



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
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Legistar History Report

File Number: 21-0663

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**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 08/19/2021

File Name: DAC Developments / 100 N. Broadway / Conditional
Use Planned Development

Final Action:

Title: An Ordinance Establishing a Conditional Use Planned Development, Approving the DAC Developments 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 100 N. Broadway (DAC Developments - 21-0663 / AU22/3-21.241-CUPD/Ppn/Psd - TV - Ward 1) (PUBLIC HEARING)

Notes:

Agenda Date: 11/10/2021

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2021-10-28, Exhibit "B" Plan Description - 2021-10-28 - 2021.241, Land Use Petition and Supporting Documents - 2021-08-18 - 2021.241, Warranty Deed - 2021-08-18 - 2021.241, Plat of Survey - 2021-10-06 - 2021.241, PZC Presentation - 2021-11-01

Enactment Number:

Planning Case #: AU22/3-21.241-CUPD/Ppn/Psd

Hearing Date:

Drafter: vacdkt@aurora.il.us

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning and Zoning Commission	11/03/2021	Forwarded	Building, Zoning, and Economic Development Committee	11/10/2021		Pass
Action Text: A motion was made by Mr. Choudhury, seconded by Mr. Kahn, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 11/10/2021. The motion carried.							

Notes: See Attachment for Items 21-0663 and 21-0664.

Aye: 5 Fox Valley Park District Representative Chambers, At Large Gonzales, At
Large Owusu-Safo, At Large Choudhury and At Large Kahn

Attachment for Items 21-0663 and 21-0664:

21-0663 An Ordinance establishing a Conditional Use Planned Development, approving the DAV Developments 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 100 N. Broadway (DAC Developments – 21-0663 / AU22/3-21.241-CUPD/Ppn/Psd – TV – Ward 1) (PUBLIC HEARING)

Mrs. Vacek said the subject property is currently a parking lot owned and operated by the Dolan family with General Manufacturing District with a Conditional Use zoning. This area has long been envisioned for high quality residential housing. Our Seize the Future master plan identifies this area along the Fox River being a neighborhood that residents enjoy easy access to the first class commuter facility and exciting live performances at the new accessible park, now which is the RiverEdge Park. In July of this year, the City Council approved the Redevelopment Agreement with DAC Developments for the construction of a new market rate 246 unit multi-story residential building. So what is before you tonight is the request to establish the Conditional Use Planned Development and to change the underlying zoning district to DF Downtown Fringe District. The details of the request include the approval of the Plan Description with variances from our Zoning Ordinance and our Building Code. The Zoning Ordinance variances includes the modification to allow residential and accessory uses on all floors within the building and modifications to the building, dwelling and structure standards to reduce the number of individual balconies, decks, or patios to a minimum of 45% of the units. Also to reduce the amount of brick required on the parking facility, and a modification to the off-street parking and loading standards to reduce the parking requirement to 1.26 spaces per dwelling unit. There are also some building code variances, including the modification to reduce the isolation requirements and to reduce the percentage of masonry on the exterior building to 43%. There is also language in the Plan Description that establishes floor area requirements for dwelling units, minimum setbacks, and requires a parking management plan. Along with this proposal, the Petitioner is requesting approval of a Preliminary Plan and Plat. The Preliminary Plat request is just to combine the 3 lots into 1 parcel to allow the construction of the building. The Preliminary Plan proposal includes that construction of a new market rate multi-story residential building. The proposed building consists of 5 stories with a total of 246 units. The units will be a combination of studios, 1 bedroom, 2 bedrooms and 3 bedrooms ranging from 405 square feet to 1,200 square feet. There's a total of 310 parking spaces, which is located in the parking garage and 4 surface spaces by the main entrance for short-term and long-term loading. One of those parking spaces will be reserved for residential units. The remaining .26 will be reserved for guest parking. I will turn it over to the Petitioner unless you have any questions for me.

The Petitioners were sworn in.

My name is Daniel Rezko. I'm with DAC Developments. Our address is 640 N. LaSalle, Suite 605, Chicago, Illinois 60654.

I'm Adam Lavey with Pappageorge Haymes, the project Architect. Our address is 640 N. LaSalle, Suite 400, Chicago, Illinois 60654.

