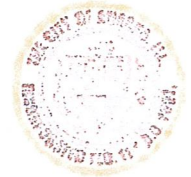


# City of Aurora



Development Services Department | Zoning and Planning Division  
44 E. Downer Place | Aurora, IL 60505  
Phone: (630) 256-3080 | Fax: (630) 256-3089 | Web: [www.aurora-il.org](http://www.aurora-il.org)

## Land Use Petition

2022.038

I hereby affirm that I have full legal capacity to authorize the filing of this Petition and that all information and exhibits  
**Subject Property Information**

Address / Location: southwest corner of Independence Drive and Constitution Drive

Parcel Number(s): 15-18-301-008; 15-18-301-034; 15-18-301-035; 15-19-126-016; 15-19-126-023; 15-18-301-033

### Petition Request

Requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from R-1(C) One Family Dwelling District, R-4A(C) Two Family Dwelling District, and R-5(C) Multiple-Family Dwelling District, all with a Conditional Use, to R-4A(C) Two Family Dwelling District with a Conditional Use on the property located at the southwest corner of Independence Drive and Constitution Drive

Requesting approval of a Preliminary Plan and Plat for the Orchard Lake Subdivision, located at the southwest corner of Independence Drive and Constitution Drive for a ROW Dwelling (Party Wall) (1130) Use

### Attachments Required

(a digital file of all documents is also required)

- |  |   |   |
|--|---|---|
| Development Tables Excel Worksheet - digital only (1-0)                  | Fire Access Plan                          | Word Document of: Plan Description (2-18) |
| Word Document of: Legal Description (2-1)                                | Final Engineering Plans (2-16)            |   |
|  | Stormwater Permit Worksheet, Application, | Two Paper and pdf Copy of:                |
| One Paper and pdf Copy of:   | Project Information Sheet (1-14)          | Plan Description (2-18)                   |
| Qualifying Statement (2-1)   | Stormwater Report (2-10)                  | Preliminary Plan (2-8)                    |
| Plat of Survey (2-1)   | Traffic Impact Study                      | Preliminary Plat (2-9)                    |
| Legal Description (2-1)  |   | Floor Plans                               |
| Letter of Authorization (2-2)  |   | Preliminary Elevations                    |
| Existing or Proposed CC&Rs (can be submitted before Planning Commission) |   |   |

**Petition Fee: \$1,823.90**

**Payable to: City of Aurora**

herewith submitted are true and correct to the best of my knowledge. The Authorized Signatory invites City representatives to make all reasonable inspections and investigations of the subject property during the period of processing this Petition.

The Subject Property Owner must sign this form unless the Contact Person has been authorized to do so per a letter that is attached hereto. If Signator is NOT the Subject Property Owner a Letter of Authorization with owner's Name and contact information is required.

Authorized Signature: [Signature] Date 2.7.2022  
Print Name and Company: GREGORY J. DESTEFANO, GDS DEVELOPMENT, LLC

I, the undersigned, a Notary Public in and for the said County and State aforesaid do hereby certify that the authorized signer is personally known to me to be the same person whose name is subscribed to the foregoing instrument and that said person signed sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

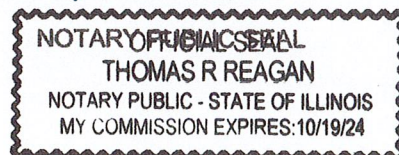
Given under my hand and notary seal this 7th day of FEBRUARY 2022.

State of IL)

) SS

County of COOK)

[Signature]  
Notary Signature





Planning and Zoning Division 1 S. Broadway, 2nd Floor, Aurora, IL  
phone (630) 256-3080 fax (630) 256-3081 email COAPlanning@aurora-il.org

### Filing Fee Worksheet

**Project Number:** 2021.119

**Petitioner:** GDS Development, LLC, 2906 Central Street, Suite

**Number of Acres:** 8.05

**Number of Street Frontages:** 3.00

**Non-Profit** No

**Linear Feet of New Roadway:** 0

**New Acres Subdivided (if applicable):** 8.05

**Area of site disturbance (acres):** 0.00

**Filing Fees Due at Land Use Petition:**

Request(s):	Plan Description/Revision	\$	922.08
	Preliminary Plan & Plat	\$	856.82
	Public Hearing Notice Sign(s)	\$	45.00

**Total:** **\$1,823.90**

This Calculator is for informational purposes only and all numbers are subject to verification by the Review Planner.

