



City of Aurora

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Legistar History Report

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File Name: GDS Development, LLC / SWC of Independence Drive and Constitution Drive / Preliminary Plan & Plat

Final Action:

Title:

Notes:

Agenda Date: 04/13/2022

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Sponsors:

Enactment Date:

Attachments: Exhibit "A-1" Preliminary Plat - 2022-03-30 - 2022.038, Exhibit "A-2" Preliminary Plan - 2022-03-30 - 2022.038, Land Use Petition and Supporting Documents - 2022-02-11 - 2022.038, Renderings - 2022-02-11 - 2022.038, Plat of Survey - 2022-02-11 - 2022.038, Photometric Plan - 2022-02-11 - 2022.038, Site Plan - 2022-02-11 - 2022.038, Elevations-Floor Plans - 2022-02-11 - 2022.038, Traffic Impact Study - 2022-02-11 - 2022.038, Fire Access Plan - 2022-03-30 - 2022.038, Property Research Sheet - 2022-03-31 - 2022.038

Enactment Number:

Planning Case #: AU18/3-22.038-CUPD/Rz/Ppn/Psd

Hearing Date:

Drafter: morganj@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	04/06/2022	Forwarded	Building, Zoning, and Economic Development Committee	04/13/2022		Pass
Action Text:		A motion was made by Mr. Chambers, seconded by Mr. Gonzales, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 4/13/2022. The motion carried.					
Notes:		See Attachment for Items 22-0125 and 22-0126.					

Aye: 6 Chairperson Pilmer, At Large Anderson, At Large Chambers, At Large
Gonzales, At Large Kahn and At Large Martinez

Attachment for Items 22-0125 and 22-0126:

22-0125 An Ordinance establishing a Conditional Use Planned Development, approving The Mews at Orchard Lake 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 R-4A Two Family Dwelling District for the property located at the southwest corner of Independence Drive and Constitution Drive (GDS Development, LLC – 22-0125 / AU18/3-22.038-CUPD/Rz/Ppn/Psd – JM – Ward 5) (PUBLIC HEARING)

Mrs. Morgan said the Petitioner is requesting the establishment of a Conditional Use Planned Development and to change the underlying zoning from R-1(C) One Family Dwelling District, R-4A(C) Two Family Dwelling District, R-5(C) Multi-Family Dwelling District, all with a Conditional Use, to R-4A(C) Two Family Dwelling District with a Conditional Use. The details of the request include a Plan Description that outlines a requirement to allow modifications, including setbacks, separations, density and parking to allow for the development of a 2 story rental townhome product. There are also provisions to including forbidding them from being divided and sold off separately. The Petitioners have a presentation, so I'm going to briefly go over the project and then turn it over to them. So concurrently with the Plan Description, they are proposing a Preliminary Plan and Plat that includes the development of 3 buildings that have front loaded garages and then 15 buildings that have rear loaded garages for a total of 102 units on 8 acres. They range from 1,340 square feet to 1,740 square feet. The front loaded products are on Lot 1 and they have driveways that come off Independence. The rear loaded is on Lot 2 and they have 2 points of access from Independence Drive and 5 points from Nelson Lane. There are internal private sidewalks that circulate throughout the development, including along the lake. A bike path will be installed along Independence Drive that will eventually connect to a bike path along the detention pond that the city will put in in the future. Just some history on the property itself. The property was zoned R-5(C) with a Conditional Use, at the time it was called a Special Use, in 1968 for multi-family not to exceed 13 units per acre. The Conditional Use was updated in 1980 to allow R-1 One Family Dwelling Districts along Independence, but the remainder stayed R-5. The Conditional Use, again, was revised in 2005 to the current zoning. Even with the alterations through the years to the zoning, the property has sat vacant for over 50 years. The property abuts commercial to the south, an office to the east and single family homes to the north. Staff worked with the developers early on in the process to front townhomes along Independence Drive, so the front façade faces Independence Drive. All the homes along Independence Drive face the drive. We also worked to have more of the traditional homes with the front loaded garage on Lot 1. Staff and developers also worked together to add additional parking on the site to alleviate any potential parking issues along Independence Drive, so each of the rear loaded units that don't have driveways have a 2 car garage and 1 off-street parking space and those private parking lots. Are there any questions for staff?

Chairman Pilmer said are there any questions for staff? Hearing none, would the Petitioner like to come forward?

The Petitioners were sworn in.