Mr. Rezko said that you for inviting us this evening. We're excited to be here, as we always are, presenting our project. This is 100 N. Broadway, as Tracey mentioned. It is currently a parking lot owned by the Dolan family. Our firm is DAC Developments and we travel in packs. We bring our

architect, our contractor, project manager and project engineer with us when we come up here, so happy to answer any questions you all have. We're a Chicago company and we specialize in transforming downtowns by bringing class A new highly amenitized rentals. We've done this successfully in the Village of Wheeling as part of their downtown transformation. We are currently doing this successfully in the City of Des Plaines and we look forward to bringing our vision to the City of Aurora. Of course, each project is unique. Each city and suburb is unique and we're blessed to have this opportunity because we have the river and we have a city that's very supportive of and wants to see this come through. I'm going to stop talking and I'm going to hand it over to Adam, our Architect, who will walk through the plan. We're available to answer any questions at the end.

Mr. Lavey said thank you for the opportunity to present to you. It's a great project and a very unique opportunity to mix both a downtown environment with the river. As a part of taking advantage of that, we're trying to create a connection between that downtown and the river and how this building will actually live. We've taken basically a residential building, a very dense residential building, oriented it toward the river and we are really favoring the river and creating opportunities that interact with the river. Even though we have an urban site that fronts Broadway, we're trying to take people from Broadway to the river through the architecture. What you see on his main image is within that courtyard of the building, we are connecting directly to the river. Most courtyard buildings don't have an open side. This has an open side that really opens to the river. We are connecting Broadway, and you'll see this in the plan and some of the renderings of the front side. A very transparent Broadway façade that would allow you to see, sense and feel the river from the street façade. Compositionally, you can see the interaction of the RiverEdge Park and the building, which is close to the center top, which would have a roof deck looking toward RiverEdge Park and creating a sense of community for the occupants of the building. You can also see the courtyard and then the interaction of the building, which is sighted very closely to the river. A street façade, this is an older image, but as Tracey mentioned, there'll be a motor court off of this corner, one of the changes from a massing standpoint, but it will give you a protected entry. It will also give you a place for short-term deliveries and long-term space so that your drop-off, if somebody comes via Uber or even a pedestrian, is walking to a covered entry rather than something that is walking the street to a sheer façade of a building. Then the interaction of the building, this would be looking roughly from where the Casino is at looking north upriver and the interaction of how we're landing the building kind of gently on the river side. The presence of the residential units is elevated above the river. This is a view looking north of the street façade. The parking garage is to the left. There is ongoing consideration of what the parking garage will ultimately look like. There is much more masonry introduced on the latest imagery. On the left, you'll see kind of some character images on how we think that we can interact with the public spaces that are between the building and the river itself and also the amenities, so very natural interaction between the river and the building. The image on the right shows the connection of vehicles, pedestrians and bikes, which the city has done a pretty nice job for a downtown area being able to get in and out of the city on a bicycle, which is very important for people in the rental market. We'll describe a little more about how we plan to deal with that within the building itself. Here are some character images of some garage cladding to introduce a more honest appearance of the garage, but still make it very edgy and sharp for the limited amount of façade within the building. This is a first floor plan. What I was talking about previously, that light blue area in the front, would be a very transparent part of the building, so if you are standing on the sidewalk on Broadway, you're literally looking at the river through the building and through the courtyard. The area that's represented by that large X is really about a 2½ story aperture from the courtyard looking at the river, so you'll get this wide expanse as you are looking out to the river and really get a sense of the river from within the complex and also the connection from the street façade. On the left you see the parking garage, which is laminated on 3 sides with residential.

