



## Legislation Details (With Text)

**File #:** 21-0069      **Version:** 3      **Name:** Pulte Home Company / Lincoln Prairie / Annexation Agreement  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/27/2021      **In control:** City Council  
**On agenda:** 4/27/2021      **Final action:** 4/27/2021

**Title:** An Ordinance Providing for the Execution of an Amendment to the Annexation Agreement with the owners of record of territory, commonly known as the Lincoln Prairie Planned Development District, located east of US Route 30, south of Wolf's Crossing, north of 111th Street and West of Canadian National Rail Line in the City of Aurora, Will County, Illinois

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Land Use Petition and Supporting Documents - 2021-01-26 - 2021.016, 2. Plat of Survey - 2021-01-26 - 2021-016, 3. DNR Sign Off - 2021-01-26 - 2021.016, 4. Traffic Study - 2021-04-02, 5. Legistar History Report (Annexation Agreement) - 2021-04-12 - 2021.016

Date	Ver.	Action By	Action	Result
4/27/2021	3	City Council	approved on the Consent Agenda	
4/20/2021	3	Committee of the Whole	(PLACED ON CONSENT AGENDA)	
4/14/2021	3	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
4/7/2021	2	Planning and Zoning Commission	Forwarded	Pass

**TO:** Mayor Richard C. Irvin

**FROM:** Planning and Zoning Commission

**DATE:** April 9, 2021

### SUBJECT:

An Ordinance Providing for the Execution of an Amendment to the Annexation Agreement with the owners of record of territory, commonly known as the Lincoln Prairie Planned Development District, located east of US Route 30, south of Wolf's Crossing, north of 111th Street and West of Canadian National Rail Line in the City of Aurora, Will County, Illinois(Pulte Home Company - 21-0069 / WH18/2-21.016-AA/PPD/R - TV - Ward 9)

### PURPOSE:

The Petitioner, Pulte Home Company, is requesting the approval of an Amendment to the Annexation Agreement, commonly known as the Lincoln Prairie Planned Development District, located east of US Route 30, south of Wolf's Crossing, north of 111th Street and west of Canadian National Rail Line.

### BACKGROUND:

The Subject Property is approximately 534 acres of vacant land which is part of Lincoln Prairie

Planned Development District. This property was annexed into the City of Aurora in December of 2002 pursuant to an approved Annexation Agreement. A Plan Description was also approved at that time that included a variety of future land uses including residential, commercial, and primarily manufacturing. At that time, the City was interested in having an industrial area to relocate existing industrial uses that were in operation throughout the City in incompatible residential neighborhoods. However, that industrial vision never came to fruition and this property has sat undeveloped. In February 2021, the City approved the Wolf's Crossing Subarea Plan which redesignated the future land uses for this area to be primarily low-density residential uses and some commercial located at key nodes.

The Amendment to the Annexation Agreement, the Amendment to Planned Development District, the Preliminary Plan and Plat for Lincoln Crossing and the Preliminary Plan and Plat for Lincoln Prairie are being reviewed and approved concurrently under separate actions.

The Petitioner is requesting approval of an Amendment to the Annexation Agreement, commonly known as the Lincoln Prairie Planned Development District. The details of the request include revising the Planned Development District to change the future recommended land uses to low density residential and commercial.

The provisions of the School and Park Land Cash Dedication Ordinance will be satisfied by a combination of a cash contribution, park dedication and construction, and the construction of a pedestrian bridge crossing Eola Road which would then be conveyed to the City. The school contribution within the age-restricted community is proposed to be waived as this development will not have an impact on the school system. In addition, to help ensure no impact on the schools, the Petitioner has agreed that the Developer will encumber the aged-restricted community with a covenant. The covenant shall run to the benefit of the City and Oswego Community Unit School District 308 and include payment of a penalty for violation of the Covenant.

The Annexation Agreement provides for provisions regarding the approval of Building Elevations and the use of quality and variety of materials.

The 2002 Annexation Agreement required the Developer to construct a water tower as part of the public improvements. Recent modeling of the water distribution network by the City's consultant has confirmed that a water tower will not be necessary to meet the needs of the proposed residential/commercial development, which has a much lower fire flow demand than an industrial development. The Restated Agreement does require the developer to pay for two offsite water main improvements, essentially in-lieu of a water tower, in order to meet the fire flow demand for a less intense use and to improve water circulation in a development at the extent of the City's network.

A lift station will be required in order to provide sanitary sewer service to much of the Subject Property. The Developer is working on an agreement with Fox Metro Water Reclamation District whereby the Developer will construct the lift station and Fox Metro Water Reclamation District will own and maintain it.

