



Legislation Text

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File #: 23-1036, Version: 1

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**TO:** Mayor Richard C. Irvin/

**FROM:** Jill N Morgan, Senior Planner

**DATE:** January 4, 2024

**SUBJECT:**

An Ordinance Annexing Certain Property being Vacant Land located at the southeast corner of Ogden Avenue and Farnsworth Avenue to the City of Aurora, Kane County, Illinois 60504, pursuant to an Approved Annexation Agreement (D.R. Horton, Inc. - Midwest / 23-1036 / OS01/1-23.285 - A/PA/CUPD/PSD/PPN - JM - Ward 3)

**PURPOSE:**

The Petitioner D.R. Horton, Inc. - Midwest is requesting the Annexation, pursuant to an Annexation Agreement, of 57.54 acres located at the southeast corner of Ogden Avenue and Farnsworth Avenue which includes annexation of parcels for future residential and commercial development.

**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, pursuant to an Annexation Agreement, of 57.54 acres.

Concurrently with this proposal, 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.

In addition, 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.

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 Ogden 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 Ogden 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 Ogden Avenue to Hafenrichter Road. The west bound turn lane from Farnsworth Avenue to Ogden 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 Ogden Avenue would be under the Illinois Department of Transportation jurisdiction. The intersection of Farnsworth Avenue and Ogden 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 Ordinance 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.

**POLICIES AND GUIDELINES:**

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

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:**

Staff would recommend APPROVAL of the An Ordinance Annexing Certain Property being Vacant Land located at the southeast corner of Ogden Avenue and Farnsworth Avenue to the City of Aurora, Kane County, Illinois 60504, pursuant to an Approved Annexation Agreement.

**ATTACHMENTS:**

**EXHIBITS:**

- Exhibit "A" Legal Description
- Exhibit "B" Plat of Annexation
- Exhibit "C" District Notice Mailing Affidavit
- Land Use Petition with Supporting Documents
- Aerial Map

Legistar Number: 23-1036

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 Annexing Certain Property being Vacant Land located at the southeast corner of Ogden Avenue and Farnsworth Avenue to the City of Aurora, Kane County, Illinois 60504, pursuant to an Approved Annexation Agreement

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, KEKA Farms, 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 Friday, May 12, 2023, the above-named owner petitioned the City of Aurora to annex the real property legally described on said Exhibit "A" to the City of Aurora, in

accordance with the provisions of Section 7-1-8 of the Illinois Municipal Code (65 ILCS 5/7-1-8); and

WHEREAS, the above-mentioned party, as owner of record of the real estate legally described on Exhibit "A", entered into an Annexation Agreement with the City of Aurora providing, pursuant to annexation, that said real estate be placed in a certain zoning category; and

WHEREAS, said Annexation Agreement as approved by the City, by Ordinance Number \_\_\_\_\_, on \_\_\_\_\_ is hereby made a part hereof and incorporated herein by reference as if fully set forth; and

WHEREAS, the corporate authorities of the City of Aurora have determined that the property is contiguous to the City of Aurora and is not within the corporate limits of any other municipality and that the petition in all other respects conforms to the requirements of law; and

WHEREAS, due statutory notice has been given to those entities listed in the affidavit and Annexation Notification List attached hereto as Exhibit "C", including the County Clerk (as election authority), the supervisor, clerk and all respective members of township board and the highway commissioner in any affected township, and the trustees of any fire protection district in which the Subject Property is located.

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 real estate described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, be, and the same is hereby annexed to the City of Aurora, Illinois.

Section Six: That the property to the far side of any adjacent public right-of-way within said annexed area, and the same is, hereby also annexed to the City of Aurora, Illinois.

Section Seven: That the corporate limits of the City of Aurora, and the same are, hereby extended to include the territory hereby annexed to the City of Aurora, Illinois.

Section Eight: That the real estate legally described on said Exhibit "A" is hereby placed in the R-1 One-Family Dwelling District zoning classification of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, pursuant to Section 103.2 (h) of said Ordinance.

Section Nine: That the City Clerk of the City of Aurora is hereby authorized and directed to file with the applicable County Recorder of Deeds a certified copy of the Ordinance, together with an accurate plat of the territory annexed, which plat shall be certified as to its correctness and attached hereto as Exhibit "B".