



Legislation Details (With Text)

File #: 23-0976 **Version:** 2 **Name:** Lennar Homebuilders / North side of Prairie Street, West of N Kingsway Drive / Conditional Use Planned Development
Type: Ordinance **Status:** Passed
File created: 11/27/2023 **In control:** City Council
On agenda: 12/19/2023 **Final action:** 12/19/2023

Title: An Ordinance Establishing a Conditional Use Planned Development, Approving the Prairie 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-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development for the property located at north side of Prairie Street, west of N. Kingsway Drive

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" Legal Description, 2. Exhibit "B" Plan Description - 2023-11-27 - 2023.443, 3. Land Use Petition and Supporting Documents - 2023-10-09 - 2023.443, 4. Plat of Survey - 2023-10-09 - 2023.443, 5. Maps, 6. Legistar History Report - CUPD - 2023-12-07 - 2023.443

| Date | Ver. | Action By | Action | Result |
|------------|------|--|---------------------------------|--------|
| 12/19/2023 | 2 | Committee of the Whole | (PLACED ON UNFINISHED BUSINESS) | |
| 12/19/2023 | 2 | City Council | adopted | Pass |
| 12/13/2023 | 2 | Building, Zoning, and Economic Development Committee | recommended for approval | Pass |
| 12/6/2023 | 1 | Planning and Zoning Commission | Forwarded | Pass |

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: December 7, 2023

SUBJECT:

An Ordinance Establishing a Conditional Use Planned Development, Approving the Prairie 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-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development for the property located at north side of Prairie Street, west of N. Kingsway Drive (Lennar Homebuilders - 23-0976 / AU19/4-23.443-CUPD/Ppn/Psd - TV - Ward 5)

PURPOSE:

The Petitioner, Lennar Homebuilders, is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from R-1 One-Family Dwelling District to R-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District,

OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development on the property located at north side of Prairie Street, west of North Kingsway Drive which includes the development of a 74 lot age targeted ranch-style single family subdivision.

BACKGROUND:

The Subject Property is currently vacant land with R-1 One-Family Dwelling zoning. Most of the land is currently owned by the West Aurora School District #129. The other portion of the Subject Property is owned by Scott Voris, an adjacent property owner, who is selling a portion of the lot. The School District bought this land in 2002 for the purpose of building a middle school on the property. Since then, the West Aurora School District rebuilt Greenman Middle School, therefore, there was no need for the school district to keep this property. Earlier this year, the School District did a request for proposal (RFP) to sell the property and Lennar Homebuilders was awarded the RFP by the school district board.

The Conditional Use Planned Development and the Preliminary Plat and Plan are being reviewed concurrently under separate actions.

The Petitioner is requesting the establishment of a Conditional Use Planned Development with underlying R-1 One-Family Dwelling District, OS-1 Conservation, Open Space, and Drainage District, and OS-2 Open Space and Recreation District zoning. The Plan Description allows for modifications to the bulk restrictions, building standards, and to the Subdivision Control Ordinance. Specifically, it allows for the reduction of lot size, width, and the front and side yard setbacks. It also allows for the establishment of a higher minimum floor area for one story dwellings, the establishment of a basement requirement for those lots where basements are feasible and the establishment of a requirement for a 4-foot garage extension for those lots where basements are not feasible. It also requires the developer to contribute funds for future road improvements to Prairie Street.

Concurrently with this proposal, the Petitioner is requesting approval of a Preliminary Plat and Plan for Prairie Meadows Subdivision. The proposal is to construct an age targeted ranch-style home community consisting of 74 single-family lots. This subdivision is intended to be a maintenance free living administered by the Homeowner's Association. The proposed residential lot size ranges from 8,001 sq. ft. to 11,943 sq. ft. with a minimum of 60 feet in width.

The City's Comprehensive Plan designates this property as low-density residential, being between 0-5 dwelling unit per acre. The gross density for this development is 2.0 dwelling units per acre which is in conformance of the City's Comprehensive Plan.

