



Legislation Details (With Text)

File #: 22-0174 **Version:** 3 **Name:** Atlantic Residential / North side of Fox Valley Mall, South of New York Street and West of Route 59 / Conditional Use / Rezoning

Type: Ordinance **Status:** Passed

File created: 3/3/2022 **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 Atlantic Residential 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-5A Midrise Multiple-Family Dwelling District for the property located on the north side Fox Valley Mall, south of New York Street and west of Route 59

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" Legal Description, 2. Exhibit "B" Plan Description - 2022-04-15 - 2022.055, 3. Land Use Petition and Supporting Documents - 2022-03-02 - 2022.055, 4. Maps, 5. Legistar History Report - 2022-04-22 - 2022.055

Date	Ver.	Action By	Action	Result
5/10/2022	3	City Council	approved on the Consent Agenda	
5/3/2022	3	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
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 Atlantic Residential 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-5A Midrise Multiple-Family Dwelling District for the property located on the north side Fox Valley Mall, south of New York Street and west of Route 59 (Atlantic Residential - 22-0174 / NA21/4-22.055-CU/RZ - TV - Ward 10)

PURPOSE:

The Petitioner, Atlantic Residential, is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from PDD Planned Development District to R-5A Multiple-Family Dwelling District on the property located on the north side of the Fox Valley Mall, south of New York Street and west of Route 59 to allow for construction of a multi-family residential development.

BACKGROUND:

The Subject Property consists of 9.121 acres lying on the north side of the Fox Valley Mall. The property currently is comprised of a portion of the ring road and surface parking, part of which serves the Fox Valley Mall, part of which served the now closed Carson Pirie Scott building and part of which serves the retail outlet. The property is currently zoned PDD Planned Development District, which is part of the Fox Valley East Planned Development District.

The owner, Centennial Real Estate Company ("Centennial"), purchased the Fox Valley Mall in 2015. Then in 2018, a partnership controlled by Centennial purchased the Sears' and Carson's Site after falling into bankruptcy. Since then, Centennial has been making substantial investments essential to the Mall's revitalization including the remodeling of the mall center. In early 2021, they demolished the Sears building to make way for a future retail and residential development. In 2021, Lumen at Fox Valley, a multi-family residential development was approved by City Council along the east side of the mall and is now under construction. Early this year, a Rezoning and Preliminary Plan for a luxury senior housing development was approved at the northeast corner of the mall.

Centennial has teamed up with again with Atlantic Residential to redevelop the Subject Property for a 4-story multi-family residential development.

The Petitioner is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from PDD Planned Development District to R-5A Multiple-Family Dwelling District. The details of the request include the approval of a Plan Description that outlines specific requirements and allows for modifications including certain rules, bulk standards, bulk restrictions, parking requirements and building code amendments to allow for the construction of a 4-story multi-family residential development.

Concurrently with this proposal, the Petitioner is requesting approval of a Preliminary Plan. The proposal consists of a 4-story, 319-unit multi-family residential building, private amenities, and associated parking. The proposed multi-family building is oriented with a glass entrance at the southwest corner of the building facing the mall. The residential building consists of 34 studios, 145 one-bedrooms, and 140 two-bedrooms ranging in size from 550 square feet to 1,550 square feet. The building features amenities including balconies or patios for each unit, an entertainment area and fitness room. A private courtyard is being constructed in the center of the building including an outdoor pool, a pavilion with grills and an event lawn. The building will also wrap around a multi-story parking garage having direct access into the building.

Situated just west of the building will be a linear park containing a gaming area, seating areas, and a dog park. A triangle park for passive recreation is situated on the east side of the building at the southwest corner of Entrance #6. As part of the proposal, the Petitioner will be rerouting the ring road, Private Road A and Private Road C, to loop along the south and west side of the proposed development and will be reconfiguring the existing parking lots. These Private Roads will have parallel parking spaces along them. The ring road will still extend to the west of Entrance #6 to allow for access to the existing restaurant and access to the parking garage and surface parking lot for this proposed development. A total of 493 parking spaces are being provided with 327 spaces within the parking garage, 140 spaces within the surface parking lot, and 26 on-street parking spaces exceeding the 1.5 parking ratio requirement. Sidewalks are being constructed throughout the development with wider sidewalks along the private road.

Stormwater management from the original Mall has already been accounted for in Spring Lake located west of Commons Drive along McCoy Drive. As a positive, the development will decrease the impervious area reducing the amount of stormwater runoff.

Building elevations that are in the packet are conceptual. The building elevations and landscaping will be fully reviewed and approved at the time of Final Plan.

