



# City of Aurora

44 E. Downer Place  
Aurora, IL 60505  
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## Legistar History Report

**File Number: 23-1034**

**File ID:** 23-1034

**Type:** Ordinance

**Status:** ATS Review

**Version:** 2

**General Ledger #:**

**In Control:** Building, Zoning, and Economic Development Committee

**File Created:** 12/14/2023

**File Name:** D.R. Horton / SE corner of Ogden Av and Farnsworth Av / Annexation Agreement

**Final Action:**

**Title:** An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for R-2(C) One Family Dwelling District, R-4A(C) Two-Family Dwelling District, B-2(C) General Retail District, and OS-1 (C) Conservation, Open Space And Drainage District with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Annexation Agreement - 2024-01-04 - 2023.285, Land Use Petition and Supporting Documents - 2023-05-12 - 2023.285, Qualifying Statement - 2023-10-16 - 2023.285, Location Map - 2023-11-21 -2023.285

**Enactment Number:**

**Planning Case #:** OS01/1-23.285 - A/PA/CUPD/PSD/PPN

**Hearing Date:**

**Drafter:** JMorgan@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning and Zoning Commission	12/20/2023	Forwarded	Building, Zoning, and Economic Development Committee	01/10/2024		Pass
<b>Action Text:</b> A motion was made by Mr. Kuehl, seconded by Mr. Gonzales, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 1/10/2024. The motion carried.							
<b>Notes:</b> <i>Mrs. Morgan said good afternoon, Jill Morgan, City Zoning and Planning Division. I am just going to briefly introduce it, then I'll hand it over to the Petitioners who have a presentation for you. So, this is... Petitioner D.R. Horton is requesting approval of an Annexation Agreement for 57.54 acres located at the southeast corner of Ogden Avenue and Farnsworth. It includes an Annexation Agreement with an</i>							

attached Plan Description allowing for the property to be annexed and rezoned to allow for a mixed use development consisting of commercial property at the intersection with a mixture of townhomes and single-family homes along with stormwater detention. The details in the request include a Plan Description that divides the parcel into 4 zoning districts and allows for modifications to some uses and bulk restrictions. This includes allowing one section to develop as R-2 zoning with single-family homes with some slight modifications to the standard bulk restrictions including a reduction of minimum lot size, front yard, side yard, and rear yard setbacks. Two of the areas are identified as R-4A zoning, which allows for townhomes and outlines the standard bulk restrictions for Aurora's townhomes. The property at the intersection is given B-2 zoning and also allows a Gasoline Station (2821), Car Wash, Single Bay (2832), and a Restaurant with a Drive-Through (2530) uses by right while prohibiting additional uses, including laundromat, alternative financial institutions, used clothing store, pawn shop, and tattoo parlor.

So, this was just a real brief introduction so I will hand it over to the Petitioner.

Chairman Pilmer said I'll swear in the Petitioner and anyone who's going to speak for the Petitioner at this time. If you'll just raise your right hand: Do you swear to tell the truth, the whole truth, and nothing but the truth?

From Audience said yes.

Chairman Pilmer said thank you. And then if you'll just introduce yourself, name and address please.

Mr. Whitaker said yeah, good evening...lots of TVs here. (laughing) Russ Whitaker, Rosanova and Whitaker, 445 Jackson Avenue in Naperville. I'll be speaking on behalf of D. R. Horton Midwest as the project applicant. I've got...I've got a host of consultants with me here this evening. I'm not gonna go through and introduce everybody, but these are experts that prepared the reports that have been submitted and reviewed through the City departments, and if there are additional questions, we'll call them up after I get through kind of an overview presentation. So, as Jill mentioned, the property comprises 57 acres located at the northwest corner of Ogden and Farnsworth. Notably what I wanted to call out is that the property does not include this middle section you can see highlighted here. We've got everything that's kind of brought forward in green but there's that sort of like middle donut hole section that is not included. There's an existing concrete plant located on this middle section. The plant is owned by a Brazilian company. We made overtures over an extended period of time. Honestly, we've been working on this project for 2 to 3 years. It's been a very long build up to get to the point in time, so we made extended efforts to get control of this additional property. It just wasn't...it wasn't in the cards despite best efforts, so we decided to ultimately move forward with that, with the concrete plant, that unincorporated section excluded from the property. All of the properties Jill mentioned is presently unincorporated. What's a little bit unique is that the northern section of the property's located in Kane County, the southern section of the property is located in Kendall County. (Unintelligible) Creek is generally the dividing line. If you look at the unincorporated section that's excluded, and kind of include that...take that...that north line of that property to extend it...extend it east...that's generally the dividing line right there along (unintelligible) Creek. In Kendall County, the...the southern portion, the majority of the property is zoned M-2, Heavy Industrial Use, so that's what produces the concrete plant being allowed on this property. The existing zoning is consistent with concrete operation and would permit a variety of very undesirable uses inconsistent with the character of the development that has occurred on properties surrounding this area.

So, as we begin to think about how this property wants to develop, this is obviously a little bit of an outlier in the area, right? Heavily developed area...umm...with this being one exception. Umm...we start with the City's Comprehensive Plan as a starting point. The Comprehensive Plan designates portions of the property as commercial with the predominant land use designation being low density residential. While the allocation of commercial is slightly different on our plan...umm...from the City's future land use map, the use of the property is what we're proposing tonight is generally consistent with the framework of that Comp Plan. So, as you begin to look at the development plan, this is a rendered site plan...umm...kind of an artist's rendering of...of the hard site plan and, like, the legal documents that are all part of the packet, but this kind of brings it to light, make it a little easier for folks to...umm...envision what's actually going on.