Consistent with the 2002 Annexation Agreement and the 2016 Amendment No. 1 to that agreement, the Developer will be required to complete the build-out of the recently realigned Eola Road/Heggs Road. This Restated Agreement will also require improvements to Wolf's Crossing and 111th Street. Road improvements to Route 30 will be pursuant to the Illinois Department of Transportation's review and permitting.

The agreement also includes a provision to allow golf carts on private streets, pedestrian paths, and the pedestrian bridge so that the residents of the age-restricted community can utilize the commercial uses without the need to drive their private vehicles to shop thereby lowering vehicle trips and creating an additional amenity for residents of the age-restricted community. When commercial is developed a plan should be created and implemented to support golf-cart access and circulation. This may be handled with a golf cart only parking area that keeps the golf carts separate from vehicles.

Concurrently with this proposal, the Petitioner is requesting the approval of an amendment to the plan description of for the Lincoln Prairie Planned Development District. The details of the request include changing the land uses from medium density residential, commercial, and manufacturing to low density residential and commercial. The Plan Description establishes 4 land use areas and 6 parcels.

1. Parcel 1 is single family detached residential with zoning similar to that of R-2 with the exception of reduced lot sizes, setbacks, and lot coverage; and
2. Parcel 2 is age-restricted single family detached residential with zoning similar to that of R-3 with the exception of reduced lot sizes, setbacks and lot coverage; and
3. Parcels 3 and 6 are commercial parcels with zoning similar to that of B-2; and
4. Parcels 4 and 5 are flex parcels which can be developed either under the regulations of Parcel 1 or Parcel 2.

A special sign district is being proposed for the site with the size, type and location of the temporary, permanent identification and directional signage.

The Petitioner is also requesting approval of a Preliminary Plat and Plan for Lincoln Crossing Subdivision on Parcel 1. The proposal is to construct 162 traditional detached single-family residential homes. The proposed gross density is 2.47 dwelling units per acre. The development has a mixture of 55-foot wide lots with a minimum lot size of 7,150 square footage and 65-foot wide lots with a minimum lot size of 8,060 square feet.

The Petitioner is also proposing a 4-acre park site which will be donated to the Fox Valley Park District. A stormwater detention facility is being constructed on a 7.29-acre lot at the southwest portion of the development. Additional stormwater detention may be required which will be in an adjacent off-site parcel.

Access to Lincoln Crossing is being provided via a full access off Wolf's Crossing Road and a full access off Eola Road.

A pedestrian bridge is being proposed at the southwest corner of the property crossing Eola Road which will land on the future commercial parcel connecting this property not only the commercial property but also to Wolf's Crossing Elementary School and Bednarik Junior High School. This will be constructed as part of Phase 1 of Parcel 2 and will be conveyed to City.

The Petitioner is also requesting approval of a Preliminary Plat and Plan for Lincoln Prairie by Del

Webb Subdivision on Parcel 2. The proposal is to construct 550 age-restricted detached single-family residential homes within a gated community in three phases. The proposed gross density is 1.16 dwelling units per acre. The development has a mixture of 44-foot wide lots with a minimum lot size of 5,280 square feet, 50-foot wide lots with a minimum lot size of 6,000 square feet, and 64-foot wide lots with a minimum lot size of 7,680 square feet. Since this is a gated community the street will be private. The homeowner's association will be responsible for the maintenance of the private streets, the amenity center, common areas, landscaping, and mowing and snow removal of individual residential lots.

An amenity center will be constructed on approximately 11 acres in the center of the age-restricted development. The amenity center will include but not limited to a pool, tennis courts, bocce ball courts, and pickle ball courts. There are several parks being constructed which are interspersed throughout the subdivision. These parks will feature various amenities such as a community garden, pavilions, picnic tables, grills, and a dog park.

The age-restricted gated Subdivision is separated from the rest of the Lincoln Prairie development by water features including ponds. Access will be via two gated entrances from a full access from Eola Road and a full access from US Route 30.

There are several stormwater detention facilities being constructed which is providing sufficient stormwater storage for the subdivision.

The Petitioner is working with Fox Metro Reclamation District to provide a lift station to service not only the Lincoln Prairie by Del Webb Subdivision with sanitary sewer but also the remaining portion of the development.

Landscaping and Building elevations for both developments will be reviewed at time of Final Plat and Plan approval.

## **DISCUSSION:**

Staff has reviewed the Annexation Agreement Revision 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 items reflected in the conditions listed in the Staff Recommendation below.

