistent with the land use plan.

### **RECOMMENDATIONS:**

The Planning and Zoning Commission recommended CONDITIONAL APPROVAL of the An Ordinance Establishing a Conditional Use Planned Development, Approving the 110 Cross Street

Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of DF Downtown Fringe District for the property located at 110 Cross Street and 213 S. River Street with the following condition:

1. That upon termination of the current lease, the billboard on the property will be removed.

**ATTACHMENTS:**

**EXHIBITS:**

Exhibit A - Legal Description

Exhibit B - Plan Description

Land Use Petition with Supporting Documents

Map

Legistar Number: 23-0636

cc:

Alderwoman Patty Smith, Chairperson

Alderwoman Shweta Baid, Vice Chairperson

Alderman Michael B. Saville

Alderman Bill Donnell

Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_

DATE OF PASSAGE \_\_\_\_\_

An Ordinance Establishing a Conditional Use Planned Development, Approving the 110 Cross Street Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of DF Downtown Fringe District for the property located at 110 Cross Street and 213 S. River Street

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, JH River & Cross LLC - JH Real Estate Partners LLC, is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated July 7, 2023, JH Real Estate Partners, LLC filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from M-1 Manufacturing - Limited District to DF Downtown Fringe District on the property located at 110 Cross Street and 213 S. River Street in the form of Exhibit "B" attached hereto, and have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on August 16, 2023, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on August 23, 2023, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and  
WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: In accordance with Section 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article V of Chapter 34 of the Code of Ordinances, City of Aurora a Conditional Use permit is hereby granted for a Planned Development for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said conditional use.

Section Seven: That the Plan Description in the form of Exhibit "B" attached hereto and included herein by reference as if fully set forth and incorporated in and made a part of this Ordinance is hereby approved with the following condition:

1. That upon termination of the current lease, the billboard on the property will be removed.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the conditional use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Article V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto be, and the same are, hereby amended to rezone the real estate property described in Exhibit "A", from M-1 Manufacturing - Limited District to DF(C) Downtown Fringe District with a Conditional Use District. Upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of DF Downtown Fringe District shall be in full force and effect.

Section Eleven: That this Planned Development shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.