



Legislation Details (With Text)

File #: 22-0223 **Version:** 3 **Name:** PT Land LLC / Liberty Meadows / South End of Wolverine Road / Rezoning / CUPD
Type: Ordinance **Status:** Passed
File created: 3/16/2022 **In control:** City Council
On agenda: 5/10/2022 **Final action:** 5/10/2022

Title: An Ordinance Establishing a Conditional Use Planned Development, Approving the Liberty Meadows 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-4A Two-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District for the property located at the southern end of Wolverine Drive

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" Legal Description - 2022-04-14 - 2022.067, 2. Exhibit "B" Plan Description - 2022-04-13, 3. Parcel Map - 2022-04-13 - 2022.067, 4. Land Use Petition and Supporting Documents - 2022-03-15 - 2022.067, 5. CC&Rs - 2022-03-15 - 2022.067, 6. Plat of Survey - 2022-03-15 - 2022.067, 7. District 204 Letter of Support - 2022-04-07 - 2022.022, 8. Legistar History Report (Conditional Use) - 2022-04-22 - 2022.067, 9. BZE Presentation

Date	Ver.	Action By	Action	Result
5/10/2022	3	City Council	adopted	Pass
5/3/2022	3	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
4/27/2022	3	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
4/20/2022	2	Planning and Zoning Commission	Forwarded	Pass

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: April 22, 2022

SUBJECT:

An Ordinance Establishing a Conditional Use Planned Development, Approving the Liberty Meadows 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-4A Two-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District for the property located at the southern end of Wolverine Drive (PT Land, LLC - 22-0223 / NA19/1-22.067-Rz/CUPD/Ppn/Psd - JM - Ward 7)

PURPOSE:

The Petitioner PT Land, LLC is requesting the Establishment of a Conditional Use Planned Development, and to change the zoning district from ORI (C) Office, Research, and Light Industrial District with a Conditional Use to R-4A (C) Two-Family Dwelling District with a Conditional Use and OS-1 (C) Conservation, Open Space, and Drainage District with a Conditional Use District on the property located at the southern end of Wolverine Drive which includes a plan description to allow for

the development of 91 townhome units and associated stormwater facility.

BACKGROUND:

The Subject Property is currently vacant land with ORI (C) Office, Research, and Light Industrial District zoning.

The Petitioner is requesting the Establishment of a Conditional Use Planned Development, and to change the zoning district from ORI (C) Office, Research, and Light Industrial District with a Conditional Use to R-4A (C) Two-Family Dwelling District and OS-1 (C) Conservation, Open Space, and Drainage District with a Conditional Use Planned Development. The details of the request include a Plan Description that outlines specific requirements and allows modifications for the R-4A parcel, including setbacks, separations, density, and cul-de-sac length to allow for the development of 91 townhomes. The second parcel will have an underlying zoning of OS-1 for the stormwater detention facility. The developer will be responsible for reimbursing the city for work done to Wolverine Drive and to extend a sidewalk on the west side of Wolverine Drive to Liberty Street.

Concurrently with this proposal, the Petitioner is requesting approval of a Preliminary Plan and Plat Revision for Lot 2 of Liberty Street Business Park Subdivision and establishing Lots 1-21 of Liberty Meadows Subdivision for a Row Dwelling (Party Wall) (1130) Use. Wolverine Drive will be extended from its current dead-end south and east onto the site and ends with a circular turnaround. A westbound left turn lane will be added on Liberty Street at Wolverine Drive. The details of the request include the development of 18 buildings with rear-loaded garages containing a total of 91 units on 15.66 acres. The units range in size from 1,760 square feet to 2,080 square feet and contain three bedrooms. The buildings are 2 ½ stories in height in the front and 3 stories in the rear. Each unit has a two-car garage and two-car driveway with visitor parking available on the street. The homes sit perpendicular to the extended Wolverine Drive with private drive aisles extending from the road to the rear loaded garages. A sidewalk will be added on both sides of the road within the development. To the north of the townhomes will be the stormwater detention for the site.

The Plat includes the creation of Lots 1-21 of Liberty Meadows Subdivision with associated easements.

DISCUSSION:

Staff has reviewed the Rezoning and 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.

The property abuts a warehouse to the north, open space/detention to the east, townhomes and sport fields to the west and a mixture of townhomes and vehicle repair, minor to the south. The Elevations will be approved at Final Plan but are provided for draft review to present the varied materials and elements being proposed to present an appealing façade.