Good evening. I'm Bruce Goldsmith from the Dykema Law Firm, 2300 Cabot Drive in Lisle. I'm representing the Petitioner. It's just weird to be back in live contact with you after a long time. This is

kind of a unique product because the west side of Aurora, where I've lived most of my life, doesn't have a lot of new apartments and doesn't have this range of apartments to attract a group of people that Aurora should want to have in the community, that is to say a more mix of people with a different type of product than is currently available, so it gives more possibility for variety of use. The site, and I'm sure you are familiar generally, is off of Orchard Lake, which is a detention pond to the west, Galena is just to the south, there is a Walgreens and an Aldi in between, and the, what we call the panhandle, the little sliver that goes up to the northwest, is where Jill was describing where the units would be front loaded. She already told you about the existing zoning and it's important to note that the zoning for multi-family has been in place for like 40 years, but there's been no project that's taken off the ground. I don't know that, other than Mr. Pilmer, anybody was here long enough to remember that there was going to be a Jewel here at one point because residential just wasn't happening in fashion, whether it was single family many years ago or any of the multi-family products. In fact, the current zoning would allow buildings up to 45 feet in height. The current plan is 35 feet, so we're scaling back the physical product to make it actually more marketable and also to integrate it better into the community. The target market is really 3 groups of people. Young professionals is one market that my client has identified. Empty nesters and divorced parents is the second market that this would be a suitable product for and then active adults, I guess I'm in that category, people who are empty nesters and want to stay close to their family. Unfortunately, my family is on the west coast, so that doesn't help me at all. The units are basically 2 bedroom or 3 bedroom units. You have the ones on the panhandle, which I'll show you in a minute. There is a clubhouse as an amenity with its outdoor swimming pool. Because parking was an important consideration from the city's standpoint, what my client did is the city has a requirement of .75 spaces. We actually have 1.33 onsite parking spaces to meet demand for visitors. The idea was, although I ride my bike on Independence all the time, there's hardly any cars parked there, the idea is that we wouldn't create a lot of parking offsite by people parking on Independence and that would maintain its kind of single family character also by the nature of the buildings that are on the panhandle as well with their garage facing towards Independence. The total effect is that we have 136 parking spaces for visitors in addition to 2 for every unit onsite. The parking is intended to occur in the garages, which is kind of counter to what a lot of people use garages for these days, but this is an apartment complex and, therefore, it is subject to rental rules. There will be a management association and one of the rules is you have park in the garage. Garages will not be a storage space. It will be where people will park, and it will be enforced. The architectural plan, Jill has up a version of it, so you have the units on the panhandle up on the northwest side of the property and then the rest of the units basically face in toward courts and a little park in the middle, which we will look at. I've talked to you about the parking spaces. The entry feature, this would be at Constitution and Independence and Nelson, is a clubhouse, which I think you'll recognize as a very nice contemporary design which continues throughout the property. Here's an aerial view of the same with the buildings in place. Then the Mews, a typical courtyard view, so if you are living there, you are going to see a landscaped area between the units and a series of pathways that will run through the complex and the client is very interested in using natural landscaping to enhance the look. If you are looking at the panhandle from Independence, you'll see that you have the front loaded garages and the unit, so they kind of mirror the single family across the street. This is the rear of those same units, which would actually face the detention pond of Orchard Lake. Building B you'll see by the arrow as to where that is, so that's one of the back buildings that also faces the lake. From Independence Drive, this is what you would see if you were driving down Independence. A typical floor plan for Building A, these are the ones on the

panhandle, you'll see the 2 car garages for each unit and just the layout. It is a 2 story building, so the bedrooms are basically on the second floor. Building A front elevation, again, this is up on the panhandle. The rear elevation basically facing the lake. Building B, ground floor again, you can see that there are 2 car garages and basically the living space with bedrooms on the second floor. Some of the units are 2 bedrooms, some of the units are 3 bedrooms. You have a front elevation. You'll see a nice use of contemporary materials and the clean look windows add to the look to give it a really nice contemporary look. The rear elevation is basically where the parking is in the garages. So the apartment features private entry, 2 car attached garages, dedicated outdoor space, so they would each have a balcony or a little patio area, 9 foot ceilings, which is more generous than a lot of development today, granite quartz countertops, stainless steel appliances, in-home washer and dryer, dishwasher and disposal and wood floor. Clearly, this is an attempt to reach a market that doesn't have a lot of choices in our area, so that's kind of the point to fill a niche that's not being met currently. The community features are the clubhouse and related facilities that would be available to the members of the community, that is to say the residential rental community. The ground floor of the clubhouse area with the swimming pool, elevations of the clubhouse. We just put in a construction timetable over the course of a couple of years this could be built out. Given current market conditions, apartment living is very favorable in the market and so my client expects that there will be plenty of demand for this kind of product. I have some floor plans, but I don't think you really, well you are welcome to ask me about the floor plans, but I don't know that you want to go into the development of it. We have a team of people who worked on this project from engineers to landscape architects to architects and I'm proud to present this to you and I'm happy to answer, or Mr. DeStefano will answer, any questions that you may have about the project.

