



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
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Legistar History Report

File Number: 20-0072

File ID: 20-0072

Type: Petition

Status: Draft

Version: 1

**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 01/30/2020

File Name: Fox Valley Developers, LLC / Vacation of Easement /
Vacation - Easement

Final Action:

Title: Requesting the Vacation of Easements on the property located east of
Lincoln Avenue, west of 4th Street (Fox Valley Developers, LLC - 20-0072 /
AU27/1-20.019-VAC/E - TV - Ward 4)

Notes:

Agenda Date: 02/26/2020

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Land Use Petition and Supporting Documents -
2020-01-30 - 2020.019.pdf, Plat of Vacation - Bardwell
Easements - 2020-01-30 - 2020.019.pdf

Enactment Number:

Planning Case #: AU27/1-20.019-VAC/E

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	02/04/2020	Forward to Planning Council	Planning Council	02/11/2020		
	Action Text: This Petition was forwarded to the Planning Council.						
1	Planning Council	02/11/2020	Forwarded	Building, Zoning, and Economic Development Committee	02/26/2020		Pass
	Action Text: A motion was made by Mr. Sieben, seconded by Mr. Broadwell, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 2/26/2020. The motion carried by voice vote.						
	Notes: <i>Representatives Present: Michael Poulakidas and Ryan Martin</i>						
	<i>Mr. Sieben said I'll pull up the Final Plan. Again, this is pretty much identical to what we saw with the zoning and the preliminary. But if you kind of want to give everyone an update again what we are</i>						

showing here.

Mr. Poulakidas said as we all know, it is the old Copley site. The proposal is to, amongst other things, shut down Seminary, which will allow for a parks/green space in between Bardwell and the nurse's building, which is going to be the new East Aurora School Administration Building. The busses would flow down west on Seminary and then south into the alley, extending the alley to make sure we comply with all the necessary codes there. To the east most part of the property, we will be dedicating approximately 1½ acres to the Park District for an all accessible park. As opposed to any drainage, we are having rain gardens, which is allowed by code and we are proposing I should say, which we believe will be a nice added feature to the property and add some nice green space while also being functional. We are still in the process of obtaining remaining parcels that are along Weston. We are currently in court to obtain a tax deed for the parcel that's closest to the Park District. It turns out that the other parcels that go with the old Tagues building are a logistical and legal nightmare currently being managed to be owned by an investor that bought taxes way back in 2016 before we even started this whole thing. That process is changing every day and in speaking with our team, we're glad that we didn't wait and that we are moving forward without it because we have a great plan. Two of the buildings have been torn down being the Cancer Center and the power plant. The 88 building is earmarked to be a pharmacy with medical office space on the second two floors. The 1916, 32 and 47 buildings are going to be senior living managed by Garden Management Solutions, the 11th largest assisted living firm in the country. The two floors of the 70's building will be a health and wellness center. We already have leases with an urgent care provider, a family counselling provider and working toward leases with labs, imaging and physical therapy. Then the upper four floors will be an independent residence for adults with cognitive and developmental disabilities. The senior living will be approximately 96 units. The residents for adults with disabilities will be approximately 53. It is a plan we are very excited for and one we've worked very hard on. We have feasibility studies that show as much as they can show that we will be successful and we've put a management team together that we believe will lead to the success of the development. I hope that's what you were asking for Ed.

Mr. Sieben said that's perfect. We had some issues with the old vacation of Weston and there was a little bit of an issue with the alley through Bardwell School. I don't know if you or Ryan want to give us just an update. That's, I think, getting worked out.

Mr. Poulakidas said I'll do the Weston portion and then I think with Ryan it is more the bus issue and so he'll speak to that. As far as Weston is concerned, in the 80's the city had actually an ordinance dedicating the property, that road, to Copley. What had happened is that when the county received that, it was actually, let me step back, the dedication was for the road and the alley and when the county received the ordinance, they only noticed the alley and so they only took care of the dedication for the alley.

Mr. Sieben said right. I think there was a rendering with the legal and the rendering only showed the alley, not the road, and someone missed it.

Mr. Poulakidas said correct.

Mr. Martin said and it was a decades old document that just has been...

Mr. Sieben said was it 1980?

Mr. Poulakidas said yes. It was only recorded in 1999. So the county, rightfully so, they needed to cover their tracks and we had come up with one of three solutions and the simplest solution was to get Copley to deed that property now to us because what the county had said is that in their mind legally it still belonged to Copley because it never was transferred in any other deeds from like Copley to Guiding Light and Guiding Light to Nyak and Nyak to us. So they had asked to resolve the issue if we could do that. That would be the quickest and fastest and so we reached out to Copley. They were very diligent in getting back to us and we actually have the deed and it is being recorded. That road will actually be given its own PIN number and then we'll go ahead and record that and that will now belong to us, of course, subject to the rights of the property owners that are still along Weston

so we know that they will have ingress/egress rights. The biggest concern for us, honestly, is the parcel that's closest to the Park District's parcel because that's so far into the property. As far as Tagues is concerned, they'll have simple access in and out of that road to do what they do. Although we are in talks with them to purchase it, it may or may not go, but either way we'll be good neighbors.

Mr. Sieben said has Tagues lost rights? Is it now this tax buyer?

Mr. Poulakidas said at one point legally we had thought that he didn't have it and then it literally was in court to get a deed and the judge booted it because the tax buyer didn't do what they were supposed to and then we thought it was in no-man's land and Tagues still owned it and now there is a tax buyer from 2016 that's now refiling and they are pretty adamant that they are going to get the deed and we're saying well we've seen this before. We're wondering if it will get kicked out now there is a different judge on the bench.

