



City of Aurora

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Legistar History Report

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**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 01/30/2020

File Name: Fox Valley Developers, LLC / Bardwell Community
Subdivision / Final Plan

Final Action:

Title: A Resolution Approving a Final Plan for Bardwell Community Subdivision located along Weston Avenue and Seminary Avenue between S. Lincoln Avenue and S. 4th Street (Fox Valley Developers - 20-0075 / AU27/1-20.020-Fsd/Fpn - TV - Ward 4)

Notes:

Agenda Date: 02/26/2020

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A-1" Final Plan - 2020-01-30 - 2020.020.pdf, Exhibit "A-2" Landscape Plan - 2020-01-30 - 2020.020.pdf, Exhibit "A-3" Building Elevations - 2020-02-17 - 2020.020.pdf, Fire Access Plan - 2020-01-30 - 2020.020.pdf, Land Use Petition and Supporting Documents - 2020-01-30 - 2020.020.pdf, Plat of Survey - 2020-01-30 - 2020.020.pdf, Property Research Sheet.pdf, Legistar History Report (Final Plan) - 2020-02-12 - 2020.020.pdf, Planning Commission Presentation.pdf

Enactment Number:

Planning Case #: AU27/1-20.020-Fsd/Fpn

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	Planning Commission	02/19/2020		Pass

Action Text: A motion was made by Mr. Sieben, seconded by Mr. Broadwell, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/19/2020. The motion carried by voice vote.

Notes: *Representatives Present: Michael Poulakidas and Ryan Martin*

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 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.

2	Planning Commission	02/19/2020	Forwarded	Building, Zoning, and Economic Development Committee	02/26/2020	Pass
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Action Text: A motion was made by Mr. Chambers, seconded by Ms. Tidwell, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 2/26/2020. The motion carried.

Notes: See Attachment for Items 20-0071, 20-0074 and 20-0075.

Aye: 11 At Large Cameron, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, Fox Valley Park District Representative Chambers, At Large Owusu-Safo, SD 129 Representative Head, SD 131 Representative Hull, At Large Tidwell, At Large Gonzales and At Large Elsbree

Attachment for Items 20-0071, 20-0074 and 20-0075:

20-0071 A Resolution approving the Final Plat for C.W. Bardwell Subdivision located at 550 S. Lincoln Avenue (Fox Valley Developers – 20-0071 / AU27/3-20.018-Fsd – TV – Ward 4)

Mrs. Vacek said as you are aware, there 3 actions that are before you tonight. The first action, the Petitioner, on behalf of the Aurora School District #131, is requesting approval of a Final Plat for C.W. Bardwell Subdivision, which is currently the home of the Bardwell Elementary School. Although not before the Planning Commission tonight, I just wanted to note a couple of things. There is a vacation for a portion of Seminary Avenue, which will become green space and a path that will connect the school and the new Administrative Building in the former nurse's office in the Bardwell Community property. The Final Plat will consolidate a portion of the Seminary Avenue, the two existing lots and the vacated portion of the alley into one lot. Due to the vacation of Seminary Avenue, a new alley on the school's property will be dedicated to the city connecting the dead-end at Seminary Avenue to Marion Avenue. Actually the Plat of Vacation will be meet up with this at the Building, Zoning and Economic Development Committee. The second action that is before you tonight is comprised of the former Copley Hospital Complex. As you may recall, in November of last year, a new Special Use Planned Development was established with underlying R-5, O and P zoning. At that time, a Preliminary Plan and Plat was approved for Avalon Heights Subdivision. The Petitioner is requesting a Final Plat for Bardwell Community Subdivision, formerly known as Avalon Heights Subdivision. The detail of the request includes a 5 lot subdivision that divides the main building into Lot 1, the School District portion into Lot 2, the majority of the parking and drive isles into Lot 3 and 5 and the park into Lot 4. The Plat also provides a Dedication of Right-of-Way for a turnaround at the newly created dead-end at Weston Avenue along with a blanket city easement and ingress/egress easement over Lots 3 and 5. Again, though not before Planning Commission tonight, there is a Plat of Vacation for certain easements on this property. These locations are located over the vacated portion of Weston Avenue and the vacated portion of the alley and will be incorporated into the blanket city easement on the Final Plat for Bardwell Community Subdivision. Lastly, the third action that is before you tonight is a request for a Final Plan for Broadwell Community Subdivision. The property includes mixed use redevelopment of historical buildings with new additions and a new planned park. I'll let the Petitioner go into a little bit more detail of the uses. The have a little bit of a presentation for you. I just wanted to also note that as part of the Final Plan, an Administrative Variance is being approved for by the Zoning Administrator as there are 4 independent living dwelling units, which range from 437 to 442 square feet, which is well within the 10% of the required minimum square footage of the Plan Description, which is 450 square feet. There are also 8 independent apartment community studios, or IAC, dwelling units that are less than 450 square feet. These 8 units total less than 10% of the total unit count within the development. If we are only using dwelling units as defined, there is a total of 59 independent living units and 53 IAC units totaling 112 units, of which 8 of the IAC studios are less than 10%, which is a total of 7.1. This is an allowable variance under our Section 10.7-9 of the Aurora Zoning Ordinance. I will turn it over to the Petitioners unless you have any questions for me and I can answer those.

Mr. Cameron said I remember at the time we had the Preliminary on that there were some questions on that south side with the roadways and stuff. Did that get resolved?

Mrs. Vacek said it did.

