



Legislation Details (With Text)

**File #:** 23-1037      **Version:** 2      **Name:** D.R. Horton / SE corner of Ogden Avenue and Farnsworth Avenue/CUPD

**Type:** Ordinance      **Status:** Passed

**File created:** 12/14/2023      **In control:** City Council

**On agenda:** 1/23/2024      **Final action:** 1/23/2024

**Title:** An Ordinance Establishing a Conditional Use Planned Development, Approving the Wheatland Crossing 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-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District for the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit "A" Legal Description -- 2023-12-18 - 2023.285, 2. Exhibit "B" Plan Description - 2024-01-16 - 2023.285, 3. Land Use Petition and Supporting Documents - 2023-05-12 - 2023.285, 4. Qualifying Statement - 2023-10-16 - 2023.285, 5. Location Map - 2023-11-21 -2023.285, 6. Legistar History Report - Conditional Use - 2024-01-05 - 2023.285

Date	Ver.	Action By	Action	Result
1/23/2024	2	City Council	adopted	Pass
1/16/2024	2	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
1/10/2024	2	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
12/20/2023	1	Planning and Zoning Commission	Forwarded	Pass

**TO:** Mayor Richard C. Irvin

**FROM:** Planning and Zoning Commission

**DATE:** January 19, 2024

**SUBJECT:**

An Ordinance Establishing a Conditional Use Planned Development, Approving the Wheatland Crossing 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-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District for the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue (D.R. Horton, Inc. - Midwest / 23-1037/ OS01/1-23.285 - A/PA/CUPD/PSD/PPN - JM - Ward 3)

**PURPOSE:**

The Petitioner D.R. Horton, Inc. - Midwest is requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And

Drainage zoning districts on the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue that includes a Plan Description to allow for a mix use development consisting of commercial property at the intersection with a mixture of townhomes and single-family homes along with stormwater detention on the remainder of the property.

**BACKGROUND:**

The Subject Property is currently vacant land with Unincorporated, Kendall County zoning and Unincorporated, Kane County zoning.

The Annexation Agreement, Annexation, Conditional Use Planned Development, and Preliminary Plat and Plan are being reviewed and approved concurrently under separate actions.

The Petitioner is requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And Drainage zoning districts. The details of the request the Establishment of a Conditional Use Planned Development with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And Drainage zoning districts. The details of the request include a Plan Description that divides the parcel into four zoning districts and allows for modifications to some uses and bulk restrictions. This includes allowing one section to develop under R-2 zoning with single-family homes along with modifications to the standard bulk restriction including a slight reduction of minimum lot size and front yard, side yard, and rear yard setbacks. Two areas of the property are identified for R-4A zoning, which allows for townhomes and outlines Aurora's standard bulk restrictions for townhomes. The property at the intersection is given B-2 zoning and allows a Gasoline Station (2821), Car Wash, Single Bay (2832), and a Restaurant with a Drive-Through (2530) uses by right while prohibiting additional uses, including laundromat, alternative financial institutions, used clothing store, pawnshop and tattoo parlor. The stormwater detention areas are shown as OS-1 zoning, being Aurora's standard zoning for detention.

Concurrently with this proposal, the Petitioner is requesting an Annexation Agreement outlining responsibilities of the developer, responsibilities of the City, proposed zoning, roadway requirements by the developer, intersection contribution by the developer, and utilities.

The Petitioner is also requesting approval of a Preliminary Plan and Plat for a mix use development. The residential portion will be developed with 70 detached, single-family homes on approximately 22 acres and 124 townhomes on approximately 17 acres with approximately 13 acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from 1,700 to 3,000 square feet, will have three to five bedrooms, two to three bathrooms, and two to three car garage. The homes are designed with lot sizes and setbacks commensurate with the surrounding residential neighborhoods. The townhomes will range in size from 1,600 to 1,800 square feet and all will have three bedrooms and a two-car garage. Approximately four acres at the immediate corner of Ogden Avenue and Farnsworth Avenue is identified as future commercial development.

Access to the southern portion of the site will be provided via a full access off Hafenrichter Road and Farnsworth Avenue aligning with the current Canyon Creek Drive and Summerlin Drive. Summerlin Drive will be extended through the development and connect to a full access off Odgen Avenue at the current entrance to the concrete plant. This road will divide the commercial from the residential and provide a connection to Ogden for both the commercial and residences in the southern portion. Access to the north side of the property will be available via a right-in-right-out from Odgen Avenue.

Additionally, Keating Drive will be extended into the development. The developer will install a 10-foot bike path along the north side of Farnsworth Avenue, a sidewalk along the north side of Hafenrichter Road, and sidewalks on both sides of the internal roadways.