Mr. Chambers said I have a question. You mentioned that there is a bike path, or walking path, that would be through the complex there and then future plans to connect to extend for a bike path?

Mr. Goldsmith said along Independence, the city wants a bike path because the park and then the skate park farther up are intended to be linked, so we will put a bike path in along Independence that will connect further north. Supposedly, there is going to be a bike path on Galena someday too, but that's future ideas. For the time being, we are putting in a bike path. The rest of the project will just be sidewalks. We originally suggested sidewalks, but the city's grander vision is to have bike paths. I will tell you, because I ride my bike out there all the time, there's plenty of place on the street to ride without feeling insecure.

Mr. Chambers said and the bike path you are putting in, do you know how wide that bike path will be?

Mr. Goldsmith said it would be an 8 foot path, a standard bike path.

Mr. Chambers said perfect. Thank you.

Mr. Kahn said I have a question. Was there any study done on how this impacts the School District if each unit has at least 2 kids going to school?

Mr. Goldsmith said not this specific project, but I've seen studies for the 34 years I've been doing this, and typically these kind of apartment units don't attract a lot of kids, maybe preschool, but a lot of the units are just 2 bedroom and even with the 3 bedroom, it just doesn't have, apartments and townhomes don't generate a lot of school kids from the studies I've seen over many years. Certainly, the School District hasn't expressed any concerns about capacity.

Mr. Kahn said thank you.

The public input portion of the public hearing was opened. The witnesses were sworn in.

My name is Mildred Adams. I live at 331 Independence Drive in Aurora. When I moved there, there were about 4 houses on that street and there was a large lake and I moved and I thought I would be in the middle of that lake and they decided, the city or something, to make the lake smaller and now with this building going up, the lake is going to be taken away from me, period. I won't be able to see it at all. Those buildings on Independence will be boxed in. The buildings will be close to the street and all we will be seeing is buildings. I don't think it is a good fit for that area.

Chairman Pilmer said we will get answers to setbacks and the lake and access to the lake.

My name is Sylvia Marshall. I live at 341 Independence Drive in Aurora. I've been a resident there for over 30 years and I would just like my letter entered into consideration.

Chairman Pilmer said thank you.

Mr. Sieben said the letter will be entered into the file, so as it moves on through the process, it will be available to the Aldermen.

Chairman Pilmer said there were a couple of questions regarding setbacks. If staff or the Petitioner could just explain and shed a little light on setbacks and zoning requirements for that area.

Mr. Goldsmith said so this is a Conditional Use, so the standards are set by the Plan Description. The front yard setback along Independence is 25 feet. The distance between the buildings, if you look at the architectural plan, you'll see that there is actually a 40 foot separation between the buildings. It's not like this is monolithic and it's going to block out, and it's also a maximum height of 35 feet, so these are not big buildings. They are spaced and there will be plenty of vantage points to see the lake or to see, generally, the open space that's more to the north, but also to the west.

Chairman Pilmer said I think I read in the staff report, but was there any communication with the community or the neighborhood?

Mr. Goldsmith said Alderman Franco actually scheduled a community meeting. We met with them last week, anyone who wanted to attend. There were probably 10 or 12 people that attended from the neighborhood. We talked to them for over an hour about what was going on and heard some of the same comments and some positive comments as well.

Chairman Pilmer said does anyone else have any questions?

Another witness was sworn in.

I'm Ed Kohout, 2266 Lowell Street. That's one block north of the property. I'm concerned that most of this property is going to be rental units. Is that correct?

Chairman Pilmer said correct.

Mr. Kohout said rentals. There's no opportunity for people to purchase any of this property is there?

Chairman Pilmer said no. This will be, and it says, it will be one rental ownership, common ownership.