So, I kinda wanna start with commercial development. Obviously, commercial development helps drive a city, right? You get sales tax out of commercial development, so that's an important component, something that the City drives always, where there's a strong commercial hub. Here where the hard corner of Ogden and Farnsworth, so we're gonna leverage that existing traffic...umm...with a commercially zoned portion of the property. We've allocated 4.25 acres at that hard corner to commercial development. Ummm...as you'll see here...a little bit difficult to see but if you look to the south...umm...you can see that there is...uhhh...there's commercial development on Summerlin extended to the south...umm...there, I believe, there's a bank, a daycare, and some strip retail,

umm...so generally what we're doing is taking the form of what exists on the other side of Farnsworth and kind of carrying it through onto the north side of Farnsworth, across the (unintelligible) property. Jill mentioned as part of the Plan Description permitted use in commercial parts including gas station, car wash, restaurant drive-through, a whole variety of other uses that are already permitted in the B-2 district. At the same point in time, the City's looked at us and frankly, readily willing to accept some other prohibitions: tattoo parlors, umm...tattoo parlors...what else was there...pawn shops, things like that...things that we just don't necessarily want adjacent to...uhh...a new development selling very nice homes. So, all of that being said, we talked about commercial development. I do want to be clear that we're not presently developing that commercial component. We, as a residential developer, are buying only the remainder of the property. That commercial component will stay with the current property owner. We, as the residential developer, will construct Summerlin Drive extension around the perimeter of the commercial parcel. We will stub utilities to facilitate the future development of the commercial parcel. We'll also provide storm water detention...umm...for the commercial parcel on the residential parcel, so really, we're setting the commercial parcel up for development. D.R. Horton is the nation's largest homebuilder...umm...nationally and in Illinois. They're not in the business of doing commercial development, we're going to leave that to somebody else. There are no users for that commercial property presently, so...umm...at the time the owner finds a user, after the zoning is set for the property, that user would come back before this Planning Commission for approval of a Plan Description, building elevations, things like that. So, you will get...uhh...you will get to see that commercial development before anything actually happens with the commercial development. So, focus tonight is really on the residential development. The residential component consists of 2 primary components, as Jill mentioned. It's 124 townhomes and it's 70 single family homes. It's the townhomes that are zoned R-4(A), the single-family homes zoned R-2. So, talk a little bit about the townhomes. Umm...as Jill outlined in her memo, the townhomes are strategically located to help transition between Ogden Avenue, with more intensive commercial land uses and lower density residential areas to the east. The townhomes are broken into 2 neighborhoods. I guess we're showing the 2 neighborhoods here on the plan. Uhh...I call it the north neighborhood and the south neighborhood. The south neighborhood will develop as part of Phase 1, the north neighborhood will develop as part of Phase 2 of the residential development. So, here we're zooming in a little bit on...on that south neighborhood. The intent is to kind of take it down to a smaller scale so you can kinda see how...uhh...that townhome component is function. The proposed townhomes are traditional 2-story, front loaded product. We've worked with Staff on multiple iterations before landing on the layout and configuration as is presented on this plan. Summerlin Drive is designed as an 80-foot-wide collector and will provide good separation between the commercial use on Ogden Avenue and transitioning to the residential uses to the east. Internal roads are all public and are designed pursuant to City standards, a 66-foot right-of-way with 31-foot back-to-back design on the actual roadway section. I wanted to point out that along Farnsworth, the townhomes incorporate an oversized 50-foot setback to the property line. So, you can see that there is a generous landscape buffer along Farnsworth in order to provide some additional protection and buffering. Then, to the north along the townhomes, we have similar buffering here. We're using the detention basin as a buffer or transition towards that unincorporated property which remains the concrete plant at present. When we look at the townhome units, we'll include 2 different type of unit configurations. The Ashton, which is an end unit, is approximately 1,800 square feet. The Preston, which is an interior unit, is approximately 1,600 square feet. The bulk configurations of the townhome plans will incorporate 3 bedrooms, 2 ½ baths, with a 2-car garage. The goal is to build upon recent success that Horton has had in the market. In fact, recently Horton built this exact same townhome product just south of Farnsworth in the Deerbrook subdivision. I think that...I believe there are 56 units there... somebody correct me if I'm wrong on that number... but wildly successful, very quickly sold through the development. It's the goal is to find another opportunity to meet the market demand that we've seen very recently.

With this plan, we've got a slightly different look and feel to the townhomes. In Deerbrook, we were fitting within a development that ultimately had not been built out so the goal was to kind of match up as close as we could to the existing character of what was existing in Deerbrook. Here we've got a blank slate...umm...and so we've got a little bit more...uhh...of a modern...uhh...look and feel to the townhomes but you can see it is...it is...structurally the same product. You see the variation in the roof lines which matches in Deerbrook, but here we're incorporating a different color palate, very popular grey tones, mixes of siding colors. You can see the darker grey with accent in the lighter grey. You see architectural features like shutters on...on...uhh...on these units. You can also see the wainscot of masonry along the...along the bottom. So, we think the elevations are very architecturally pleasing, very much consistent with what we see as being the trend of the market today.

The single-family component: I wanted to start talking about the curvilinear design and that when I talk about curvilinear design, right, I'm talking about kind of winding roads. We're not lot and block like you would have in an old section of town where it's just square after square after square and you've got all the houses gridded out. So, one of the things that's beneficial with the curvilinear design, which certainly stems into the townhome section, is that we get a lot of different lot metrics with the

