



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 16-01202

File ID: 16-01202	Type: Resolution	Status: ATS Review
Version: 3	General Ledger #:	In Control: Planning & Development Committee
File Name: Joe Keim Land Corp. / Final Plat / Deerbrook Subdivision		File Created: 12/14/2016
		Final Action:

Title: A Resolution Approving the Final Plat for Unit Five of Deerbrook Place Subdivision, Being Vacant Land Located South of Hafenrichter Road and East of Farnsworth Avenue

Notes:

Agenda Date: 01/26/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Plat of Survey - Lot 317 - 2016-12-14 - 2016.141.pdf, Plat of Survey - Lot 318 - 2016-12-14 - 2016.141.pdf, Plat of Survey - Lot 319 - 2016-12-14 - 2016.141.pdf, Final Plat - 2017-01-03 - 2016.141.pdf, Land Use Petition and Supporting Documents - 2016-12-14 - 2016.141.pdf, Property Research Sheet - 2016-12-21 - 2016.141.pdf, Legistar History Report - 2017-01-16 - 2016.141.pdf

Enactment Number:

Planning Case #: OS01/2-16.141-FSD

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	12/20/2016	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	01/03/2017					
	Notes: <i>Representative Present: Donna Manley</i>						

I'm Donna Manley from Joe Keim Land Corp. We have completed approximately half of the buildings and we do not plan on building the others. We are actively trying to market the project. There are 3 common area lots that surround the buildings and none of them are complete. What we'd like to do is divide those common area lots so that we can deed the completed areas to the Association for their ownership and control and then we would maintain the areas that are not complete.

Mr. Sieben said we discussed this preliminarily at DST. I think everything is in order that we had discussed. This is Steve Broadwell's case, so Steve would be your contact. He'll be in touch with you as far as the meeting date for this.

Mr. Broadwell said I think we are looking at January 18th.

Ms. Manley said I should have that final revision tomorrow.

Ms. Phifer said I think the only thing that we didn't get is I think we want to make sure the HOA docs are revised to reflect the new lot numbers and the responsibilities and I think we just need a copy of that for our file and then once the plat is recorded that that gets recorded at the same time.

Ms. Manley said okay.

Mr. Sieben said and then Joe Keim is looking at selling the remainder once this is done? Is that correct, like you did with the single family with Pulte?

Ms. Manley said yes.

1	DST Staff Council (Planning Council)	01/10/2017	Forwarded	Planning Commission	01/18/2017	Pass
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Action Text: A motion was made by Mr. Broadwell, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 1/18/2017. The motion carried by voice vote.

Notes: Mr. Broadwell said we sent out comments last week and received the resubmittal. I think everything is ready to go for Planning Commission next week. I make a motion to vote this out. Mrs. Vacek seconded the motion. The motion carried unanimously.

2	Planning Commission	01/18/2017	Forwarded	Planning & Development Committee	01/26/2017	Pass
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Action Text: A motion was made by Mr. Pilmer, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 1/26/2017. The motion carried.

Notes: Mr. Broadwell said the subject property is located south of Hafenrichter Road and east of Farnsworth Avenue. It is currently vacant land and open space with an R-5 Special Use Multiple Family Dwelling zoning. It is located in the Deerbrook Unit 5 Subdivision. The Deerbrook Place Subdivision includes 23 townhome buildings and 4 open space lots. Eleven of the townhome buildings have been built and a portion of the open space has been landscaped. The Petitioner, Joe Keim Land Corporation, is requesting approval of a Final Plat for the resubdivision of Lots 317, 318 and 319 of Deerbrook Place Subdivision. The details of the request include splitting the portions of the 4 lots, which are adjacent to existing homes and have been developed as landscaped open space from those which have not yet been developed. The developer wishes to transfer the developed portions of the open space lots to the Homeowners Association and maintain ownership of undeveloped open space to be included in the sale of the remaining undeveloped townhome lots to a new homebuilder. The Petitioner has provided staff with a copy of a revised Covenants, Conditions and Restrictions which reflects the new lot numbers for the open space lots. Staff has reviewed the Final Plat petition and comments have been sent back to the Petitioner on those submittals. If there are any questions, we have a representative from Joe Keim, Donna Manley, to answer any questions that you might have.