Mr. Kohout said low income housing. I don't know if that goes in with the builder or if it goes in with the city, but how much of that will be considered in this 100 plus units? How many units will be in that range about?

Chairman Pilmer said I'll get an answer for that once you're done.

Mr. Kohout said that's basically what I want to know, I would like to know.

Mr. Goldsmith said the first answer is it is all rental. One of the reasons it is all rental is to control the use because, like I said, we are talking about them being required to use their garages for the parking to make sure that this doesn't spill into the neighborhood, so that's a positive. The second thing is it is not low income. Although I'm sympathetic to the needs of the community for a variety of housing products, this project starts at \$1,800 a month, which is a market rent at the higher end for a 2 bedroom unit and it goes up to \$3,500 a month. As much as there are other places in the community where there is affordable housing available, this is not an affordable housing product. It is not geared for that market.

The public input portion of the public hearing was closed.

Mrs. Morgan said first before the recommendations, I'd like to go over some comments staff has concerning the Findings of Fact. Regarding the Conditional Use:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as it is a medium density residential development adjacent to single-family homes providing for diverse housing types to accommodate the needs of Aurora's population.
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 townhomes face Independence Drive like the adjacent single-family homes and allows for a transition from commercial to single family use. There will also be a management company enforcing the lease requirements concerning parking, trash, etc. and dealing with maintenance.

3. The development will not impede the normal and orderly development and improvement of surrounding properties as the townhomes front on Independence with substantial parking and the Traffic Study shows it will not have impact to traffic and there is adequate parking.
4. The proposal will provide adequate utilities, drainage, etc. as the current stormwater facilities will be slightly expanded to accommodate the slight increase of impervious surface.
5. The project does provide adequate ingress/egress. The three front-loaded products have standard driveways off Independence Drive. The remainder of the development is accessed by only two curb cuts on Independence Drive with the majority of the curb cuts on Nelson Drive. The Traffic Study provided stated that the roads and intersections will operate at acceptable levels of service.
6. The Conditional Use in all other respects conforms to the applicable regulations of the R-4(A) zoning district.

Then for Rezoning:

1. Staff has noted below the physical development policies in the staff report.
2. The proposal does represent the logical establishment of the requested classification in considering the existing area as it is a medium density residential development that is adjacent to commercial and single-family housing providing a buffer between the uses.
3. The proposal is consistent with a desirable trend of development in the area as it provides additional housing options in the area, it brings additional residential development to an area abutting commercial development, it provides new development near existing residential and commercial development, and it provides buffers to the surrounding uses.
4. The rezoning will allow for more suitable uses as it is a unique housing option of rental townhomes not found in the area.
5. The rezoning is consistent with the existing area as it brings additional residential housing options to a property that is surrounded by a mix of land uses.

Mrs. Morgan said staff would recommend approval of an Ordinance establishing a Conditional Use Planned Development, approving the Mews at Orchard Lake 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 for R-4A(C) Two Family Dwelling District with a Conditional Use for the property located at the southwest corner of Independence Drive and Constitution Drive.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mr. Kahn, Mrs. Martinez

NAYS: None

Chairman Pilmer said we do have 2 Findings of Fact to cover. We have one for Conditional Use and one for Rezoning. They were read into the record and they are listed in the staff. Are there any additions to those? If not, is there a motion to accept those?

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Chambers

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mr. Kahn, Mrs. Martinez

NAYS: None

Mrs. Morgan said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, April 13th at 4:00 p.m. in Council Chambers.

22-0126 A Resolution approving a Preliminary Plan and Plat for Lot 1 and 2 of the Mews at Orchard Lake Subdivision on vacant land located at the southwest corner of Independence Drive and Constitution Drive (GDS Development, LLC – 22-0126 / AU18/3-22.038-CUPD/Rz/Ppn/Psd – JM – Ward 5)

Mrs. Morgan said staff would recommend conditional approval of a Resolution approving a Preliminary Plan and Plat for Lot 1 and 2 of the Mews at Orchard Lake Subdivision on vacant land located at the southwest corner of Independence Drive and Constitution Drive with the following condition:

1. That the documents be revised to incorporate the Engineering staff comments prior to petitioner for Final Plan and Plat approval.

The second comment that was a condition in the staff report has been addressed for the Fire Access Plan.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mr. Kahn, Mrs. Martinez

NAYS: None

Mrs. Morgan said this will next be heard at the Building, Zoning and Economic Development Committee meeting on Wednesday, April 13th at 4:00 p.m. in Council Chambers.