Mrs. Head said does that also include the area where they were stating that the busses would come in and out to take flow off of Lincoln?

Mrs. Vacek said I will let them answer that.

I'm Ryan Martin with Mackie Consultants, 9575 Higgins, Rosemont, Illinois. We can address the bus situation first or go through our presentation. The presentation doesn't involve much with the bus conversation.

Mrs. Head said go with your presentation first.

I'm Russ Woerman, Fox Valley Developers, 346 N. Lake Street, Aurora, Illinois. So what's going in here at the at Copley Center, the old Copley Hospital, obviously, East Aurora School District is going where the nurse's building is and that's where Seminary will be shut down. The U-shaped section of Copley will be where the senior living would be. That would be on the Lincoln and the Weston side. Then going further down Weston where the 6 story 1970's building is, that will be the IAC. There will be 53 units of the community apartments for adults with autism and then the 2 story building on the Seminary side will be the medical use where we'll have Vituity Group and some medical facilities in there. The 1880's building is scheduled to be a pharmacy right now, like an old school pharmacy for that area right there, and medical offices above. Then as you can see, the park will be at the end at the east side of facility. I'm not sure if there is anything else that you would like me to present. I know this has been put in front of you a couple of times and I don't want to waste anybody's time with going through a whole display again, but if there are any questions, I'd be more than happy to answer them.

Mrs. Head said I do have a question about using the alley for school busses they said to take the traffic off of Lincoln. Are you making sure that that's one-way or are you planning on letting traffic go both directions?

Mr. Martin said it will be one-way. It will come from north on Seminary to south on Marion. That lane will be widened. It is hard to imagine now if you drive down it. It is a 12½ foot drive isle currently. That will be widened to 26 feet at the narrowest and about 40 feet where the busses will actually be dropped off. It will be one-way. Signage will be all appropriate stating as such. The staging for getting on to the busses will be in that playground area, so it gives a fenced area where the students can kind of stay in that playground area and then when the busses are ready, they can be let into that alleyway area to their respective busses. The analysis for that bussing turning radius all works out well. It stages pretty well. It takes away some of the current traffic you are going to have on Seminary Avenue. It should all be local traffic for the most part. Anyone coming from Seminary is going to be likely people dropping kids off or local for those homes or for the Bardwell Community project.

Mrs. Head said thank you.

Mr. Elsbree said so is the city doing any change in parking on that road, on Seminary? Is there only parking on one side. Currently, I believe, it is on two sides.

Mr. Martin said as of right now I don't know of any plans to change parking on Seminary Avenue.

Mr. Elsbree said if I understood, it's one-way, it's going to change to one-way?

Mr. Martin said Seminary will be two-ways, so someone turning out of the Bardwell Community, for instance, can still turn left onto Seminary and that would really be the only instance where someone would be going eastbound on Seminary. The alleyway itself is one-way.

Mr. Elsbree said I just know that's a really narrow street with cars on both sides.

Mr. Martin said and this actually will eliminate some of the cross traffic that you have coming from Lincoln now.

Mr. Elsbree said that would make sense. But there will be busses coming through there, but now it is going to be wider.

Mr. Martin said correct.

Mr. Cameron said do we have a hopeful time schedule? It is going to be sequenced or what's the...

Mr. Woerman said that work will be scheduled to be done this summer on Seminary because we are turning over the School District building at that time.

Mr. Cameron said but the rest of the conversion and stuff will lay out in a couple of years?

Mr. Woerman said March would be the senior living and then June and August would be the IAC and the medical offices will be, some of them we are turning over this August or September, but as we fill the space they will be filled. But the exterior of the building, the parking lot and all that should be done by the end of this year or spring of next year for sure.

Mr. Cameron said a fairly aggressive schedule.

Mr. Woerman said yes sir. We are running out of time.

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving the Final Plat for C.W. Bardwell Subdivision located at 550 S. Lincoln Avenue with the following condition:

1. That the approval of the Final Plat be subject to receiving Final Engineering approval from the Engineering Division.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: None

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, February 26, 2020, at 4:00 p.m. on the fifth floor of this building.

20-0074 A Resolution approving the Final Plat for Bardwell Community Subdivision located along Weston Avenue and Seminary Avenue between S. Lincoln Avenue and S. 4th Street (Fox Valley Developers – 20-0074 / AU27/1-20.0202-Fsd/Fpn – TV – Ward 4)

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving the Final Plat for Bardwell Community Subdivision located along Weston Avenue and Seminary Avenue between S. Lincoln Avenue and S. 4th Street with the following condition:

1. That the approval of the Final Plat be subject to receiving Final Engineering approval from the Engineering Division.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: None

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, February 26, 2020, at 4:00 p.m. on the fifth floor of this building.

20-0075 A Resolution approving a Final Plan for Bardwell Community Subdivision located along Weston Avenue and Seminary Avenue between S. Lincoln Avenue and S. 4th Street (Fox Valley Developers – 20-0075 / AU27/1-20.020-Fsd/Fpn – TV – Ward 4)

Mrs. Vacek said staff would recommend conditional approval of the Resolution approving a Final Plan for Bardwell Community Subdivision located along Weston Avenue and Seminary Avenue between S. Lincoln Avenue and S. 4th Street with the following condition:

1. That the approval of the Final Plan be subject to receiving Final Engineering approval from the Engineering Division.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

NAYS: None

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, February 26, 2020, at 4:00 p.m. on the fifth floor of this building.