Staff has the following comments regarding the Findings of Facts:

Conditional Use

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as the proposed use is similar to the majority of the surrounding uses and it will improve a parcel that has sat vacant and neglected for decades.

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 use is similar surrounding uses. The project is also mindful of not impacting the conservation easement.
3. The development will not impede the normal and orderly development and improvement of surrounding properties as it is a similar use, there is adequate parking, and the traffic study shows it will not impact traffic.
4. The proposal will provide adequate utilities, drainage, etc. as the proposed development will integrate well into the existing infrastructure, filling in the remaining holes.
5. The project does provide adequate ingress/egress. The proposed development will utilize the existing Wolverine Drive dead-end. The street will allow Liberty Meadows to access Liberty Street, a major collector. The design will continue the trend of not burdening existing residential neighborhoods with pass-through traffic. A westbound left turn lane is provided on Liberty Street to prevent any westbound back-up on the major collector. The Traffic Study provided stated that the roads and intersections will operate at acceptable levels of service.
6. The Conditional Use in all other respects conforms to the applicable regulations of the R-4A zoning district.

Rezoning

1. Staff has noted below the physical development policies that the proposal meets.
2. The proposal does represent the logical establishment of the requested classification in considering the existing area as the existing area has similar townhome uses and continues a trend of growing residential neighborhoods.
3. The proposal is consistent with a desirable trend of development in the area as it provides additional housing options in the area, it provides new development near existing residential, and encourages quality design.
4. The rezoning will allow for more suitable uses as it is similar to the majority of the surrounding uses.
5. The rezoning is consistent with the existing area as it brings additional residential housing options.

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 on this petition.

POLICIES AND GUIDELINES:

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

- 12.1(9) To guide development and redevelopment into energy efficient land use patterns;
- 11.1(3) To encourage new development contiguous to existing development;
- 21.1(2) To promote a wide variety of housing type; and
- 23.1(3) To encourage quality design and practicable innovations in both housing structures and site

development.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the An Ordinance Establishing a Conditional Use Planned Development, Approving the Liberty Meadows 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-4A Two-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District for the property located at the southern end of Wolverine Drive.

ATTACHMENTS:

EXHIBITS:

- Exhibit "A" Legal Description
- Exhibit "B" Plan Description
- Land Use Petition with Supporting Documents
- Property Research Sheet
- Legistar History Report

Legistar Number: 22-0223

cc:

- Alderman Michael B. Saville, Chairperson
- Alderman Patty Smith, Vice Chairperson
- Alderman Carl Franco
- Alderman Sherman Jenkins
- Alderman Ron Woerman



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Establishing a Conditional Use Planned Development, Approving the Liberty Meadows 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-4A Two-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District for the property located at the southern end of Wolverine Drive

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, PT LAND 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 March 16, 2022, PT Land, LLC filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, and to change the zoning district from ORI (C) Office, Research, and Light Industrial District with a Conditional Use to R-4A (C) Two-Family Dwelling District and OS-1 (C) Conservation, Open Space, and Drainage District with a Conditional Use Planned Development on the property located at the southern end of Wolverine Drive in the form of Exhibit "B" Planned Development 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 April 20, 2022, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on April 27, 2022, 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: That the property legally described in Exhibit "A" is being removed from the Conditional Use approved by Ordinance O88-095 approved on September 6, 1988 and that all ordinances and resolutions establishing the Conditional Use, and all subsequent revisions, are hereby expressly repealed.

Section Six: 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 V of Chapter

34 of the Code of Ordinances, City of Aurora a Conditional Use permit is hereby granted for a Planned Development (8000) use for the real estate property legally described in Exhibit "A".

Section Seven: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development (8000) use 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 Eight: 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.

Section Nine: 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 Ten: 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 V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Eleven: 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 ORI(C) Office, Research, and Light Industrial District with a Conditional Use to R-4A(C) Two-Family Dwelling District and OS-1 (C) Conservation, Open Space, and Drainage District with a Conditional Use Planned Development. Upon termination of the use of said property for a Planned Development (8000) this Conditional Use permit shall terminate and the classification of R-4A Two-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District shall be in full force and effect.

Section Twelve: That this Planned Development (8000) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.

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