curvilinear design. So, here...uhh...Jill mentioned that the...that the metrics are a little bit different than code allowances. What I wanted to point out is that...umm...Road A, I guess it's not labeled here, but Road A would be the internal road just north of Farnsworth and Hafenrichter, so it's the lots adjacent to Hafenrichter on the screen are would brought on to Road A, right? Umm...there you go, there's Road A. Umm...what I wanted to point out though is that these...this is the section where we would have the smallest lots in the community. These lots are 7,500 square feet so they're just 500 square feet short of the requirement in the code, but I think the thing to note here is that all of those smaller lots are effectively backing up to open space. So, even where we're a little bit short on the actual lot area...umm...for a couple of the lots, you look at those lots and they're backing up to a 40-foot open space that will be heavily landscaped along Farnsworth, or if you're on the north side of that Road A, you're actually backing up to a very large naturalized detention basin so while they...their ownership footprint may be a little bit smaller, the livability of the home, the livability of what they're actually acquiring isn't going to feel much different, right, because they don't have another home right on top of them. So, we think the curvilinear design really helps to lay out a thoughtful plan. I point out on the east side of the subdivision; you can see Misty Creek labeled. So, Misty Creek is an existing townhome community. All of the lots along Misty Creek are oversized lots so instead of being a standard 125-foot-deep lot, the lots adjacent to Misty Creek are all call it 153, so significant additional depth that allows us to move the homes (inaudible) further away and increase separation between residents who have been accustomed to looking at the corn field and are obviously going to see some change with the development of the property. So, a lot of that is owed to the curvilinear design. Umm...the lots range from 7,500 square feet...I think the largest lot is like 12,000 square feet but by way of example, the lots along Misty Creek average 90-100 square feet or something like that. Umm...as I mentioned previously, there's a total of 70 single-family homes. Horton will offer 7 different floor plans...umm...including 2 ranch plans. As we know, aging demographic providing opportunities for that 1st floor master living is important, so we've incorporated that in the plan set here. The ranch plans are approximately 1,800 to 2,000 square feet with 3 to 4 bedrooms, 2 ½ baths, and a 2 or 3 car garage. Traditional 2-story homes range from approximately 2,000 square feet to 3,000 square feet. Those 2-story homes will be 4 to 5 bedrooms, 2 ½ to 3 baths, all with a 2 or 3 car garage. Each...I would also note that each of the single-family homes will offer 4 more different front elevations. The townhome...or the owners' association for the single-family community will enforce monotony standards consistent with the village code. So, I would just point out on the exhibit that we've got here what is the...uhh...I guess 5th column elevations offered. You can see there for the Chatham, you've got 4 different elevations: the A2, the B2, the C2, and C3. So, you can see that there's a minimum of 4 different elevations for each of the 7 floor plans, so I think we've probably got close to as many front elevation options as we have lots. So, it'll be a nice community with a lot of diversity in what the front of that home looks and feels like.

As we look at elevations, I think the first thing that should strike you is that single-family elevations are very much consistent with the character of the townhome elevations. Sort of modern American architecture which tends to blend some features of more traditional architectural designs. You can see variation in roof lines...umm...between all of the homes...not...not...not just gables or...or hip roofs but combinations throughout the community. You see mixes in the types of siding...umm...again, not just between homes but even on the homes, you see a combination of the lap siding with gables including board and batten elements, and also change in color variations with some of those accents. You see masonry wainscot in each of these elevations, you see covered front porches, you see 3-car garage options so as we said, we think there's a nice variety. Buyers will...buyers like to see...I guess, everything strikes somebody's...some...somebody's fancy a little bit differently and we're providing a lot of different options to make sure that we have...uhh...that we're reaching a broad audience.

With that, a couple of just miscellaneous issues that we've been working through and kinda wanted to relay to the Commission as background information: in the Annexation Agreement, there's a requirement for homeowners' association, so this will be a homeowners' association governed property. They will own and operate our site, they will own and operate storm water detention basins, they will do things like govern...umm...anti-monotony and they will perform maintenance at the townhome owners' association. There will also be a property owners' association for the commercial component. Again, we don't know a whole lot of details about that commercial component yet, but there is a requirement in the Annexation Agreement for that to be operated pursuant to the association. Storm water: you can see there's 2 storm water basins in this project. One...umm...one north of the creek, one south of the creek, and as I say that I'm looking and there's actually a 3rd but it's a very small basin just to the south of the creek. The basins, as I mentioned previously, are shared basins so they're providing storm water detention not only for the residential component, but also for the commercial component, right? The goal here is not to...uhh...or the goal here is to facilitate development of the commercial parcels and we think we can do that cost-effectively and efficiently by pulling that detention into the residential component and using it as a design feature as we've done with the site plan. Umm...traffic. Traffic is always a concern, so I want to touch base on that. KLOA is our traffic consultant. They provided a traffic study which has been submitted as part of the project. I

used to live in Oswego, I live in Naperville, I come up and down Ogden Avenue for a variety of things all the time...umm...I think everyone in this room knows and understands that Ogden Avenue is a busy area. There's a lot of traffic and I think the ultimate conclusion of our traffic study is that we're neither going to...umm...we're neither going to overwhelm the system nor are we going to fix the system. At the end of the day, we represent maybe a 1 percent change in the volume of traffic that's occurring on the roads. It's not going to create a functional difference in the operation of the traffic system. That being said...umm...as we do a development, we recognize there is a responsibility to the community, so a couple of points on that: umm...first point is long-term goals. So, short-term goals and long-term goals...umm...long-term there are regional improvements that will happen to Ogden Avenue and to Farnsworth. We are committed to helping the City with those long-term goals. As a result, we're...we will be cutting the City a check for \$450,000. The idea is that the \$450,000 will help facilitate future improvements at the intersection of Farnsworth and Ogden Avenue, so...umm...that financial contribution is ultimately our contribution to those improvements. Ultimately, that improvement wants to be dual left-turn lanes from Farnsworth onto Ogden Avenue, but again, that's...we're not...just touching Farnsworth, we're also implicating a lot of work on Ogden Avenue which just is not the type of project that can be borne by a 57-acre development of this character. That being said, we're not...we're not deferring all of our obligations, right? We're making a financial contribution, but we're also constructing physical improvements to the area. So, a couple of physical improvements, this is the first one. At the intersection of Farnsworth and Ogden, what we're showing in this exhibit is that we're actually extending the queue lane for that left turn lane. The left turn lane from Farnsworth onto Ogden is the heaviest...umm...is the heaviest traffic volume in the area, so by extending the queue, we can help that intersection function a little bit better. You see we're...we're...we would take it back further, but we're actually limited because we're also building a left bound turn lane into Summerlin Drive to help support the commercial development that will be constructed. As you move a little bit further off of the intersection, you see here that we're also going to be constructing long term improvement to Farnsworth...umm...so currently Farnsworth is kind of an amalgamation of 2-lane, 3-lane, 5-lane cross-section depending on exactly where you are. You can see the build out here. The dotted line represents our property line so that goes through what is currently...or what will be the middle of the road. There's significant right-of-way dedication. We're constructing a new pedestrian path on the north side of Ogden. We'll be relocating utilities, we'll be constructing the 5-lane cross-section and would point out that that 5-lane cross-section does include that big green center median, so something else to help dress up the...uhh...the character of the area.