The developer will restripe the median on Hafenrichter Road to create a northbound turn lane from Hafenrichter into the development across from Canyon Creek Drive. Farnsworth Avenue will be widened to allow a second west bound through lane for the entire stretch from Odgen Avenue to Hafenrichter Road. The west bound turn lane from Farnsworth Avenue to Odgen Avenue will be extended approximately 200 feet. An east bound turn lane will be constructed from Farnsworth Avenue into the development at Summerlin Drive. Any modifications to Odgen Avenue would be under the Illinois Department of Transportation jurisdiction. The intersection of Farnsworth Avenue and Odgen Avenue is a regional improvement which carries significant traffic volumes between multiple municipalities. The Owner and Developer have agreed to a cash contribution of \$450,000 associated with the City's future efforts of regional roadway intersection improvements.

While typically not approved until Final Plan, D.R. Horton has requested that Building Elevations be approved as part of the Preliminary Plan and Plat. The Building Elevations for the single-family homes provide seven models with four to six variations per model. The models include two, 1-story ranch plans with the remaining models being two stories. The homes are clad in vinyl siding with almost all models featuring masonry running along the bottom portion. Several models have options for additional masonry extending to the second story. Diversity is created through varying rooflines of gables, hipped, double gables, cross-gables, dormers, shed roofs above the first-story, and jerkinheads. Some elevations are accentuated by vertical board siding, square shingles in the gable end, columned porches, shutters and/or decorative trusses. The townhomes are similar to the homes constructed in Deerbrook with varying façade created by double cross-gables, cornice returns, recessed walls, projecting garages, and masonry knee wall along the entire façade.

The Preliminary Plat includes subdividing the property into 70 single-family lots, 27 lots for townhomes, and 13 lots for common area, open space, and detention.

## **DISCUSSION:**

Staff has reviewed the Conditional Use Planned Development petition and have sent comments back to the petitioner on those submittals. The petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances except for the condition noted below.

Staff notes that sound land use planning dictates uses should create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across Ogden Avenue to the north, the townhomes have been strategically placed at the northern portion of the property to provide a buffer between the hospital use and the proposed single-family homes to the south. Townhomes are likewise planned to the east of the proposed commercial development. The property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, the developer has placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the property. The townhomes and single-family homes are platted and designed to be consistent with the surrounding properties. While not required until Final Plan, the Preliminary Landscape Plan shows a row of canopy and evergreen trees between this development and the adjacent residential development along with shrub beds along the major arterials with accentuated beds at the intersections to provide beautiful entrance to the development.

The developer has added additional trees along the north/south internal road in the open area to the north that abuts the single-family homes for additional buffering and screening of the road. The access points have been located to allow multiple ingress and egress locations to accommodate the traffic generated by the development.

With regards to Finding of Facts, staff notes the following:

#### Conditional Use

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as it is essential to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. The Aurora Comprehensive Plan identifies the area as low density residential being zero to five dwelling units per acre. Wheatland Crossing adheres to this with its 124 front - load townhomes being at a Gross Density of 5.64 and the 70 detached single-family homes being at a Gross Density of 2.45. The total gross density for the residential development is 3.38. Lot sizes of the single-family detached lots will range from approximately 7,500 to 11,200 square feet being consistent with the surrounding neighborhoods. The development is strategically situated to transition from more intense uses to less intense.
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 property is adjacent to similar residential subdivisions. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south. The property will be developed by high-quality single-family and townhomes similar to the surrounding character. Wheatland Crossing will preserve and increase property values by developing a property which has historically been vacant and underutilized.
3. The development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as the surrounding properties are developed for similar uses and the commercial use is located at an intersection of two major arterial roadways. The residential development should encourage additional development of the commercial site as well other underutilized properties in the area.
4. The proposed subdivision has adequate water and sewer capacity to serve the project.
5. The proposal provides adequate ingress and egress designed to minimize traffic congestion on the public streets as the access points were designed to provide multiple points of ingress and egress for the development. The commercial property is situated at the corner of two major arterials with the full entrance setback from the intersection and aligns with a current road. A secondary access onto Ogden Avenue was specifically added to assist with alleviating additional traffic onto the existing arterials. The developers worked with City engineers to add turn lanes from Hafenrichter Road and Farnsworth Avenue into the development to prevent back-up for through traffic. An additional through lane was added on Farnsworth Avenue and the west bound turn lane from Farnsworth to Ogden Avenue will be extended approximately 200 feet to assist with regional traffic congestion. The developer has also agreed to provide fee in lieu to assist the city with future regional improvements of the intersection.
6. The Conditional Use in all other respects conforms to the applicable regulations of the various zoning districts.