There is also a pool in the middle. This is strictly a residential development. So what we've labeled as a coffee shop really is a coffee shop that's an amenity for the tenants rather than a market, a Starbucks, or something like that. We'd envision incorporating things like your package delivery to a lounge, so if you are waiting for something, you're not kind of waiting in the hallway for the delivery of that package or waiting on those terms. As Tracey mentioned, there are some residential units on the street level, but they are tucked in behind the building, so nothing on Broadway would be a residential use on that right-of-way. This is essentially the river level, which will be raised up a little bit from that river level. That does have some units that ground themselves toward the river, but they are elevated up 4 to 5 feet so they're not really on that grade level. They create a little bit of the separation, a little bit more sense of security for those units and they are treated more like a townhouse than they are a unit that you primarily access from a corridor. You're really accessing that unit more like a townhouse. The light blue area on the right corner is kind of like a bike lounge, so it connects to the bike path. It will be a bike shop, that kind of stuff. The grey area that's really a part of this plan is a terraced kind of Spanish steps down from the courtyard to the river. That helps break the aperture that I talked about earlier. Then a typical floor plan is a full courtyard building as you go up through floors 2-5. The parking garage really lands in each floor. Your connection to your parking spaces, your dedicated parking spaces, are on the floor that you live. You really have kind of an attached parking garage, or a garage that you walk to you on your own level, trash shoots and things like that that are a part of day to day life happen on the way to the parking garage and those kind of things. It is a natural progression, or processional, either coming to your unit or leaving your unit. Some sample floor plans. In all cases, we are creating kind of a space. People are referring to them as COVID spaces these days, with built in desks and those kind of things that make it easy to throw a laptop down, work for a day at home and that kind of stuff. In this particular plan, you are seeing a 1 bedroom and then a standard studio unit that is well amenitized and shows separate sleeping spaces from living spaces, a fully amenitized kitchen, washer and dryers. Then a standard 1 bedroom that has a balcony. So these would be all of the outward facing balconies. As Tracey mentioned, 43% of the units have an outward facing balcony. There are no balconies facing into the courtyard. All the balconies are 1 bedrooms, 2 bedrooms facing outward, so every unit facing outward of the building will have a balcony that is more than a 1 bedroom unit. A sample 2 bedroom unit, a split 2 bedroom is what we envision. All of these have balconies. It minimizes the circulation space within the units, so you are taking all that square footage, not putting it in the hallways, you are actually utilizing that for living space within the units. Here is a sample, again, of a 2 bedroom corner unit with slightly larger balconies. This is the smallest unit that we envision. This is a sample plan of a 405 square foot studio space that has really a separate functional area for your bathroom, kitchen and then a pretty nice living and sleeping space all incorporated into about 405 square feet. These are the duplex type townhouse units that are closer to the river level, so you have a living level and then a 3 bedroom second floor. These actually may invert. We may put the living space above the sleeping spaces depending on how we work out the garage interaction because we're thinking that potentially these could be private garages off of the basement level into these units. This is the Wheeling project that Danny had mentioned and DAC has developed, some images of that, and then some sample of images of the depth of what Pappageorge Haymes has been doing for 40 years. High rise projects here and then mid-rise projects that are more apropos to the project that we are developing presently. We are happy to answer any questions, but delighted to be here.

Mr. Chambers said I have a question. For the parking garage, is that going to be just limited to the residents of those units or potentially open to the public for a fee?

Mr. Lavey said it will not be open to the public, but there are guest parking spaces available, so you would have to have a guest pass essentially to park in the garage.

Mr. Chambers said and if someone would be renting say a 2 or 3 bedroom, how many parking spaces would they receive?

Mr. Rezko said they would get 2 to 3. The parking ratio is 1 to 1 on a bedroom basis.

Mr. Kahn said have a question. Is there retail space available for public use?

Mr. Rezko said not for public use.

Vice Chairman Owusu-Safo said what is the price range that these apartments will potentially go for?

Mr. Rezko said that's one of the reasons for our kind of wide unit mix. Adam showed a 400 square foot studio and the reason for that is so that we can offer a class A apartment, a fully amenitized building, for around \$1,000. Then we range all the way up to a 3 bedroom, you know, the duplex units for families or folks in perhaps a higher price range.

Mr. Kahn said I have one more question. How does this impact the traffic on Broadway and the City of Aurora and especially congested areas?

Mr. Lavey said there's been a full traffic study done by KLOA. They are a reputable firm that specializes in traffic. That has been made available to the city. There isn't a ton of impact, actually, to the traffic itself based on the amount of cars, and the load that Broadway can support presently. Those studies have been made available to the city.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mrs. Vacek said before I give the recommendation, I just wanted to go over the Findings of Facts for the Conditional Use.

1. The project will not be detrimental or endanger the public health, safety, morals, comfort and general welfare of the development as this will actually bring much needed residents to our downtown and improve the overall economics and strengthen the social fabric of the downtown.
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 the multi-family residential building will help promote the city's position for a regional center and will have a positive impact on the local businesses and service providers, which will establish a desirable quality and general livability of the city.
3. The development will not impact the normal or orderly development and improvement of surrounding properties for uses permitted in the district as the proposal fulfills the vision and enhances the image and physical appearance of the city's downtown.
4. There is adequate water and sewer capacity to serve this project.

5. The project does provide adequate ingress and egress. The development will utilize the existing signal access point at Spring Street, which is actually shared with the property to the south, and the proposed northern access point will actually align better with the Roundhouse and the hotel that's across the street.
6. The Conditional Use does in all other aspects conform to the applicable regulations of the DF zoning district.