Verified By: Jill N Morgan

Date: 2/4/2022

## Project Contact Information Sheet

**Project Number:** 2021.119

**Petitioner Company (or Full Name of Petitioner):** GDS Development, LLC, 2906 Central Street, Suite 112, Evanston, IL 60201

### Owner

First Name: Gregory Initial: J Last Name: DeStefano Title: Mr.  
 Company Name: Commonwealth Development LLC  
 Job Title: Manager  
 Address: 2906 Central Street, Suite 112  
 City: Evanston State: IL Zip: 60201  
 Email Address: gdestefano@gdscompanies.com Phone No.: 847-241-1161 Mobile No.: 773-914-8247

### Main Contact (The individual that signed the Land Use Petition)

Relationship to Project: Land Developer / Builder  
 Company Name: GDS Development LLC  
 First Name: Gregory Initial: J Last Name: DeStefano Title: Mr.  
 Job Title: President  
 Address: 2906 Central Street, Suite 112  
 City: Evanston State: IL Zip: 60201  
 Email Address: gdestefano@gdscompanies.com Phone No.: 847-241-1161 Mobile No.: 773-914-8247

### Additional Contact #1

Relationship to Project: Architect  
 Company Name: WDN Architecture, LLC  
 First Name: Drew Initial: D Last Name: Nelson Title: Mr.  
 Job Title: Owner  
 Address: 432 N. Clark Street, Suite 201  
 City: Chicago State: Illinois Zip: 60654  
 Email Address: dnelson@wdnarchitecture.com Phone No.: 312-285-2413 Mobile No.: 708-912-6453

### Additional Contact #2

Relationship to Project: Engineer  
 Company Name: RWG Engineering, LLC  
 First Name: Robert Initial: W Last Name: Gudmundson Title: Mr.  
 Job Title: Owner  
 Address: 975 E. 22nd Street, Suite 400  
 City: Wheaton State: IL Zip: 60189  
 Email Address: rwg@rwg-engineering.com Phone No.: ##### Mobile No.: 630-774-9501

### Additional Contact #3

Relationship to Project: Engineer  
 Company Name: Pierce Engineers Inc.  
 First Name: Randy Initial: Last Name: Elliott Title: Mr.  
 Job Title: President  
 Address: 181 N. Broadway  
 City: Milwaukee State: WI Zip: 53202  
 Email Address: relliott@pierceengineers.com Phone No.: 414-278-6060 Mobile No.: 414-988-7450

### Additional Contact #4

Relationship to Project: Landscape Architect  
 Company Name: Gary R. Weber Associates, Inc.  
 First Name: Carl Initial: Last Name: Peterson Title: Mr.  
 Job Title: Principal  
 Address: 402 W. Liberty Drive  
 City: Wheaton State: IL Zip: 60187  
 Email Address: cpeterson@grwainc.com Phone No.: 630-668-7197 Mobile No.: 630-205-1393

