



Legislation Text

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File #: 24-0313, Version: 2

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**TO:** Mayor Richard C. Irvin  
**FROM:** Planning and Zoning Commission  
**DATE:** May 23, 2024

**SUBJECT:**

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. (Mariscos El Vallartizo 4, Inc - 24-0313 / AU15/1-24.175-RZ/FSD - SB - Ward 6)

**PURPOSE:**

The Petitioner, Mariscos El Vallartizo 4, Inc., is requesting to rezone the property at 1218 N. Lake St. from a mixture of R-1, One Family Dwelling District and B-3, Business Wholesale to a singular B-3 zoning district that applies to the entire consolidated lot.

**BACKGROUND:**

The Subject Property is located at the southwest corner of N Lake St and W Indian Trail, and is approximately one and a half (1.5) acres. The Subject Property fronts on N Lake St to the east, W Indian Trail, and Old Indian Trail to the south. The Subject Property consists of four (4) separate parcels: three (3) of the parcels are currently zoned B-3, Business and Wholesale, while the southwestern most parcel is zoned R-1, One-Family Dwelling District. The existing commercial building, which is located along the W Indian Trail and N Lake St frontages is approximately twelve thousand (12,000) square feet. The existing commercial building is surrounded by parking to the north and east along N Lake St. There is an existing residential structure, which is located at 1216 N Lake St, to the south of the commercial structure, and which is in the permitting process to be demolished.

The Petitioner, Mariscos El Vallartizo 4, Inc., is requesting to rezone the property from the various parcels, which consist of the R-1 zoning district and the B-3 zoning district, into a consolidated lot of solely B-3 zoning. The intent of the rezoning proposal is to allow for the Subject Property to be re-activated as a restaurant in the commercial building, with seventy-seven (77) parking spaces and landscaping across the entire property. The Petitioner is proposing to use approximately eight thousand (8,000) square feet of the building for the restaurant, with the remaining area being maintained as accessory storage and utilities for the same restaurant.

Concurrently with this proposal, the Petitioner is requesting to consolidate the Subject Property's four (4) separate parcels into a single lot subdivision, the Delgadillo Subdivision. The subdivision will be approximately one and a half (1.5) acres. The Petitioner is requesting a fifteen (15) foot wide City Easement be dedicated through the middle of the Subject Property to allow for continued

maintenance of the sanitary line that runs through the property.

Concurrently with this proposal, the Petitioner is requesting approval of a Major Variance on the Subject Property to reduce the following minimum B-3 setbacks as follows: reduction of the Interior setback, where adjacent to the R-1 zoned 333 Old Indian Tr, from twenty (20) feet to ten (10) feet; reduction of the Interior setback, where adjacent to the R-1 zoned portion of 1204 N Lake St, from twenty feet to ten feet; reduction of the Exterior Rear setback on Old Indian Tr from fifteen (15) feet to ten feet; reduction of the Front and Exterior Side setbacks for Arterial Streets on W Indian Tr and N Lake St, respectively, where the existing parking lot is located, from thirty (30) feet to zero (0) feet; and, reduction of the Interior Rear setback to the southwest of the commercial building, where adjacent to the R-1 zoned 333 Old Indian Tr, from twenty feet to one (1) foot.

### **DISCUSSION:**

Staff has reviewed the Rezoning 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, with the exception of the conditions listed below.

The Petitioner has provided a site plan, landscape plan, and building elevations that supplement the Rezoning, Final Plat, and Major Variance requests. In addition to outlining compliance with the applicable zoning standards, these documents also display the efforts the Petitioner has taken to redevelop the Subject Property and re-activate this long dormant corner of a major intersection in Aurora. To this point, the Petitioner has provided drawings that outline changes to the building's exterior.

The Site Plan indicates adequate on-site parking, as well as new outdoor seating along the N Lake St frontage, as well as the flow of the expanded parking lot through the Subject Property. The two existing access points onto W Indian Tr and N Lake St are being maintained, with no new access being added elsewhere on the property.

Finally, the Landscape Plan indicates adequate plantings throughout the Subject Property that enliven the entire Subject Property, while also provide screening to the adjacent residential property to the west, as well as along the Old Indian Tr frontage. The Engineering Department's review also shows the Petitioner is proposing Best Management Practices (BMPs) within the western parking lot island in the form of a rain garden, which will mitigate detention.

### **PUBLIC INPUT:**

Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has received an inquiry requesting more information regarding the nature of the proposal.

### **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 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 N Lake St. 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) 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 characteristics of the general area of the property in question?

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 the N Lake St frontage as Commercial.

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

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

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 use, existing zoning classifications, and essential character of the general area.

#### **POLICIES AND GUIDELINES:**

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

- 14.1 (4): To encourage quality site design throughout the City of Aurora.
- 22.1 (5): To recognize the unique characteristics of individual neighborhoods and promote their positive attributes.
- 32.1 (3): To minimize the adverse effects of commercial activity on neighboring development, particularly residential and open space areas through the provision of buffering land uses and/or screening.

**RECOMMENDATIONS:**

The Planning and Zoning Commission recommended **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.
- 3) That the Petitioner work with the Owners of 1204 N Lake St to reach a private agreement to remove the existing shared access between the two properties.

**ATTACHMENTS:**

- Exhibit "A" - Legal Description
- Land Use Petition Form and Supporting Documents
- Qualifying Statement
- Site / Landscape Plan
- Building and Floor Plans
- Parcel and Zoning Maps

cc: Building, Zoning, and Economic Development Committee:  
Chairperson Patty Smith  
Vice Chair Shweta Baid  
Alderman Carl Franco  
Alderman Mike Saville  
Alderman Bill Donnell



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 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 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, Delgadillo Enterprises LLC, C/o Delgadillo, Martha, 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 Thursday, April 11, 2024, Mariscos El Vallartizo 4, Inc filed with the City of Aurora a petition, "Requesting to rezone the property at 1218 North Lake Street, from R-1, One Family Dwelling District and B-3, Business and Wholesale; to B-3, Business and Wholesale"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on Wednesday, May 22, 2024, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on May 29, 2024, 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 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-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.

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