



Legislation Text

File #: 23-0891, **Version:** 2

TO: Mayor Richard C. Irvin
FROM: Planning and Zoning Commission
DATE: December 7, 2023

SUBJECT:

An Ordinance Amending Chapter 49 of the Code of Ordinances, City of Aurora, by Modifying the Zoning Map attached thereto to Rezone Property located at 316 South LaSalle Street, from R-4, Two Family Dwelling District, to R-3, One Family Dwelling District (James Larson - 23-0891 / AU27/1-23.459-RZ - SB - WARD 4)

PURPOSE:

The Petitioner, James Larson, is requesting downzone the property at 316 South LaSalle Street from R-4, Two Family Dwelling District to R-3, One Family Dwelling District. which includes converting the property from a Multi-Family Dwelling (1140) use to a One Family Dwelling (1110) use.

BACKGROUND:

The Subject Property is zoned R-4, Two-Family Dwelling District. The structure currently has four (4) dwelling units. The structure is a Multi-Family (1140) use, which is legally non-conforming in the R-4 zoning district. The Comprehensive Plan designates the Subject Property as Low Density Residential. Per O78-4739, the South Broadway Area Neighborhood, which is a generally residential area, and which includes the Subject Property, was downzoned from a majority R-5, Multiple-Family Dwelling zoning, to its current mix of R-3, and R-4 zoning.

The Petitioner, James Larson, is requesting to downzone the property at 316 S. LaSalle St from its current R-4, Two Family Dwelling District to R-3, One Family Dwelling District. The current Multiple-Family Dwelling (1140) use is not permitted in the R-4 zoning district and is considered non-conforming. As part of this downzoning approval process, the structure is to be converted to a One Family Dwelling (1110) use, which is permitted in the R-3 zoning district.

DISCUSSION:

Staff has reviewed the Downzoning ordinance 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.

PUBLIC HEARING:

Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has received one (1) public inquiry regarding the nature of this petition.

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?

Staff feels that the proposal to downzone this multi-family dwelling to single-family dwelling is consistent with the Comprehensive Plan's designation of the Subject Property as Low Density Residential. Staff also feels that the single-family dwelling use is consistent with the nature of the neighborhood's built character as one or two family dwellings.

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?

By downzoning the Subject Property from R-4 to R-3, the structure is required to be converted from its existing, non-conforming multi-family use to a single-family use, which is a permitted use by right. With this in mind, Staff feels the proposal to downzone the property to the R-3 zoning district represents a logical and consistent extension of the existing land uses, existing zoning classifications, and general area of the property in question.

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?

Staff feels the proposal is consistent with the general character of the surrounding neighborhood's built environment as that of single-family and two-family residential dwellings. The single-family dwelling is also consistent with the Comprehensive Plan's designation of the Subject Property, as well as the surrounding neighborhood, as Low Density Residential.

4) Will the rezoning allows uses which are more suitable than uses permitted under the existing zoning classification?

Staff feels the rezoning allows for a single-family use, which is permitted and is a more suitable use in the R-3 zoning district than the existing multi-family use, which is not permitted in the current R-4 zoning district.

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

Staff feels the rezoning is a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area. The R-3 zoning is consistent with the Comprehensive Plan's designation of the Subject Property as Low Density Residential, as is converting the structure to a single-family use, which is permitted. The single-family use is also consistent with the surrounding neighborhood as generally built for single-family and two-family residential structures.

POLICIES AND GUIDELINES:

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

Policies:

- 14.1 (2): To promote the preservation and revitalization of older residential neighborhoods and commercial areas within the City of Aurora.
- 22.1 (1): To achieve appropriate zoning protection for residential areas designated in the land use plan.
- 22.1 (5): To recognize the unique characteristics individual neighborhoods and promote their positive attributes.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the Zoning map attached thereto to rezone property located at 316 South LaSalle Street, from R-4, Two Family Dwelling District, to R-3, One Family Dwelling District.

ATTACHMENTS:

- Exhibit "A" Legal Description
- Land Use Petition with Supporting Documents
- Property Parcel Maps
- Legistar History Report

Legistar Number 23-0891

- cc: Building, Zoning, and Economic Development Committee:
Alderman Patricia Smith, Chairperson
Alderman Shweta Baid, Vice Chairperson
Alderman Michael B. Saville
Alderman William "Bill" Donnell
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____

DATE OF PASSAGE _____

An Ordinance Amending Chapter 49 of the Code of Ordinances, City of Aurora, by Modifying the Zoning Map attached thereto to Rezone Property located at 316 South LaSalle Street, from R-4, Two Family Dwelling District, to R-3, One Family Dwelling District

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, Larson, Rudolph G Revoc Liv Tr, 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 October 30, 2023, James Larson filed with the City of Aurora a petition requesting to downzone the property at 316 South LaSalle Street from R-4, Two Family Dwelling District to R-3, One Family Dwelling District; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on Wednesday, December 6, 2023, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on December 13, 2023, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended 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 Rezoning 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: 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 R-4, Two Family Dwelling District to R-3, One Family Dwelling District.