DISCUSSION:

Over the past year, Staff has been working collaboratively with the Petitioner on the building design, building orientation, amenities, streetscape and parking. The Plan Description modifications reflects the urban feel of the development that are recommended in the City of Aurora's Route 59 Corridor Plan. That Plan stresses the importance of the Mall on the Corridor and the larger region. The mall is a large and unique development in the heart of the Route 59 Corridor and its success strengthens the City's image and identity as well as the positive ancillary benefits to its outlots and other businesses.

The layout and building design are intended to be urban in nature, with reduced building setbacks along the private streets, residential units on all floors, urban streetscape design including wider sidewalks, well-defined crosswalks and pedestrian scaled lighting to create a friendly and safe environment that promotes walkability within the development and to the nearby existing and proposed shopping and dining opportunities. Centennial, the Petitioner and Staff continue to work with Pace to try to relocate the Mall's existing bus stop (currently located by the southwest entrance to the Mall) to an area closer to the residential to create a transit-oriented development life-style.

The proposed development is consistent with the recently approved Route 59 Corridor Plan for the Fox Valley Mall Sub-Area. The Sub-Area plan recommends the modernization of the mall from a traditional commercial center into a mixed-use development that includes a variety of land uses including multi-family housing. Throughout the Comprehensive Plan process, one concern that was brought up by Indian Prairie School District #204 was the potential for new school-aged children in an area that has been historically planned for only commercial uses. In an effort to help reduce the number of school-aged children living in this development, City Staff worked with the Petitioner and the developer to design the residential developments in such a way as to help discourage high student counts. For example, the development is being designed with more studios and one-bedroom units (no three bedrooms) and higher price points and amenities that will help attract millennial's, singles, and seniors.

Staff has the following comments regarding the Finding 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 development will bring a mixture of residents to the area, improving the overall economics, and strengthen the social fabric of the Fox Valley Mall.
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 development will help modernize the mall from a traditional commercial center into a mixed-use development that will help promote the Mall as a regional center and will have a positive impact on local businesses and service providers.
3. The development will not impede the normal and orderly development and improvement of

surrounding properties as it should complement the retail and restaurants and help strength and support the existing businesses and other residential businesses.

4. The proposed subdivision has adequate water and sewer capacity to serve the project.
5. The project does provide adequate ingress/egress. The development will have access to the existing entrances and will be rerouting the existing Fox Valley Center Drive which will be closer to the mall.
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 it allows for the residential development.
3. The proposal is consistent with a desirable trend of development in the area as a more walkable mixed-use development where residents can utilize the local businesses, service providers and entertainment services in the area.
4. The rezoning will allow uses that are more suitable than the existing PPD zoning classification as it is the City's vision to create a regional center that continues to attract residents, visitors, and businesses.
5. The rezoning is consistent with the existing area as it will not only complement the residential development to the east but also help achieve the mall's full potential as a thriving destination to shop and eat but also a sustainable place to live, work and play.

As of the date of this memo, staff has received public inquiries requesting additional information on this petition.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has not received public inquiries regarding this petition

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 establishes 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.
- 11.1(5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.
- 12.1(3) To encourage residential development in close proximity to places of work, shopping and recreation.

- 13.1(4) To provide for the location of high density residential, commercial, and industrial centers close to or along transportation routes designed to accommodate the movement of people and goods to and from such centers.
- 13.1(7) To promote mass transit stations and intensive land uses, including high-density residential complexes, to locate in relative proximity to one another so as to stimulate transit use.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the Ordinance Establishing a Conditional Use Planned Development, Approving the Atlantic Residential 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-5A Midrise Multiple-Family Dwelling District for the property located on the north side Fox Valley Mall, south of New York Street and west of Route 59.

ATTACHMENTS:

- Exhibit "A" Legal Description
- Exhibit "B" Plan Description
- Land Use Petition with Supporting Documents

Legistar Number: 22-0174

- cc:
- Alderman Michael B. Saville, Chairperson
 - Alderdwoman 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 Atlantic Residential 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-5A Midrise Multiple-Family Dwelling District for the property located on the north side Fox Valley Mall, south of New York Street and west of Route 59

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, Fox Valley Mall LLC C/O Westfield 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 2, 2022, Atlantic Residential filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from PDD Planned Development District to R-5A Multiple-Family Dwelling District on the property located on the north side of the Fox Valley Mall, south of New York Street and west of Route 59 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 April 20, 2022, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on April 17, 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: 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 Six: 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 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.

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 V 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 PDD Planned Development District to R-5A Midrise Multiple-Family Dwelling District. Upon termination of the use of said property for a Planned Development (8000) this Conditional Use permit shall terminate, and the classification of R-5A Midrise Multiple-Family Dwelling District shall be in full force and effect.

Section Eleven: 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 Twelve: 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 here by granted and approved.