Hafenrichter...umm...more limited improvement on Hafenrichter, but here you can see that there's a left turn...a dedicated left turn lane that is accommodated for traffic heading into the entrance. While we're on this exhibit, the other thing I wanted to call out is the landscaping. I hadn't mentioned that as we were looking at some of the other exhibits, but as we've had discussions on this project a lot of it has centered around, you know, what is that buffer? How do these homes relate to Farnsworth? Here you can see on a different scale that there is really a very thorough significant buffer along Hafenrichter. It extends down on Farnsworth, and it will (inaudible) a very substantial nice aesthetic as you're transgressing these roads. That area opens up at the intersection where you enter Road E...umm...and is a little more dramatic creating that very warm, welcoming...umm...entrance to the community. On the top image, you can kind of see a representation of what that looks like with a combination of annuals, perennials, grasses, trees, et cetera, et cetera, and a welcome sign identifying the subdivision as Wheatland Crossing.

Neighborhood park: umm...194 homes, we talked to the Park District. The Park District was not interested in having us incorporate a park in this community, so we listened to the Park District. We can't force them to do that. On our own accord, we do think there needs to be some individual space in the community, though, so you can see here in that north neighborhood, we do have that small central park that represents about 7/10 of an acre. With that being centrally located, everybody's going to be approximate to that...umm...to that park, make it nice and easily accessible. I think the other thing is as you're driving this subdivision, it's going to really open it up, make it feel...umm...make it feel like it's not a real intense...umm...dense subdivision here in this north section.

This is...uhh...so, this is a section off of the landscape plan. So, this is the planned improvement to that park section. You can see that there's a combination of just open...uhh...open play space...umm...and then planned improvement for...uhh...park equipment and a swing...uhh...again, to be clear, this is owned and operated by the homeowners' association, not the Park District. So, not only will we...will we be building this, we will also be making contributions to the Park District according to the City schedules.

We held a resident meeting on January 6th...uhh...not January 6th, that's in the future...umm...December 6th, we held a resident meeting over in the area in one of the churches near the property. The goal was to introduce the project to the neighbors, see and understand what pressure points were, what concerns might be. One of the things we realized when talking with neighbors was that we hadn't picked up any trees located off of our site. So, we can show people what was happening to trees on our site. Largely those trees are volunteers. It's scrub stuff, it's not valuable

trees worth saving, so there's very little tree preservation that's happening on this property which has been historically used for farming. But what we wanted to do is make sure that people had clear understanding of what trees were going and what trees we're saving. Some of the residents explained that there was a berm and that there were evergreen trees and they wanted to make sure that those weren't being removed. So, what we've done is, you can see in this image that...the beginning...the front of the image...you see the stake coming out of the ground and you see the pink tag on top of it. After the resident meeting, we actually sent our surveyor back out to the site and had him stake that property line along Misty Creek...umm...so there's a number of stakes along that property line. The goal was to be able to show...show residents, if they noticed them, that...umm...that they can clearly see that property line and to show them what trees would be going and what would be staying. So, this is a good representation. You can see our property is obviously to the left...umm...a lot of volunteer scrub-type trees. You can see much larger, mature, manicured trees on the right-hand side of that stake. Obviously, we're not entering onto Misty Creek property and removing any of their trees, so these trees will all be staying.

So, just a couple of similar...we had like 20 pictures. I'm not gonna take you through 20 pictures, but similar representations here. You can see the stake on the right-hand side so evergreen trees in the foreground, some deciduous trees and evergreens going down the berm; all of that stuff will remain. Same idea here. The stake's a little bit harder to pick up, sort of mid-screen, off to the right. But it...as you begin looking at these images, it becomes pretty clear where the property line is, right? They're generally mowing up to the property line but maybe not all the way up to the property line, so again, everything on our side is going, everything on their side is staying. And again, I think this is the final picture I've got here. This is getting towards the...the end. You can actually see Building 6 labeled. I think that's the last building in the row. But this gives you just some general character of what the existing screen is. Obviously, we will be adding additional screen on top of it, but I wanted to make sure that we communicated to the residents very clearly that a lot of the landscape that was out there today will remain and it is their landscape.

One of the other questions or concerns that came up out of the resident meeting: umm...so, kinda moving to the north here...umm... in this image, we're at (unintelligible) Creek...uhh...this is the creek where the cursor is...umm...and so we'll have...umm...effectively box culverts with road lay over the box culverts to maintain flow through the creek...umm...and as residents who live in Four Pointes to the north, we're looking at this, there is some concern that that road coming over the creek was sort of pointed at their house and then there was a big curve and would it be a concern of headlights or would it be a concern of somebody running off the road, so...umm...we heard their concerns. There's not a lot we can do in terms of configuration of that road. We know we need access from the north side to the south side. The access is critically important for...umm...for maintaining roadway network and it's something the City Staff would certainly encourage. But, given the pinch in the property, there's just not a lot of wiggle room in how we locate the road. We also have certain design standards, right? We have tangents, we have straight sections, then when we have curves, we need another straight section, so this is really the design that we landed on which provided a little bit of separation from our...our west property line and then also a little bit of separation from our east property line, right? At the end of the day...umm...it's not just the drawing, but we've gotta go construct this and we've gotta be able to construct it on our property without entering onto somebody else's property. So, this is really where the road has to be located...umm...but what we recognize we could absolutely do is to address their concerns with some additional landscape. So, when you look at this plan, you see the trees...umm...really in 2 different layers, so as you go around the curve heading north...umm...you can see on the...I'll call it the north side of that Road E, there's really a pretty solid line of deciduous trees located just off the road. Call that a birch line...umm... and then what we did after the resident meeting is we went back and added some additional trees and secondary line. So, immediately along the property line with Four Pointes, you can see we've gone in, we've added additional evergreens...those are not code required...umm...that's us trying to address resident concerns but it's a combination of evergreens, umm...there's some shrubs in that plan, although very hard to pick up on this exhibit, and then you can see there's a selection of overstory trees. So, the thought process here is we can't move the road, but through landscaping we can create appropriate treatments that wouldn't create a physical obstacle for a car that can be leaving the road, but to also provide some aesthetic benefit and will provide some screening from any headlights that might be heading down the road. So, some changes to our plan since the resident meeting certainly in response to resident concerns we heard.