This amendment to the Annexation Agreement and the plan description is in accordance with the Wolf's Crossing Subarea Plan that was recently approved earlier this year. As discussed in the Subarea Plan these proposed residential and commercial land uses are more compatible than the industrial uses as the area and market has changed in the last decade.

According to Pulte, the current residential market trends for traditional single-family homes are for smaller yards with less maintenance and larger homes with more living space and livability options including sunrooms, upgrading bathrooms, and gourmet kitchens with integrated home offices.

Likewise, the current age-restricted residential market trends are for small yards and more living spaces and livability options. By having small yards, the maintenance of the lots keeps the association dues reasonable.

The amendment also includes two commercial parcels within this development. These areas can

take advantage of the high traffic counts along US Route 30 and Eola Road while providing for neighborhood shopping needs for future residents.

The proposed development is providing for diverse housing types to accommodate the needs of Aurora's population and the commercial will support the residents of the City and surrounding areas improving the public health, safety, morals, and general welfare of the City.

The proposed development of traditional residential, age-restricted residential and commercial are compatible with the surrounding area therefore will not have a negative effect on the use or enjoyment of the other property and will not be a detriment to the property values in the general area.

City utilities are being expanded including the construction of the lift station into this area to service the development. Pursuant to the annexation agreement roadway improvement will be implemented to accommodate any new traffic generated by this development.

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 on 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.

20.0 To insure the provision of decent housing and a quality living environment for every resident of Aurora.

21.0(1) To promote access to housing opportunities for all economic, racial, religious, ethnic and age groups.

21.1(2) To promote a wide variety of housing types.

23.1(3) To encourage quality design and practicable innovations in both housing structures and site developments to encourage quality design and practicable innovations in both housing structures and site development.

23.1(10) To promote the provision of paved roads, sidewalks, utilities and other public works and improvements to each residence within the City through subdivision requirements or special assessments.

71.1(3) To work toward accomplishing complete utilities, including water mains and separated storm and sanitary sewer in all parts of the City.

#### **RECOMMENDATIONS:**

Planning and Zoning Commission recommended **CONDITIONAL APPROVAL** of the Ordinance Providing for the Execution of an Amendment to the Annexation Agreement with the owners of record of territory, commonly known as the Lincoln Prairie Planned Development District, located east of US

Route 30, south of Wolf's Crossing, north of 111th Street and West of Canadian National Rail Line in the City of Aurora, Will County, Illinois with the following conditions:

- 1) That the Exhibits be updated and approved by the City's Engineering Division and Zoning and Planning Division to match the language within the Restated Annexation Agreement prior to city council approval.
- 2) That the Petitioner work with the City on the language for Section D.6.a. of the Annexation Agreement regarding the distribution of offsite watermain cost within this development prior to city council approval.
- 3) Each phase of development of the Subject Property shall obtain Final Engineering Approval from the Engineering Division and shall obtain all necessary permits or approvals from other Federal, State, and local government agencies having jurisdiction over the development.

**ATTACHMENTS:**

Exhibit "A" Restated and Amended Annexation Agreement  
Land Use Petition with Supporting Documents

Legistar Number: 21-0069

cc:

Alderman Michael B. Saville, Chairperson  
Alderman Sherman Jenkins, Vice Chairperson  
Alderman Carl Franco  
Alderman Robert J. O'Connor  
Alderman Juany Garza



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance Providing for the Execution of an Amendment to the Annexation Agreement with the owners of record of territory, commonly known as the Lincoln Prairie Planned Development District, located east of US Route 30, south of Wolf's Crossing, north of 111th Street and West of Canadian National Rail Line in the City of Aurora, Will County, Illinois

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 Revision 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 (1994) 5/11-15.1-1); and

WHEREAS, on April 7, 2021, the Aurora Planning and Zoning Commission, held a public hearing on the petition to enter into said Annexation Agreement Revision and zoning amendment therein provided after due publication of notice of public hearing and has submitted a recommendation of CONDITIONAL APPROVAL for the Restated Annexation Agreement and zoning amendment on said property to the City Council of the City of Aurora Subject to certain conditions; and

WHEREAS, on April 14, 2021, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said Annexation Agreement Revision, reviewed the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said Annexation Agreement Revision; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement Revision 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 April 27, 2021, the City Council also held a public hearing upon the proposed Annexation Agreement Revision 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 Revision 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.

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 Revision in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth.

Section Six: That the Annexation Agreement Revision 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 Revision 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 Revision may be executed, as the Mayor shall determine.