## QUALIFYING STATEMENT

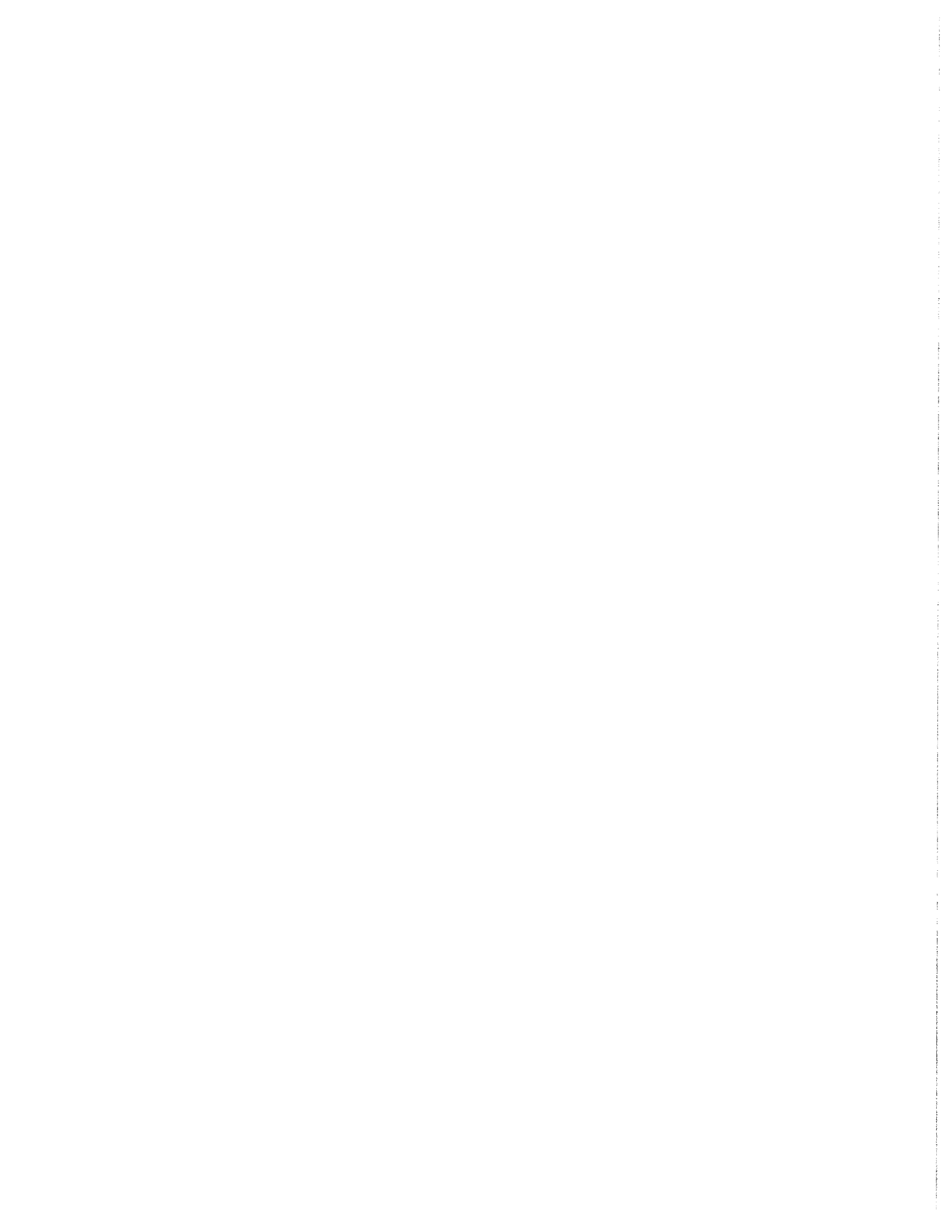
**I. Introduction:** Petitioner, GDS Development LLC (“Developer”), is an Illinois limited liability corporation and the developer of approximately eight (8) acres of vacant property, including a stormwater detention pond, generally located at southwest corner of Independence Drive and Constitution Drive, in the City of Aurora, DuPage County, Illinois (the “Subject Property”). The Subject Property is currently zoned R-1 with a conditional use, R-4A with a conditional use and R-5 with a conditional use. The City of Aurora Comprehensive Plan designates the Subject Property as high density residential.

**II. Description of Proposal:**

The Subject Developer is requesting a CUPD Revision with rezoning to R-4A conditional use for a planned development for a maximum of 102 townhomes with a Preliminary Plan and Plat. Developer plans to construct the townhomes as a multi-family rental development with amenities that include a 3,500 SF +/- Clubhouse with outdoor swimming pool on the combined Parcels 1 & 2. The existing stormwater detention pond to the west of the Subject Property shall be expanded to accommodate the small increase in impervious surface as a result of additional onsite visitor parking requested by the City and will also meet the current City of Aurora Stormwater Ordinance.

The proposed development by Developer is the highest and best use for the Subject Property, and will generally benefit the City and its residents in at least the following ways:

- a) *The public health, safety, morals, comfort or general welfare:* The proposed development is compatible with much of the existing zoning approved in 2005 which allowed 100+/- units to be constructed. The basic change is designed to offer the community a high-quality rental product that meets the current demand for such a use, instead of a for sale product. By adopting covenants, conditions, and restrictions and also hiring a management company the Subject Developer intends to ensure the project is operated in a quality manner.
  