## Rezoning

1. Staff has noted below the physical development policies that the proposal meets.
2. The proposal represents the logical establishment and is consistent extension of the requested classification in the consideration of the existing land uses, existing zoning classifications, and character of the area as the area is identified for low density residential being zero to five acres and the proposed residential zoning adheres to this density. In addition, the townhomes were strategically placed to transition from more intense uses to the less intense use of single-family. The intersection is identified as commercial and the proposed uses identified in the Plan Description are appropriate for an intersection of two major roadways.
3. The proposal is consistent with a desirable trend of development in the area as the area abuts existing single-family and townhome developments and there is existing commercial development at the intersection.
4. The rezoning will allow for more suitable uses as the development is consistent with the surrounding areas and is designed to be situated in a manner that reflects the surrounding properties.
5. The rezoning is consistent with the existing land uses, zoning classifications, and general character as the single-family homes bulk restrictions are similar to the surrounding neighborhoods and the townhomes are designed similar to the townhomes across the street. The commercial is consistent with the commercial use at the southwest corner of Ogden and Farnsworth.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has received public inquiries requesting additional information and wanting to ensure that the full access at Four Pointes will not be lost. The petitioner held an open house on December 6th.

### **POLICIES AND GUIDELINES:**

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

- 10.0 To provide for the orderly, balanced and efficient growth and redevelopment of the City through the positive integration of land-use patterns, functions, and circulation systems. To protect and enhance those assets and values that establish the desirable quality and general livability of the City. To promote the City's position as a regional center.
- 11.1(3) To encourage new development contiguous to existing development.
- 12.0 To plan and provide for the growth of the City through the integration of land use patterns and functions that promote complementary interactions between different land use components.
- 12.1(2) To provide convenient services and visual diversity within the City by developing a hierarchy of commercial centers appropriately spaced throughout the City.
- 12.1(5) To encourage a gradation from high-density residential areas to lower density residential

areas.

20.0 To insure the provision of decent housing and a quality living environment for every resident of Aurora.

21.1(2) To promote a wide variety of housing types.

21.1(3) To promote housing in all price ranges for purchase or rent.

30.0 To develop and maintain an adequate supply of properly zoned areas for commercial facilities to serve existing and future population needs.

32.1(3) To minimize the adverse effects of commercial activity on neighboring development, particularly residential and open space areas through the provision of buffering land uses and/or screening.

**RECOMMENDATIONS:**

The Planning and Zoning Commission recommended **CONDITIONAL APPROVAL** of An Ordinance Establishing a Conditional Use Planned Development, Approving the Wheatland Crossing 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-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District for the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue with the following condition:

1. That the Plan Description be approved by Aurora's Corporation Counsel.

**ATTACHMENTS:**

**EXHIBITS:**

Exhibit "A" Legal Description  
Exhibit "B" Plan Description  
Land Use Petition with Supporting Documents  
Legistar History Report  
Location Map

Legistar Number: 23-1037

cc:

Alderwoman Patty Smith, Chairperson  
Alderwoman Shweta Baid, Vice Chairperson  
Alderman Michael B. Saville  
Alderman Bill Donnell  
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance Establishing a Conditional Use Planned Development, Approving the Wheatland Crossing 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-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District for the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, KEKA Farms, LLC is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated May 12, 2023, D.R. Horton, Inc. - Midwest filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And Drainage zoning districts on the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue in the form of Exhibit "B" attached hereto, and have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on December 20, 2023, reviewed the petition and recommended **CONDITIONAL APPROVAL** of said petition; and

WHEREAS, on January 10, 2023, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended **APPROVAL** of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: In accordance with Section 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article VI of Chapter 34 of the Code of Ordinances, City of Aurora, a Conditional Use permit is hereby granted for a Planned Development for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Conditional Use.

Section Seven: That the Plan Description in the form of Exhibit "B" attached hereto and included herein by reference as if fully set forth and incorporated in and made a part of this Ordinance is hereby approved with the following condition:

1.) That, at the time of contract with a third-party homebuyer, D.R. Horton, Inc. - Midwest will provide future homebuyers a disclosure identifying that the subdivision is adjacent to a concrete plant that is zoned Heavy Industrial in Kendall County.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the Conditional Use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Article VI of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto be, and the same are, hereby amended to rezone the real estate property described in Exhibit "A", from R-1 One-Family Dwelling District to R-2(C) One Family Dwelling District, R-4A(C) Two-Family Dwelling District, B-2(C) General Retail District, and OS-1 (C) Conservation, Open Space And Drainage District, all with a Conditional Use. Upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of R-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District shall be in full force and

effect.

Section Eleven: That this Planned Development shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.

Section Twelve: That all modifications and exceptions under the Zoning Ordinance and all modifications and exceptions from the Subdivision Control Ordinance and Building Code, as set forth in the Plan Description, are hereby granted and approved