The Petitioner is also proposing a 1.45-acre park site. In addition to preserving the existing wetland that is located on the northeast portion of the property, there are four detention facilities being constructed as part of this development.

A full access into this subdivision will be constructed on Prairie Street, directly across from Rockwell Road. In addition, a connection to the dead-end at S. Constitution Drive to the north, and to the dead-end at Kenilworth Place to the east is being provided for street network connectivity.

Preliminary Landscaping and Building Elevations are in the packet but will be reviewed at time of Final Plat and Plan time.

DISCUSSION:

Staff has reviewed the Conditional Use Planned Development petition and is in support of this development.

Over the last year, Staff has been working collaboratively with the West Aurora School District and the Developer to create a high-quality development project. The Subdivision has been designed so that all of the adjacent properties abut open space or a detention facility to allow for some buffering to the newly created residential lots. The Petitioner is also working on a tree survey along the boundaries of the property and wetland to save many of the good quality trees on the subject property.

Staff believes that this is not only compatible but complementary to the surrounding subdivisions as it gives a variety of housing types and meets the needs of homeowners looking for one-story detached homes with maintenance free living.

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 development is complementary to the surrounding residential properties while providing a new housing type within the City.
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 this development is a similar use to the other surrounding single-family subdivision.
3. The development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as and this development is compatible with the already established as residential subdivision.
4. There is currently adequate utilities and access to serve the project. The proposed development is also constructing on-site detention which will have a positive impact on the surrounding area.
5. The project does provide adequate ingress/egress. This development will have access from Prairie Street which is a major collector road. In addition, a connection to the dead-end at S. Constitution Drive to the north, and to the dead-end at Kenilworth Place to the east is being provided for street network connectivity.
6. The Conditional Use in all other respects conforms to the applicable regulations of the zoning districts.

Rezoning

1. Staff has noted below the physical development policies that the proposal meets.
2. The proposal does represent the logical establishment of the land use as the zoning is similar to and the land use is the same use as the surrounding properties.
3. The proposal is consistent with a desirable trend of development in the area as this area is primarily residential and it this property has been designated on the City's Comprehensive Plan as low density residential which is consistent with the development.

4. The rezoning will allow uses that are more suitable than the existing zoning classification as it will match the use of the property with the zoning.

5. The rezoning is consistent with the existing area as the proposal is in keeping with the residential, park and open space uses.

Public Input: Due public notice was given for the public hearing on this matter. On September 20, 2023, the developer held an open house to introduce the product to the neighbors. Staff has also fielded a few public inquiries on this petition since the public notice have been sent out.

POLICIES AND GUIDELINES:

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

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.

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.

22.1(1) To achieve appropriate zoning protection for residential areas designated in the land use plan.

RECOMMENDATIONS:

Planning and Zoning Commission recommended APPROVAL of the Ordinance Establishing a Conditional Use Planned Development, Approving the Prairie 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-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development for the property located at north side of Prairie Street, west of N. Kingsway Drive.

ATTACHMENTS:

Exhibit "A" Legal Description

Exhibit "B" Plan Description

Land Use Petition and Supporting Documents

Plat of Survey

Maps

Legistar Number: 23-0976

cc:

Alderman Patricia Smith, Chairperson

Alderman Shweta Baid, Vice Chairperson

Alderman Michael B. Saville

Alderman William "Bill" Donnell

Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Establishing a Conditional Use Planned Development, Approving the Prairie 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-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development for the property located at north side of Prairie Street, west of N. Kingsway 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, School Dist #129 (west Aurora), 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 October 9, 2023, Lennar Homebuilders 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 R-1 One-Family Dwelling District to R-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development on the property located at North side of Prairie Street, West of North Kingsway Drive 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 6, 2023, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on December 13, 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.

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-1(C) One-Family Dwelling District and OS-1(C) Conservation, Open Space, and Drainage District, OS-2(C) Open Space and Recreation District with a Conditional Use Planned Development. Upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of R-1 One-Family Dwelling District and OS-1 Conservation, Open Space, and Drainage District, OS-2 Open Space and Recreation 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, as set forth in the Plan Description, are hereby granted and approved.