



Legislation Details (With Text)

File #: 23-1034 **Version:** 2 **Name:** D.R. Horton / SE corner of Ogden Av and Farnsworth Av / Annexation Agreement

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 Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for 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 with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" Annexation Agreement - 2024-01-16 - 2023.285, 2. Land Use Petition and Supporting Documents - 2023-05-12 - 2023.285, 3. Qualifying Statement - 2023-10-16 - 2023.285, 4. Location Map - 2023-11-21 -2023.285, 5. Legistar History Report - Annexation Agreement - 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 4, 2024

SUBJECT:

An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for 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 with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504 (D.R. Horton, Inc. - Midwest / 23-1034/ OS01/1-23.285 - A/PA/CUPD/PSD/PPN - JM - Ward 3)

PURPOSE:

The Petitioner D.R. Horton, Inc. - Midwest is requesting approval of an Annexation Agreement for 57.54 acres located at the southeast corner of Ogden Avenue and Farnsworth Avenue for Wheatland Crossing Development which includes an Annexation Agreement with an attached Plan Description

allowing for the property to be annexed and rezoned 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 approval of an Annexation Agreement and subsequent Annexation for 57.54 acres for Wheatland Crossing. The details of the request include 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.

Concurrently with this proposal, the petitioner is requesting 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.

In addition, 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 Annexation Agreement 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 Odgen 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.

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 Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for 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 with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of

Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504 with the following condition:

1. That the Annexation Agreement be approved by Aurora’s Corporation Counsel.

ATTACHMENTS:

EXHIBITS:

- Exhibit “A” - Annexation Agreement
- Land Use Petition with Supporting Documents
- Legistar History Report
- Location Map
- Legistar Number: 23-1034

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 Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for 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 with a Conditional Use zoning for the territory which may be Annexed to the City of Aurora located at the southeast corner of Ogden Avenue and Farnsworth Avenue on Vacant Land in Kendall and Kane County, Aurora Illinois 60503 and 60504

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, a proposed Annexation Agreement in the form of Exhibit “A”, attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora with the request that all required hearings be held thereon, and requisition annexation to the City of Aurora of a certain territory therein described, subject to the terms and

conditions of said Annexation Agreement, pursuant to Section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Corporate Authorities of the City of Aurora caused a notice to be prepared describing in general the terms and conditions of the proposed Annexation Agreement and stating the time and place of a public hearing to consider the proposed Annexation Agreement; and

WHEREAS, such notice of the public hearing was duly published not less than 15 nor more than 30 days prior to said public hearing, in a newspaper of general circulation in the City of Aurora; and

WHEREAS, on Wednesday, December 20, 2023, the Planning and Zoning Commission, held a public hearing on the petition to enter into said Annexation Agreement and zoning amendment therein provided after due publication of notice of public hearing and has submitted a recommendation of **CONDITIONAL APPROVAL** for the Annexation Agreement and zoning amendment on said property to the City Council of the City of Aurora subject to certain conditions; and

WHEREAS, on January 10, 2024, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said Annexation Agreement and zoning amendment, reviewed the before mentioned recommendations and recommended **APPROVAL** of said Annexation Agreement and zoning amendment; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

WHEREAS, on January 23, 2024, the City Council also held a public hearing upon the proposed Annexation Agreement as specified in such notice; and

WHEREAS, Exhibit "A", attached hereto and included herein by reference as if fully set forth, in its present form, has been on file with the City Clerk of the City of Aurora for public inspection for at least one week; and

WHEREAS, the Corporate Authorities, after due investigation and consideration, and following the aforesaid public hearings, have determined that entering into the Annexation Agreement in the form of Exhibit "A" attached hereto and included herein by reference as if fully set forth, will serve the public good and benefit the City of Aurora; and

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 Mayor and City Council hereby find as fact all of the preambles contained in the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth.

Section Six: That the Annexation Agreement in the form of Exhibit "A", 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 and the Mayor of the City of Aurora is hereby authorized and directed to execute such Annexation Agreement on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City hereto.

Section Seven: That such number of duplicate originals of said Annexation Agreement may be executed, as the Mayor shall determine