



Legislation Text

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File #: 22-0126, Version: 3

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**TO:** Mayor Richard C. Irvin  
**FROM:** Planning and Zoning Commission  
**DATE:** April 8, 2022

**SUBJECT:**

A Resolution Approving a Preliminary Plan and Plat for Lot 1 and 2 of the Mews at Orchard Lake Subdivision, on vacant land located at the southwest corner of Independence Drive and Constitution Drive (GDS Development, LLC - 22-0126/ AU18/3-22.038-CUPD/Rz/Ppn/Psd - JM - Ward 5)

**PURPOSE:**

The Petitioner GDS Development, LLC is requesting approval of a Preliminary Plan and Plat for the Mews at Orchard Lake Subdivision, located at the southwest corner of Independence Drive and Constitution Drive for a ROW Dwelling (Party Wall) (1130) Use which includes the development of 102 rental townhome units.

**BACKGROUND:**

The Subject Property is currently zoned R-1(C) One Family Dwelling District, R-4A(C) Two Family Dwelling District, and R-5(C) Multiple-Family Dwelling District, which is part of the Orchard Lake Development Conditional Use Planned Development. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting approval of a Preliminary Plan and Plat for the Mews at Orchard Lake Subdivision for a ROW Dwelling (Party Wall) (1130) Use. The details of the request include the development of three front-loaded garage buildings and 15 rear-loaded garage buildings containing a total of 102 units on 8 acres. The units range in size from 1,340 square feet to 1,740 square feet with a mixture of two and three bedrooms. The front-loaded products are on Lot 1 and feature two-car garages and driveways that come off Independence Drive. The rear of the homes features a patio and balcony with nice views of the lake. The rear-loaded products on Lot 2 are accessed by two curb cuts off Independence Drive and five curb cuts off Nelson Lane. The units have a two-car garage off interior 30' drive aisles along with one off-street parking space per unit within private parking lots. The site contains 96 off-street parking spaces and 16 additional on street spaces on the north side of Nelson Lane. A swimming pool with patio and a club house featuring an office, exercise room, business center and recreation room provides the entrance to the development being located at the corner of Constitution Drive and Nelson Lane. A small private passive recreational park area is provided in the center of the development. Internal private sidewalks circulate throughout the development, including a walkway around the western property line, providing views of the lake. A bike path will be installed along Independence Drive to eventually connect to a future planned path the city will install on the detention pond to the north that will lead to a park. The stormwater detention

for the site has mostly been provided by the existing lake but will be slightly expanded to accommodate the small increase in impervious surface.

The Preliminary Plat features the consolidation of the lots into two lots along with blanket city easements.

Concurrently with this proposal, the Petitioner is requesting the Establishment of a Conditional Use Planned Development, and to change the underlying zoning district from R-1(C) One Family Dwelling District, R-4A(C) Two Family Dwelling District, and R-5(C) Multiple-Family Dwelling District, all with a Conditional Use, to R-4A(C) Two Family Dwelling District with a Conditional Use. The details of the request include a Plan Description that outlines specific requirements and allows modifications including setbacks, separations, density, and parking to allow for development of two-story, rental townhomes. A provision is included to prevent the property from being divided and sold off separately to different owners.

### **DISCUSSION:**

Staff has reviewed the Preliminary Plan and Plat Resolution 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, with the exception of the items reflected in the conditions listed in the Staff Recommendation below.

The property was zoned R-5 (C) with a Conditional Use (then called a Special Use) in 1968 for multi-family not to exceed 13 units per acre. The Conditional Use was updated in 1980 to allow R-1: One-family dwelling district along Independence Drive with the remainder staying R-5. The Conditional Use was again revised in 2005 to the current R-1(C) One Family Dwelling District, R-4A(C) Two Family Dwelling District, and R-5(C) Multiple-Family Dwelling District. The Plan Description allowed for 16 single-family homes on 3.9 acres along Independence Drive; attached single-family homes on 1.94 acres with a maximum of 30 units at the corner of Nelson and Constitution; and multi-family apartments on 2.16 acres with a maximum of 50 units along Nelson. Even with the alterations in zoning through the years, the property has sat vacant for 50 years.

The property abuts commercial to the south and office to the east with single-family homes to the north. Staff worked with the developers early in the process to front townhomes along Independence Drive facing the single-family homes and to develop a more traditional style front-loaded product on Lot 1, which also provided nice views of the lake for those renters. Staff also worked with developers to add additional parking on site to alleviate any potential parking issues along Independence Drive. Each rear-loaded unit without driveways has a two-car garage and one off-street parking space. The Plan Description outlines requirement that the property cannot be further subdivided or owned by different entities to ensure that one entity continues to own and manage the entire development and requires that garages are not be used entirely for storage. The Elevations will be approved at Final Plan but are provided for draft review to present the more contemporary look the developers are wanting to achieve.

### **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;
- 12.1(6) To promote the buffering of low density residential areas from high intensity uses with higher density residential when appropriate;
- 21.1(2) To promote a wide variety of housing type; and
- 31.1(8) To (promote/encourage) higher density residential uses in and around developing regional, community and neighborhood commercial centers so as to enhance their vitality and to conserve energy.

**RECOMMENDATIONS:**

The Planning and Zoning Commission recommended **CONDITIONAL APPROVAL** of the A Resolution Approving a Preliminary Plan and Plat for Lot 1 and 2 of the Mews at Orchard Lake Subdivision, on vacant land located at the southwest Corner of Independence Drive and Constitution Drive, with the following condition:

- 1.) That the documents be revised to incorporate the Engineering Staff comments prior to petitioning for Final Plan and Plat approval.

**ATTACHMENTS:**

**EXHIBITS:**

- Exhibit A-1 Preliminary Plan
- Exhibit A-2 Preliminary Plat
- Land Use Petition with Supporting Documents
- Property Research Sheet - Maps
- Draft Renderings
- Legistar History Report

Legistar Number: 22-0126

cc:

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



CITY OF AURORA, ILLINOIS

RESOLUTION NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

A Resolution Approving a Preliminary Plan and Plat for Lot 1 and 2 of the Mews at Orchard Lake

Subdivision, on vacant land located at the southwest corner of Independence Drive and Constitution 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, by petition dated February 14, 2022, GDS Development, LLC filed with the City of Aurora a petition requesting approval of a Preliminary Plan and Plat for the Mews at Orchard Lake Subdivision, located at the southwest corner of Independence Drive and Constitution Drive for a ROW Dwelling (Party Wall) (1130) Use and related required documents as attached hereto as Exhibits "A-1" through Exhibit "A-2"; and

WHEREAS, the Planning and Zoning Commission conducted a hearing on April 6, 2022, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on April 13, 2022, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said Preliminary Plat and Plan and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Aurora, Illinois, finds as facts all of the preamble recitals of this Resolution and hereby grants CONDITIONAL APPROVAL of said Preliminary Plan and Plat with the following condition:

1.) That the documents be revised to incorporate the Engineering Staff comments prior to petitioning for Final Plan and Plat approval.

BE IT FURTHER RESOLVED that the City Council of the City of Aurora hereby adopts the and related required documents as attached hereto as Exhibit "A-1" Preliminary Plat and Exhibit "A-2" Preliminary Plan.