- b) *The use and enjoyment of other property already established or permitted in the general area:* The proposed development is consistent and in harmony with the City of Aurora’s Comprehensive Plan and the existing uses in the area. The immediately surrounding area includes a mix of uses including commercial, office, single family residential, and multi-family residential. In the immediate vicinity are the following land uses: to the west is an open space used for a regional stormwater detention; to the south and east are commercial and office uses; and to the north is single-family residential. The R-4A Two Family Dwelling District will remain as the underlying base zoning for this parcel to provide for the long-term viability of the Subject Property and to ensure consistency and compatibility with the adjacent zoning and uses.



c) *Property values within the neighborhood.* The Subject Property has been vacant for many years. The Development will add significant value to the City's tax base and stabilize the area by adding high quality townhomes. Such Development will not have an adverse effect on the value of adjacent or nearby properties.

d) *The normal and orderly development and improvement of surrounding property for uses established or permitted within their respective existing zoning districts:* All utilities are present or readily available to the Subject Property.

e) *Utilities, access roads, drainage and/or other necessary facilities:* All utilities are present or readily available to the Subject Property.

f) *Ingress and egress as it relates to traffic congestion in the public streets:* There is sufficient roadway capacity on the surrounding public roadways to accommodate the development of the Subject Property; and development of the Subject Property will not significantly impair ingress and egress, nor affect traffic congestion in the public streets.

g) *The applicable regulations of the zoning district in which the subject property is proposed to be or is located:* The Subject Property shall be limited to those uses permitted in the R-4A Two Family Dwelling District not to exceed 102 units in total, and Section 107.10 of the Aurora Zoning Ordinance. Units shall be constructed as rental townhome product with the adoption of property management documents for the Development including regulations for rentals, parking, trash service, and maintenance.

**III. Requested Variances, Modifications or Exceptions from the City's Codes and Ordinances.**

None.

January 27, 2022

To: City of Aurora, Planning and Zoning Division  
44 East Downer Place  
Aurora, Illinois 60507  
(630) 256-3080  
coaplanning@aurora-il.org

Re: Authorization to sign and act on behalf of Owner, Chicago Title Land Trust #94-6158 (Commonwealth Developments, LLC) in connection with Land Use Petition for approval of a CUPD Revision with rezoning to R-4A conditional use for a planned development and Preliminary Plat and Plan for property generally located at the southwest corner of Independence Drive and Constitution Drive ("Subject Property")

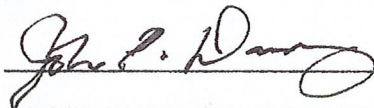
To Whom It May Concern:

This will confirm that GDS Development, LLC, as Developer ("Developer"), is fully empowered and authorized to act on behalf of Chicago Title Land Trust #94-6158 (Commonwealth Developments, LLC), the current legal owner of the Subject Property, with regard to all applications, petitions or other necessary government approvals from the City of Aurora. Developer is also authorized to appoint the Contact Person to act as its authorized agent on behalf of the Subject Property.

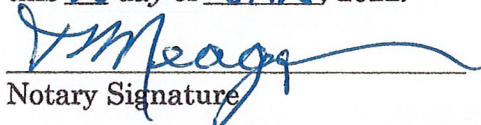
In the capacity set forth above, Developer authorizes Dykema Gossett PLLC to act on its behalf with regard to all applications, petitions or other necessary government approvals from the City of Aurora for the approval of a CUPD Revision with rezoning to R-4A conditional use for a planned development and Preliminary Plat and Plan.

OWNER:

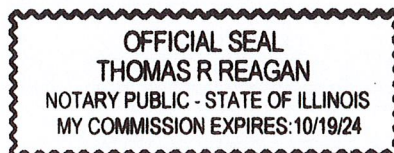
By:  
Its:

  
\_\_\_\_\_

*Subscribed and sworn to before me  
this 28<sup>th</sup> day of JAN, 2022.*

  
\_\_\_\_\_  
Notary Signature

122335.000001 4854-7886-0299.1



PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 18 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 89 DEGREES 43 MINUTES 29 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 44.22 FEET; THENCE NORTH 08 DEGREES 42 MINUTES 08 SECONDS EAST, A DISTANCE OF 640.40 FEET; THENCE NORTH 64 DEGREES 46 MINUTES 48 SECONDS EAST, A DISTANCE OF 136.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 32 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 102.40 FEET; THENCE SOUTH 36 DEGREES 48 MINUTES 25 SECONDS EAST, A DISTANCE OF 465.33 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 30 SECONDS EAST, A DISTANCE OF 134.70 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF INDEPENDENCE DRIVE AS DEDICATED IN DOCUMENT 1087561; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF INDEPENDENCE DRIVE BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 433.00 FEET, SUBTENDING A CHORD BEARING NORTH 38 DEGREES 14 MINUTES 50 SECONDS WEST, AN ARC DISTANCE OF 21.77 FEET TO A POINT OF TANGENCY; THENCE NORTH 36 DEGREES 48 MINUTES 25 SECONDS WEST, A DISTANCE OF 453.19 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 333.00 FEET, SUBTENDING A CHORD BEARING NORTH 31 DEGREES 42 MINUTES 49 SECONDS WEST, AN ARC DISTANCE OF 59.20 FEET; THENCE SOUTH 64 DEGREES 46 MINUTES 48 SECONDS WEST, A DISTANCE OF 134.00 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.



PARCEL 2:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 18 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH 8 EAST OF THE THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 89 DEGREES 43 MINUTES 29 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 44.22 FEET; THENCE NORTH 08 DEGREES 42 MINUTES 08 SECONDS EAST, A DISTANCE OF 640.40 FEET; THENCE NORTH 64 DEGREES 46 MINUTES 48 SECONDS EAST, A DISTANCE OF 136.16 FEET; THENCE SOUTH 32 DEGREES 19 MINUTES 19 SECONDS EAST, A DISTANCE OF 102.04 FEET; THENCE SOUTH 36 DEGREES 48 MINUTES 25 SECONDS EAST, A DISTANCE OF 465.33 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 30 SECONDS EAST, A DISTANCE OF 134.70 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF INDEPENDENCE DRIVE AS DEDICATED IN DOCUMENT 1087561; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF INDEPENDENCE DRIVE BEING A CURVE TO THE LEFT HAVING A RADIUS OF 433.00 FEET, SUBTENDING A CHORD BEARING SOUTH 41 DEGREES 40 MINUTES 26 SECONDS EAST, AN AC DISTANCE OF 30.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 433.00 FEET, SUBTENDING A CHORD BEARING SOUTH 60 DEGREES 33 MINUTES 50 SECONDS EAST, AN ARC DISTANCE OF 255.48 FEET TO A POINT OF TANGENCY; THENCE SOUTH 77 DEGREES 28 MINUTES 02 SECONDS EAST, A DISTANCE OF 385.25 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 333.00 FEET, SUBTENDING A CHORD BEARING SOUTH 83 DEGREES 32 MINUTES 24 SECONDS EAST, AN ARC DISTANCE OF 70.59 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, SUBTENDING A CHORD BEARING SOUTH 44 DEGREES 36 MINUTES 46 MINUTES EAST, AN ARC DISTANCE OF 39.27 FEET TO A POINT OF THE WEST LINE OF CONSTITUTION DRIVE AS DEDICATED IN DOCUMENT 1023544; THENCE SOUTH 00 DEGREES 20 MINUTES 22 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 231.33 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 41 SECONDS WEST, A DISTANCE OF 13.33 FEET TO NORTH LINE OF NELSON LANE AS DEDICATED PER DOCUMENTS 2006K134918 AND 2008K040026; THENCE NORTH 83 DEGREES 17 MINUTES 00 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 533.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 183.00 FEET, SUBTENDING A CHORD BEARING SOUTH 81 DEGREES 43 MINUTES 00 SECONDS WEST, AN ARC DISTANCE 95.82 FEET TO A POINT OF TANGENCY; THENCE SOUTH 66 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 55.24 FEET TO POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING RADIUS OF 117.00 FEET, SUBTENDING A CHORD BEARING SOUTH 81 DEGREES 43 MINUTES 00 SECONDS WEST, AN ARC DISTANCE OF 61.26 FEET T A POINT OF TANGENCY; THENCE NORTH 83 DEGREE 17 MINUTES 00 SECONDS WEST A DISTANCE OF 143.81 FEET TO THE EAST LINE OF LOT 4 IN ORCHARD LAKE DEVELOPMENT-UNIT 2 PER DOCUMENT 2008K040026; THENCE NORTH 06 DEGREES 43 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 314.26 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 30 SECONDS EAST, A DISTANCE OF 209.81 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.