And then the last one related to how that north townhome neighborhood related to...umm...Four Pointes. And so, this is a...this is a cross-section on the left-hand...on the left image you see Building 96, which is sort of in that...along the property line in that north pod mid-section...and we're showing the relationship on the right-hand image of our townhome building to a home in Four Pointes. And so, what we're showing here is we actually have 55-foot from the rear of our townhome building to our property line. Our property line is identified here. So, you can see that there is significantly more land area on our side...umm...on our side of the property than there is in Four Pointes 115-foot lots,

generally speaking, so they're a little bit...uhh...a little bit shallower lots...umm...with homes moved a little bit closer to the property line. So, here we've got our townhomes moved a little bit further away, right...55 feet from the property line. The other thing I wanted to call out is that we have a retaining wall on this section. So, there's a lot of grade change happening in Four Pointes and on our property. So along that line, 6 feet off of our property, there's a retaining wall. The retaining wall transitions down to nothing at both sides, but at its max height, it is 6 feet. We are on the low side, Four Pointes is on the high side so we don't have any townhomes towering over a single-family home and you can see here, that's what we're trying to with our property, ultimately below the grade at Four Pointes. The final thing I would point out with this slide is that we've also shown a schedule...umm...and it's depicted on the landscape plan, of solid tree line being planted...umm...on top of...on top of that wall separating us and Four Pointes. So, again, trying to think about the existing residents, creating a logical transition, installing additional trees...even where not required by code...umm...but as thoughtful developers, as good neighbors.

With that, umm...I think I'm pretty well done here...umm...through our initial presentation. As I wrap up, I guess I would...umm...note on schedule that this is...it's been a long wrap up. It's been 2-3 years in the works to get here. The goal is to move quickly from this point. We would like to begin construction in spring of 2024. Phase 1 construction would encompass everything south of the creek with...uhh...with the exception of the construction of the commercial parcel that we talked about extensively. First home deliveries would occur in the first quarter of 2025. Phase 2 residential development would be anticipated in 2025 or 2026, depending on permitting and the pace of sales...umm...and we would anticipate that we would complete close out sales to the community in 2028, so it's relative...generally speaking...uhh...about a 4-year project. So...umm...that was longer than I had anticipated talking for, but hopefully that gave you a pretty thorough overview of what we've got going on here, and we'd be happy to answer any questions you might have.

Chairman Pilmer said thank you. Any questions of the Petitioner?

Mr. Roberts said (off mic) how many of the lots would be underneath that...

Chairman Pilmer said oh, Brennen...can you turn on your mic...

Mr. Roberts said sorry...how many of the lots? You mentioned it's a mix but...

Mr. Whitaker said it's a good question. I'll take a look and get you an answer to that, but I'm going to say it's...I mean it's not half. I don't know if it's 10%, 20%, but we'll take a look and I'll get you an answer.

Mr. Chambers said I have a quick question. I know you mentioned about Farnsworth and Hafenrichter, I know that it's all City owned, and Route 34 is the State. With that being said, has there been any due diligence done by doing a traffic study for Route 34, just to truly see what that impact would be? I believe I heard you mention, I think, like 1%. Was that a traffic study or was that a guess?

Mr. Whitaker said no, that's...that's traffic study. So, we absolutely did a traffic study. We did, I believe we actually did a couple of counts on this one because it was such a long lead time getting to this point. But there's 7,000 cars a day on Ogden Avenue, those are real numbers, umm...and so when you look at our...umm...our traffic generation, it's about 1% associated with this development, and I think that a significant chunk of that relates to the commercial component of the development.

Chairman Pilmer said any other questions of the Petitioner? Alright, at this time I will open up the public hearing component. For those in the audience that want to address the Commission, what we will do is have people come up one at a time. We are all community volunteers here and we will take notes and any questions you have, and then at the conclusion of the public hearing, we'll have either Staff or the Petitioner to answer the questions. So, we'll draw you up one at a time. Anyone that wants to speak is welcome to, but I would ask those that wish to speak, if you'll stand now and raise your right hand, I'll swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth?

From Audience: I do.

Chairman Pilmer said alright, we'll start in the front here. Sir, if you want to come forward. And then I'll just need you to state your name and address for the record, please.

Mr. Vella said thank you. It's the first time I've been here. Nice to see how government works. I'm Mike Vella, I live at 2090 Roaring Creek in the Deerbrook subdivision, and I'm the President of the HOA there. And first...and...uhh...so, I was first noticed and...uhh...became alert to this meeting with the

yellow sign adjacent to the property and we did go online. I'm here with Darrell Kelly who is the Secretary of our HOA as well. I looked for the notice and I couldn't find any information on it and Darrell is much more diligent than I am, and found the notice that apparently was posted, for this meeting, 2 days ago. So, I need to increase my persistence. Can I get a copy of this presentation so that I can inform? So, if I...do you want my email address? It's...umm..."michael"...

Mr. Whitaker said I'll get you after.

Mr. Vella said okay, very good. And nice presentation. I've noticed, as everybody else has, the traffic on 34 is...seems like out of control and that might be a big problem for the residents coming in off of 34 moving into the...uhh...moving into the subdivision...uhh...you know, coming to a halt when people are sort of accelerating...uhh...uhh...going towards the hospital. That might be a problem and I hope that doesn't cause us a problem here. Umm...and that's about all I had for you. Thank you very much.

Chairman Pilmer said thank you. Next in the back.

Mr. Rosenthal said good evening. I'm Jerry Rosenthal and I'm President of the Deerbrook Place townhome homeowners' association. I went through this presentation that D.R. Horton put on a few weeks ago, and it was a great presentation.

Mr. Whitaker said thank you.