Mr. Sieben said it is a long-term?

Mr. Poulakidas said yes. It is a long term. We are moving on without it understanding that we will be good neighbors. We should have the other parcel within the next 6 months. We just had a ruling from the judge saying that we fit under the 6 month right of redemption period as opposed to the 2 year, so within 6 months we'll know if that's ours, which will be nice.

Mr. Martin said so touching on the alleyway, for C.W. Bardwell School, it is not shown on the plan here, but see the two-way alley between the residential lots directly to the east. If you look at the GIS for Kane County now it shows an alleyway cutting through the middle of the school. There is a document from 1960 that was recorded in 1967 that says that alleyway as part of the school improvements that that alleyway was being vacated. I was looking at it this morning actually and checked in with my surveyor and I don't see any reason why the alleyway shouldn't be an issue anymore. We are resubdividing that whole entire C.W. Bardwell property. As part of that we are dedicating the right-of-way that is the alleyway you see directly to the east of it, so that will not be a public right-of-way as opposed to the private 20 foot wide alleyway that you see there today. From a bus standpoint, as we are closing Seminary and this is kind of what Michael was touching on that I'm going to elaborate a little bit about, right now the bus drop-offs for Bardwell School are on Seminary Avenue. As part of this proposed plan, this was included in preliminary as well, we are shutting down that part of Seminary so any traffic routed along Seminary is going to be routed to the south to Marian through that alleyway. That will also be the dedicated bus drop-off and staging area. It is hard to imagine it now because the alleyway you see existing is only a 12½ foot wide alley. We are expanding that to 26 minimum, 41 where the bus staging is. It will be a much wider area and much safer area. You're not going to have the kind of traffic on Seminary that you were having before. As part of this shutdown of that right-of-way you are only going to have local traffic for those homes and people dropping kids off. I think it is a good idea for using that alleyway and Bardwell can cut into that playground area a little bit. That's the plan there. If there are any questions regarding bus staging, we've run a few analyses to see how that works and how that would all kind of play out. We are working with East Aurora to make sure that everything there is matching with what they want to see as well.

Mr. Sieben said why don't we go around the table. Jeff, do you want to start first. Do you have anything else to add?

Mr. Palmquist said I was just catching up with Ryan before the meeting and just commenting. I had a little hard time looking at the plans, but it seemed like it was completely consistent with what we saw at preliminary. I was particularly paying attention then to how exactly the easements were defined and that seemed to be appropriate for what you are doing there and not an impediment to any of our development. I think all our needs are addressed that carried over from preliminary. We didn't really talk about topography or grades, so I don't know if you and our engineering have been able to coordinate to make sure that just the spots are going to work.

Mr. Martin said we haven't heard yet back from Pat, but I'm happy to follow up with him and make sure everything works.

Mr. Palmquist said I just want to make sure that nothing that he might be thinking of is going to slow you down. I wanted to make sure that your spots are okay then when you work with engineering that we're good with how they are going to transition to our grading.

Mr. Martin said yes, absolutely. Nothing we're doing is a hindrance to current drainage patterns there, so I don't imagine any issues. If we need to tweak we can absolutely revise as necessary.

Mr. Palmquist said okay. But those were really just the transition grading and then seeing how the utilities were going to be precisely defined through there. I think the boundary is exactly how it was on the preliminary.

Mr. Martin said it is.

Mr. Sieben said I'll go next. From a Zoning perspective big picture, this is pretty much identical to the preliminary that's already been approved. The one item we did work out, and it will be codified in the staff report, is in the Plan Description with the zoning we had a minimum square footage of 450 feet for the dwelling units. Now the dwelling units do not include those units that are memory care or assisted living. They are not considered dwelling units as defined in the ordinance or the building code. However, there are a few of the independent living, I think there were 4 total out of the many and then there were 8 of the cognitive disability units in the other building that were at least a little bit below 450, so the Zoning Ordinance does allow with final plans a 10% variance to the bulk restrictions for buildings and structures so we will be codifying that. Basically these are some studio units that are a little bit less than what that figure is, but it is well within the guidelines of the ordinance, so we'll codify that. Once we are done discussing, we'll vote this out today and this will go to Planning Commission next Wednesday, the 19th, at 7:00 p.m. for the next step. Herman, how about you?

Mr. Beneke said the Fire Marshall and I haven't been able to sit down with it, but it looks like it is the same as what was before so it shouldn't be any major things. I know that I did see a couple of things where we had asked the fire hydrants to be within 5 feet at the fire lanes. They need to be moved. We had comments on that before, but we didn't hold it up. You just can't be too far away from the fire lanes. There are a couple of adjustments like that I think that might need to happen, but in general as long as it meets what we had before we should be fine with it.

Mr. Phipps said the Engineering Division has received the first submittal of the Final Engineering plans and supporting documents and we're in the process of reviewing those right now. So as this moves on and gets voted out today, I would just like to attach our standard condition that prior to Final Engineering approval that all of the Engineering comments be addressed.

Mr. Frankino said in terms of the buildings that were torn down, we would like to know the method that was used to abandon the sanitary services if there were any. I don't know if those buildings had utilities to them such as sanitary sewer, but we have some requirements that are very similar to the city as to how those should be done, so I'd like to get some information on that if there is any way to find out who could help me with that. Then in terms of the new facility, the new review, I believe we put comments out on those plans about 3 weeks ago and are just awaiting responses on them. We're moving along as well.

Mr. Sieben said I'd like to make a motion to move this forward to the February 19th Planning Commission. Mr. Broadwell seconded the motion. The motion carried unanimously.
