



Legislation Text

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File #: 23-0613, Version: 2

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**TO:** Mayor Richard C. Irvin

**FROM:** Planning & Zoning Commission

**DATE:** September 22, 2023

**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 55 Jackson Street from B-2 Business District - General Retail to R-4 Two Family Dwelling District (My Three Colors Construction - 23-0613 / AU27/2-23.296 - Rz/V - JS - Ward 2)

**PURPOSE:**

The Petitioner, My Three Colors Construction is Requesting to rezone the property at 55 Jackson Street from B-2 Business District - General Retail to R-4 Two Family Dwelling District

**BACKGROUND:**

The Subject Property is currently zoned B-2 Business District, General Retail. The property is currently built as a two-unit dwelling. Additional information on the property can be found on the attached property maps.

The Petitioner is requesting to rezone from B-2 Business District - General Retail to R-4 Two Family Dwelling District. The property suffered a fire in November 2021, damaging the structure by over 50% of its replacement value. As this is a legally nonconforming use, the two-unit use would typically not be allowed to be rebuilt. A rezone to R-4 Two Family Dwelling District would permit the use by right.

Concurrently with this proposal, the Petitioner is requesting approval of a Major Variance to decrease the required setbacks for the primary structure. The petitioner is looking to decrease the side setback requirement from eight feet to five feet. An addition is being planned for the rear of the home as a part of the rebuilding taking place. The proposed addition would allow for better access to the apartments, along with reworks to the existing floorplans. The home existing home does not run perfectly parallel to the lot, and therefore will need a variance to be expanded any further.

**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.

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.

Staff would like to briefly discuss the findings of fact as is required for rezoning petitions:

1. The proposal is in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora, with the exception of the items being varied in the Major Variance.
2. The proposal represents 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. The neighborhood is zoned a combination of R-2, R-3, and R-4.
3. The proposal is 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.
4. The rezoning will allow uses which are more suitable than uses permitted under the existing zoning classification. The property has operated as a two unit building for some time and this zoning designation will be more appropriate for that use.
5. The rezoning is a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area. The neighborhood is zoned a combination of R-2, R-3, and R-4.

**POLICIES AND GUIDELINES:**

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

- 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.
- 12.1 (5) To encourage a graduation from high density residential areas to low density residential areas.
- 12.1 (6) To promote the buffering of low density residential areas from high intensity uses with higher density residential when appropriate.

**RECOMMENDATIONS:**

The Planning & 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 the property located at 55 Jackson Street from B-2 Business District - General Retail to R-4 Two Family Dwelling District

**ATTACHMENTS:**

Land Use Petition with Supporting Documents  
Property Maps

cc: Building, Zoning, and Economic Development Committee:

Alderswoman Patricia Smith, Chairperson  
Alderswoman 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 the property located at 55 Jackson Street from B-2 Business District - General Retail to R-4 Two 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, Mireya Garcia Ribera, 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 Monday, May 22, 2023, My Three Colors Construction filed with the City of Aurora a petition Requesting to rezone the property at 55 Jackson Street from B-2 Business District - General Retail to R-4 Two Family Dwelling District; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on Wednesday, September 20, 2023, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on September 27, 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 B-2 Business District - General Retail to R-4 Two Family Dwelling District.