Mr. Rosenthal said but there were some things that...umm...I think need to be looked at and investigated a little bit more. One, obviously, one big thing is the traffic situation. I don't know when's...how recently that traffic study was done...uhh...but just in the last few weeks, the traffic going from...uhh...Route 34 up...uhh...Farnsworth is literally...now, granted, it's only during certain high traffic volume periods of the day...but literally, from traffic light at 34 all the way up to where Hafenrichter begins, and that's without the extra...uhh...lane that they're talking about. So, and I know that...umm...you don't have jurisdiction over 34, that that's...uhh...I guess State controlled, shall we say? But I think that there's gotta be some more thought put into that area because traffic is atrocious. Just on, as I say, on...on...uhh...umm...Farnsworth, let alone adding that flush of traffic onto 34, and the back up that's created there by that traffic light, umm...it seems to take forever. Item one. Item two...uhh...the donut hole, as what the attorney referred to with the cement factory is...umm...is placed: what are they doing around it to cosmetically make it more appealing for all of those residents of the community that surround it. Umm...you know, is there gonna be fencing, is there gonna be more tree line? And I know they...they show trees there, but I don't know how tall they are and is it going to truly mask that area cosmetically...umm...so that we're not seeing an eyesore or, not so much us, but the residents within the community.

Thirdly...umm...on the top right, the future Phase 2, if you will, and it was just discussed about the elevation difference and where at its maximum, I guess it's about a 6 feet...umm...incline from D.R. Horton's line, if I understood correctly, to that of Misty Creek bordering it...uhh...and I understood that they're going to be putting up more trees. Still, in some of the conversations of the concerned...uhh...homeowners on that strip in Misty Creek...uhh...at our last meeting, who have a number of children that their homes back up...granted, it's maybe a hundred feet...umm...distance from the retaining wall or whatever...to the back of their homes. Still, with little kids and all and having a 6-foot drop, that's something of a safety concern, and I think that needs to be addressed. Umm...also with the straight away...now, Deerbrook Place...uhh...if you look at this map...uhh...is right at the bottom of the east, southeast triangle, if you will, and the roadway that goes through the development feeds right into...umm...Hafenrichter virtually at our entrance as well. And...umm...we already have in our development people cutting through there...uhh...to alleviate the bottleneck at...at...at...umm...umm...Hafenrichter and...and Farnsworth, cutting through our development to be able to go down Hafenrichter further down. And here, we have now more traffic being fed into Hafenrichter and, again, I think some more thought has to be given to that. Not to mention to, as well, create a...umm...less of a speed area, if you will, going back to my...my days as a youngie doing drag strip stuff...umm...putting speed bumps in...umm...like you see so often in developments...umm...that could, again, reduce the amount of not only traffic, but particularly the speeding going through that development where there are a number of residents, single-family residents obviously, because they are multiple bedroomed, could very well have a lot of little kids. Those are the key things that come to mind when I've looked at this and heard the presentation this evening, as well as, again, a few weeks ago. Thank you for your time. Appreciate it.

Chairman Pilmer said thank you. I think there's one more in the back...uhh...

From Audience: he already covered everything that I...



Chairman Pilmer said alright, that's fine. I'll have to swear you in, so come forward. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Both said yes.

Mr. Arroyo said alright, my name is Danny Arroyo. Thank you for your time. Thank you everybody to show up. I just wanted to come up and say that a lot of the issues that were brought up for the Deerbrook subdivision and its concerns is the same issues and concerns that we have. I'm a representative and resident of Four Pointes. My home directly backs up, essentially at the tip there where the...the northeast tip of where the concrete place owns, so we're actually right within the curve. The biggest thing for us...umm...me specifically, was seeing if the City could implement some type of traffic...uhh, you know, uhh...speed reduction implements. And my neighbor here, she is one of the homes that is a 6-foot separation, she is also a mother to a young child and there's kids all around the neighborhood on that side that have similar concerns. So, I just wanted to get on and let you know that those same concerns that are from our partners down south is the same concerns that we have directly behind the proposed project.

Mr. Sieben said Daniel, could you give your address, please?

Mr. Arroyo said yes, 1912 Edinburgh Lane.

Chairman Pilmer said thank you.

Mr. Arroyo said thank you.

Chairman Pilmer said ma'am?

Mrs. Arko said hi, I'm Shannon Arko and I live a few doors down from Danny at 1928 Edinburgh Lane, and then my in-laws live further down on 1968. So, we had concerns of the grading. Umm...they did tell us at the meeting that if there was an area over 2 ½ feet, they have to put a fence, but...umm...not all the way down. And then the other concern I have is if you see, like, where the word "Four Pointes" is written on there; that's actually a Park District park right now, and so there will be kids from the subdivision that they're building that will go to the Park District park. There is no way for them to get there except for through our yards. So, like, that's...I know they said they could put extra trees around the curb and stuff, but if there's a way to put a fence or a barrier, so that I don't have...I don't have a fence in my backyard right now, and...umm...I don't really want a whole bunch of kids traipsing through my backyard...umm...or if...and I don't know who owns the land, like, where it's kind of...umm...wooded behind the park, if they could do a half into the park that way, but somehow so that there is another access point for that Park District park besides our backyards.

Chairman Pilmer said thank you.

Mrs. Arko said thanks.

Chairman Pilmer said was there anyone else at this time? Okay, thank you. The questions we had, maybe if we could get some clarification on the traffic study as far as the date of that? I know it was discussed earlier...umm...but, maybe the date and I don't know if City Staff can add anything additional to what the Petitioner has brought forth regarding really Route 34, and then we can talk a little bit about Hafenrichter and traffic calming devices that could assist.

Mr. Whitaker said so, I guess a couple of things: we've...we've actually done counts, or KLOA has done counts on 3 different occasions in the area associated with the development of the project, so 2019, 2020, and then on October 13, 2022. So, one of the things that I would note is that...

Chairman Pilmer said the most recent was October 13th of 2022?