I'm Donna Manley from Joe Keim Lane Corp., 515 E. Roosevelt Road, Wheaton, Illinois. Steve's summary, I think, explained what we are trying to do here. We started this project about 12 years ago. As you know, the last 10 years have been difficult. Mr. Keim doesn't plan on completing the balance of the buildings. He would like to sell what's left. The townhome Owner's Association is existing. It's been taken over by the owners. What we are trying to do here is just deed over to that association the completed landscaped portions of the common area lots.

Mrs. Owusu-Safo said what percentage of the property is still vacant?

Ms. Manley said approximately 50%. There were 103 units. We've completed 49 of them.

Mrs. Owusu-Safo said and is the Homeowners Association on board with this agreement?

Ms. Manley said they are entitled to take ownership of the common areas according to the covenants as we determine it's time for that to happen. There hasn't been any specific discussion about doing some now and some later. The association does take care of the completed portions, the driveways, the sidewalks and the landscape areas now. As the developer, we take care of what is not done,

basically keeping the weeds down. We are just trying to clean it up for a sale so we can be finished.

Mrs. Owusu-Safo said is there any proposed new use for that land from the person or for the potential sale?

Ms. Manley said it would still be townhomes. We do understand from our meeting with the Planning Department that if there is a change in the elevations that that would have to come through to be looked at.

Chairman Truax said Tracey, was the Homeowners Association part of discussion with the city on this?

Mrs. Vacek said I don't believe so. They know it is coming. The Homeowners Association knows that they are going to deed it. They are already taking care of the property. They just don't own it. They will just own it now.

Mr. Cameron said are the Homeowners Association dues on all of the unsold lots still the responsibility of the Keim Corporation or what's the status on that?

Ms. Manley said the unsold lots are exempt. However they don't incur expenses because the expenses are for the building exteriors, the driveways, the sidewalks, etc. The developer, Joe Keim Land Corp., does maintain those lots, which as I said is basically weed cutting at this time.

Mrs. Vacek said and we got revised CCR's with this, so it takes into account the new lot numbers as well as what is owned by the developer versus what would be owned by the Homeowners Association. That will be recorded at the same time that we record, or soon after, we record the new plat.

Mrs. Cole said I have a question. So once the area that's developed is deeded over to the current homeowners, you as a company will be responsible for maintaining the undeveloped area until it is sold and once it is sold then then the new owner, that will be their responsibility?

Ms. Manley said that's correct.

Mrs. Cole said that's what I thought, but I just wanted to be sure.

Mr. Cameron said has there been any anticipated look at the cost to the existing Homeowners Association? Is it a zero difference, zero sum, or is there an increased cost because of this to the Homeowners Association?

Ms. Manley said there should be no increased cost whatsoever. The association dues take care of the completed buildings and the grounds surrounding them, which is as it has been since it was established.

Mrs. Owusu-Safo said so are there any like paved access roads or any lots that have been kind of developed at all on them that if deeded separately could be vacant for a long time that might be a nuisance or eyesore?

Mrs. Vacek said the roads are already in into the development. All the roads do have access to the building pads that are existing. If they wanted to come in and redo the building area or redo the Final Plat and change it up, they would have to come back to Planning Commission and City Council approval.

Mr. Cameron said and all the streets have all been dedicated?

Mrs. Vacek said correct.

Ms. Manley said yes, they have all been accepted.

Mr. Cameron said and they are off of the bond as well?

Mrs. Vacek said correct. This occurred in, the first Final Plat, in early 2005. It's been awhile.

Mr. Broadwell said staff would recommend approval of the Resolution approving the Final Plat for Unit 5 of Deerbrook Place Subdivision being vacant land located south of Hafenrichter Road and east of

Farnsworth Avenue.

Chairman Truax said are there conditions?

Mr. Broadwell said no.

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mr. Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Garcia, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds.

NAYS: None

Mr. Broadwell said this will next be heard at the Planning and Development Committee meeting on Thursday, January 26, 2017, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 11 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Divine, SD 204 Representative Duncan, SD 131 Representative Garcia, Fox Valley Park District Representative Chambers and At Large Owusu-Safo