Mrs. Vacek said as for the zoning:

1. Staff did note that the physical development policies have been met.
2. The proposal does represent the logical establishment of the requested classification in considering the area, as it allows high density residential development and eliminates the manufacturing zoning along the Fox River.
3. The proposal is consistent with the desirable trend of development in the area as it has long been envisioned for new high quality residential housing, which will utilize the local businesses, service providers and entertainment services in the area as well as the train station across Broadway.
4. The rezoning will allow uses that are more suitable than the existing manufacturing zoning district, as it has been the city's vision to create a vibrant riverfront community and enhance the public access to the Fox River.
5. The rezoning is consistent with the existing area, as it is keeping with the downtown uses.

Mrs. Vacek said with that, we do recommend approval of the establishment of the Conditional Use Planned Development approving DAC Developments Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to the underlying zoning of DF Downtown Fringe District for the property located at 100 N. Broadway.

MOTION OF APPROVAL WAS MADE BY: Mr. Choudhury

MOTION SECONDED BY: Mr. Kahn

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

FINDINGS OF FACT – CONDITIONAL USE:

1. Will the establishment, maintenance or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare?

Vice Chairman Owusu-Safo said I believe it does not as recommended by the staff.

2. Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood, factors including but not limited to lighting, signage

and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation?

Mr. Gonzales said there should be no impact.

3. Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Mr. Chambers said based off of the staff's report, nothing should be impeded.

4. Will the proposal provide for adequate utilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

Mr. Chambers said yes, and those are listed in the staff report.

5. Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets?

Mr. Chambers said based off of the staff report, the traffic study has been done, so there should be no issues with ingress or egress.

6. Does the conditional use in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Commission?

Mr. Choudhury said according to the staff report, everything is in compliance with the regulations.

FINDINGS OF FACT - REZONING:

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?

Mr. Chambers said yes, and these are listed in the staff report.

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?

Vice Chairman Owusu-Safo said I believe these represent the logical establishment and it is actually a great enhancement to the location.

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?

Mr. Choudhury said yes, according to the staff recommendation.

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

Vice Chairman Owusu-Safo said I believe the rezoning actually makes the area more appealing and much better in the proposed location.

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

Mr. Choudhury said yes.

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, November 10th at 4:00 in Council Chambers.

21-0664 A Resolution approving a Preliminary Plan and Plat for DAC Development Subdivision on property located at 100 N. Broadway for a Multi-Family Dwelling (1140) Use (DAC Developments – 21-0664 / AU22/3-21.241-CUPD/Ppn/Psd – TV – Ward 1)

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving the Preliminary Plan and Plat for DAC Development Subdivision on the property located at 100 N. Broadway for a multi-family dwelling use with the following conditions:

1. That the Petitioner shall provide an executed Plat of Easement mylar for a fire lane easement over the private drive on the adjacent property to the south prior to or at the time of Final Plan.
2. That the Petitioner shall provide to the city a recorded copy of a cross access easement and temporary construction easement over the private drive on the adjacent property to the south prior to or at the time of Final Plan.
3. That the Petitioner shall prepare and provide a traffic study as part of the Final Engineering submittal at the time of Final Plan.

That one sounds like they have provided it. I would like to leave this on here just to make sure Engineering has fully looked at it.

4. That the Petitioner shall enter into an agreement with the city for the use and maintenance of the improvements and landscaping on the adjacent city property to the west prior to or at the time of Final Plan.

5. That the proposed improvements in the Broadway right-of-way be contingent upon receiving Illinois Department of Transportation review and approval.
6. That the Petitioner receive approval from ComEd to 1) allow the proposed building encroachment into the ComEd easement or 2) relocate the ComEd lines and/or easement or 3) vacate the portion of the ComEd easement where the building is encroaching. If the Petitioner cannot obtain approval from ComEd, then the building will need to be relocated so that it does not encroach with the ComEd easement.
7. That the approval be contingent upon Final Engineering approval.
8. That the developer shall engage a third party construction testing and inspection company to perform and report to the building official weekly Sound Transmission and Impact Insulation Class Construction details and special inspections demonstrating compliance with all STC and IIC details to achieve a wall STC design of 56 and a floor IIC design of 56.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Choudhury

AYES: Mr. Chambers, Mr. Choudhury, Mr. Gonzales, Mr. Kahn, Mrs. Owusu-Safo

NAYS: None

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, November 10th at 4:00 in Council Chambers.