Mr. Whitaker said correct. So, one of the things that I would note is that everybody's made reference to noticing a significant uptick in traffic. For the last 6 months, there's good reason that there's been an uptick in traffic. So, you have Ogden Avenue that carries significant east/west traffic through Aurora between call it Oswego and Naperville. The other route that carries significant traffic east/west through those same communities is Wolf's Road. We know that Wolf's Road has been closed for the last 6 months because Oswego is in the process of constructing the first stage of a very long improvement plan on Wolf's Road. So, ultimately Wolf Road, as it extends through Oswego, will go to a 5-lane

cross-section. Ogden Avenue is currently carrying excess capacity because Wolf Road is closed at Harvey. You cannot get through and as a result, all of the traffic that would normally be on Wolf Road...we didn't study Wolf Road as part of this, but I want to say that there were like 7,000 cars on Wolf Road. All of that traffic has to be bypassed somewhere because Harvey Road is a hard stop. So, I think right now there is good reason that everybody is seeing a little bit of additional traffic in the area. So, the question is what is the long-term plan for Ogden Avenue? The long-term plan for Ogden Avenue is not that Ogden Avenue becomes a highway. It's not that it becomes, you know, 3 lanes in each direction with dual lefts everywhere. That would ruin the character of the...of many of the communities along Ogden Avenue, right? The...the...the long-term planning objective here is to create alternative routes that are going to pull traffic away from Ogden Avenue and that is underway right now. Unfortunately, it's causing a blip. It's causing traffic to increase on Ogden Avenue while they construct the roundabout at Harvey and Wolf's, but in the long-term vision, as Wolf expands to a 5-lane cross-section, I think you're ultimately going to see some of those traffic volumes on Ogden Avenue decrease because there is that alternate, there is that southern route. And it's not just Wolf's, there's all kinds of additional connections that are going through: Douglas Road...umm...that ends today, that Douglas Road is being extended through. There's other improvements like that that are in the plan with Oswego as it builds out...umm...and as some of the southern connection points come through, I think we'll naturally see some improvement to Ogden Avenue, but that being said, we cannot rely 100% on that, which is why we're also making present improvements to Farnsworth, present improvements to Hafenrichter, and then writing the City a check for \$450,000. The reason it has taken 2 years to get to this point is because this is a difficult property. It's the only property that's left for a reason. It's because it's got a cement plant in the middle of it, and it's because there are traffic problems around the property. We've...we've spent a long time working with City Staff to come up with a rational solution that would allow development of this property. That's what is before you today. This is the...this is the only rational path forward in the next decade for development of this property, so...umm...we think it's a very rational path forward. I think City Staff, in their support of the project, thinks it's a rational path forward...umm...and...umm...we respectfully ask your support. A couple of other questions: there's concern about the traffic...umm...on our Road E. Umm...there's...we're looking at 57 acres on a very small drawing...umm...so there's more undulation in the character of that road than what you see here. It does seem like a bit of a straight shot, but it's going to narrow down a little bit at the crossing of the creek...umm...and there's also some movement in the road as you get that movement...as you get all of the residential driveways coming out onto it. I think that's naturally going to slow down traffic, so...umm...we factored that in. We know that there's going to be traffic from adjacent subdivisions that's filtering through this. There's a connection at Keating...umm...and Keating connects through our property. Keating extends to the...to the east for miles, right? So, there's certainly the possibility that some of our residents are going to be heading east on Keating and very likely that some of those townhome residents are going to jump onto our road network and are gonna head up to that right in/right out on Ogden Avenue. The whole purpose of good...or...good planning says that you do those things because absent those types of connections, what you have is everybody from Misty Creek going off to Farnsworth... or going out to Hafenrichter and then going off to Farnsworth, and now you've got a traffic jam at Farnsworth and Ogden because that's the only way that all of those people can get onto Ogden. We know that people are getting onto Ogden. What we've done here...and Staff pushed us very hard to get to this point...is we've got the Summerlin connection to Ogden, which is one point, and then we've got a second connection to Ogden which is at the north, and yes, that is absolutely going to cause some additional traffic from offsite to come through our development. If anybody bears the risk of that, it is Horton because we've gotta sell these homes, but we think that this is a desirable location, and we think we've taken enough traffic calming measures to slow that traffic down that we're confident in the ultimate design. There was a question about the donut hole. Do you want me to just run through them? I wrote them all down. So, there was a question about the donut hole. One thing I would note is that...well, you see we've aligned property...aligned lots with the east side of the property. We're not aligning lots with that donut hole parcel, so you can see we've got sort of storm water detention surrounding that parcel. We have actually planned what the future development of that parcel probably looks like. So, we've traded those plans with Staff and showed them that the layout of that can be interconnected into our subdivision in future iterations so that there is roadway connectivity in future phase of development. So, we've absolutely thought about that. Again, the risk being borne with that concrete plant being adjacent is 100% on Horton and their ability to sell those homes. So, we've taken what we believe are appropriate measures to provide additional setback to those homes and to incorporate additional screening on the setbacks that have been provided. There's some...there were some comments about the 6-foot wall. I want to note that the wall is pretty limited and isolated to one location. Generally, in this location behind those 3 townhomes. So, that's the only location that we have the wall. Again, the wall starts at a foot, it ramps up to 6 feet at its height. We were just talking amongst ourselves whether there's a fencing requirement on top of the wall, and we're not 100% certain on that, but we also have been talking about taking that...that 6-foot

wall and taking it down to 2, 3-foot tiers, so that's still a component that we're playing with. We have final engineering to do after this project is approved. That's a final engineering type component that we can work out as we move forward. I would say keep in mind that the wall is located 6 foot off the property line, and we've got 55 foot between the property line and the back of our building, so we've got more than enough room to maneuver in those rear yards of those townhomes on our property in order to accommodate that wall and step it down if that was necessary.

I think that really the last one was about access to the Park District. I...yeah, the Park District told us they didn't want additional parks because there's a lot of parks in the area. There's not only that park in Four Pointes, but there's also parks into the community along Keating Drive. Our expectation is that homeowners will use the sidewalk connections at Keating Drive in order to get east and access the parks. Where...umm...where the resident was commenting that they think people are gonna cut through...umm...there's significant slope there. I mean, some of the...some of the homes have walkout conditions in that area because they're all coming back to the river. We couldn't reasonably build a trail in that location if we wanted to. It's not our property, it's flood plain, there's all kinds of issues associated with that, so we don't see there being viability of building an additional...a new trail offsite in flood plain through some residents' backyards. We think the very clear answer is there are private property rights in America and the kids from our subdivision should stay off of the neighbors' property. So, I think that plays 2 ways though, right? I mean, at the same point in time, we've heard concerns that residents from Four Pointes are concerned about the safety of the 6-foot wall. Those kids shouldn't be playing on that property as well. So, I've got 3 kids, I recognize you tell them where to go and then they go where you tell them not to. So, it's something that we will obviously take into consideration but there's just no capacity to construct additional offsite paths to that Four Pointes park.

Chairman Pilmer said and then along that property line, I think is heavy landscaping, but not fencing.

Mr. Whitaker said that's correct. I believe there's a number of fences in Four Pointes. I...I couldn't tell you exactly where the fences are located, but we've got to evaluate that as well.

Mr. Lee said I have a question. Earlier you mentioned that long term this is going to generate a 1% increase in traffic. What does that look like to the average motorist? Does it add 5 minutes to my drive...10?

Mr. Whitaker said so, it's...if you're...if you're sitting at the intersection of Farnsworth and Ogden and you're looking to take a left-bound...if you're looking to go south onto Ogden at the time of peak traffic, which occurs for about 30 minutes in the evening, you're gonna have a couple of seconds added...5...6...7?

Mr. Shannon said one vehicle every 2, 3 minutes.

Mr. Whitaker said so, we're adding 1 vehicle every 2 to 3 minutes at that intersection so I think there's not only...there's not only our development that's being contemplated in these numbers, but it's also like increase in the area, right? So, you've got a lot of development that's happening in Oswego. That traffic is also planned into the numbers so when we...we look at present volumes and what is happening at the intersection and then we look at what is 2028 or 2030 traffic. So, you're including all of the background additional traffic that's expected, then you're adding on our development, and we're talking about our development will be, like he said, a car every 2, 3 minutes and then it translates to a couple of seconds at the intersection.

Mr. Lee said alright, thank you.

Chairman Pilmer said and I think you stated earlier some of that 1% is related to the commercial development as well.

Mr. Whitaker said that is correct.

Chairman Pilmer said any other questions of the Petitioner? At this time, I will close the Public Hearing. We'll have Staff...Oh, sure, come right in.

Mr. Arroyo said sorry about that. Once again, my name is Danny Arroyo, resident of Four Pointes. Something that was kinda just glossed over was in relation to the lot size. My understanding by conversation is the City of Aurora requires 8,000 square feet. They're proposing each one of these lots to be 7,500 square feet, which is a difference of 500. My concern is that they are taking their cookie cutter approach from their success nationwide and they're trying to stuff as many houses as they can into this small little area. I would hope that we hold them to the City of Aurora standards of the 8,000

square feet, and if that means they lose a house on each block, therefore, you know, it is what it is. I believe the City of Aurora residents are owed what the City calls for, therefore I...my personal opinion would be that the 8,000 should be not considered as part of the approval process, and I would recommend that hopefully you value the City of Aurora residents as much as I do, where you have to give them their fair share of property, especially based on the prices that these are going to be going for and I don't believe he mentioned it, between \$350,000 for the townhouses, the \$400,000 and above for the single-family homes. So, they're paying a premium price. In my mind, I think they should get a premium product, so...umm...that was my last thought. I wanted to get it out before we move on. Thank you.

Chairman Pilmer said thank you.

Mr. Sieben said Mr. Chairman, can I just respond to that?

Chairman Pilmer said sure.

Mr. Sieben said Ed Sieben, Zoning & Planning Director. Just for perspective, just so everyone knows, the Four Pointes subdivision, that has a minimum lot size of 6,000 square foot. This...we look at this as kind of a transition. I believe Summerlin is 8...8,000 square foot. Misty Creek, you do have townhomes adjacent, so it is...it is kind of nuanced transition. As the Petitioner said, the ones backing to Hafenrichter tend to be the smaller, the 7,500 but they do go up to...some of them are 8 – 10,000 square foot within their development.

Chairman Pilmer said okay, thank you. Again, I will close the Public Hearing and ask Staff, any additional questions of Staff?

Mr. Roberts said I'm just kind of curious: the donut hole is not being annexed, correct?

Mrs. Morgan said correct.

Mr. Roberts said I mean, does that create any issues with having it being completely surrounded by City of Aurora, like City services or anything like that to consider, or is that just a non-factor?

Mrs. Morgan said it's really...umm...not a factor. It would still continue to work as it works currently. Like Russ had mentioned, we had kind of planned for those connections, so we know where those roads will connect so once it develops, we already have that in the works of how it will lay out, but it'll just kind of continue to work as it works.

Chairman Pilmer said thank you. Does Staff have a recommendation?

Mrs. Morgan said so, we'll take them one at a time and then Staff does have notes of the Findings of Facts once we get to the Conditional Use Planned Development. Actually, I think I'll just go ahead and read those in now and then we'll do the recommendations:

Staff would recommend Conditional Approval of an Ordinance Providing for the e Execution of an Annexation Agreement with the Owners of Record Providing for R-2(C) One Family Dwelling District, R-4A(C) Two-Family Dwelling District, B-2(C) General Retail District, and OS-1 (C) Conservation, Open Space And Drainage District with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504 with the following condition:

1. That the Annexation Agreement be approved by Aurora's Corporation Counsel.

Chairman Pilmer said so, for the conditional approval, you've heard Staff's recommendation. Is there a motion?

MOTION OF APPROVAL OF WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mr. Chambers, Mr. Gonzales, Mr. Kuehl, Mr. Lee, and Mr. Roberts

NAYS: 0

*Motion carried.*

*Chairman Pilmer said motion carries. If Staff will state where this will next be heard.*

*Mrs. Morgan said so due to the rescheduling of BZE from last week to this week, this will next be heard...*

*Mr. Sieben said from next week to today.*

*Mrs. Morgan said I'm sorry, next week. (laughing) It was supposed to be next week...*

*Mr. Sieben said it was supposed to be the 27th, they moved it to today.*

*Mrs. Morgan said thank you, Ed. Sorry. This will be heard January 10th at 4 pm in this room.*

*Aye: 6 Chairperson Pilmer, At Large Lee, At Large Chambers, At Large Gonzales, At Large Roberts and At Large Kuehl*

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**Text of Legislative File 23-1034**