



## Legislation Text

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**File #:** 19-0530, **Version:** 3

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**TO:** Mayor Richard C. Irvin

**FROM:** Planning Commission

**DATE:** July 18, 2019

**SUBJECT:**

An Ordinance Establishing a Special Use Planned Development, Approving the Melody Town Center Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of R-5(S) Multiple-Family Dwelling, R-5A(S) Midrise Multiple Family Dwelling, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage with a Special Use Planned Development for the property located at east of the intersection of Ogden Avenue and 75th Street (CDI Development Services, LLC - 19-0530 / NA28/1-16.085-RZ/SU/PSD/PPN - TV - Ward 10)

**PURPOSE:**

The Petitioner CDI Development Services, LLC is requesting the establishment of a new Special Use Planned Development, and to change the underlying zoning district from B-2(S) General Retail District to R-5(S) Multiple-Family Dwelling District, R-5A(S) Midrise Multiple Family Dwelling District, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage District with a Special Use Planned Development on the property located east of the intersection of Ogden Avenue and 75th Street

**BACKGROUND:**

The Subject Property is currently vacant land located east of the intersection of Ogden Avenue and 75th Street with B-2(S) General Retail District with a Special Use zoning, which is part of the Ocean Atlantic Special Use Planned Development approved in 1998. In 2006, this property received approval for a commercial life-style center, however, the center never developed. A Redevelopment Agreement was approved earlier this year to assist in the development of this property as the requirement to provide for the construction/extension of Commons Drive has created a burden that has prevented development on this property to date. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting the establishment of a new Special Use Planned Development with an underlying of R-5(S) Multiple-Family Dwelling District, R-5A(S) Midrise Multiple Family Dwelling District, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage District.

The Plan Description include modifications to the building, dwelling and structure standards, bulk restriction standards and use regulations for the R-5 and R-5A and B-2 parcels. The modification for the R-5, being the assisted living / memory support facility include eliminating the minimum floor area

requirement, increasing the lot coverage to 65% and establishing minimum setbacks. The modifications for the R-5A, being the age restricted senior independent living facility includes reducing the minimum floor area to 750 square feet for one bedroom units and 925 square feet for two bedroom units, allowing residential on the first floor, reducing the number of units which have individual accessible balconies, decks, or patios to 90%, eliminating the requirement of enclosed parking spaces, increasing the lot coverage to 70%, reducing the minimum parking requirement to 1 space per unit and establishing minimum setbacks. In addition, there is a number of building code modifications that were contemplated in the redevelopment agreement. The modifications for the B-2 parcels including eliminating certain uses, permitting but limited in number other uses and establishing minimum setbacks. The Plan description also establishes sign regulations.

Concurrently with this proposal, the Petitioner is requesting approval of a Preliminary Plat and Plan. The details of the Preliminary Plat include a 10 lot subdivision with a 100 foot wide right of way dedication along the eastern portion of the property for the extension of Commons Drive between Ogden Avenue and 75th Street. The Preliminary Plan includes the construction of an approximately 85,000 square foot assisted living / memory support facility on Lot 1. The facility will house 63 assisted living unit and 25 memory care units with a total of 69 parking spaces. The proposal also includes an approximately 200,000 square foot age restricted independent living facility on Lot 2. This will house 144 one and two bedrooms units with a total of 144 parking spaces. The facility will include but not limited to a restaurant quality dining facility, fitness center, hair and nail salon, and ample social gathering areas. In addition, there are optional services such as housekeeping, laundry and transportation services. Lot 3, 4 and 5 will be future commercial lots and Lot 7, 8, 9, and 10 will be utilized as storm water detention facilities.

The Petitioner is proposing two access points into the site along Ogden Avenue and one on 75th Street. Pursuant to redevelopment agreement the City is obligated to build Commons Drive and the associated infrastructure.

This project will be phased with the assisted living facility being the first phase and age restricted independent living facility and the construction of Commons Drive being the second phase.

Building elevations and landscaping will be subject to review and approval at the Final Plan and Plat time.

## **DISCUSSION:**

Staff has reviewed the Special Use Planned Development 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.

The recently approved Comprehensive Plan for the Route 59 Corridor changed the designation from Commercial to Mixed Use: Residential/Office/Commercial for this property. The Mixed Use: Residential/Office/Commercial designation allows residential, office and commercial within the same building or development. While the newly created intersection of Commons Drive extended from Ogden Avenue to 75th Street will create commercial potential, the access constraints and shape of the remaining property does not lend itself to commercial uses. The Plan recommended mixed uses for this site including commercial along Commons Drive extended with age-restricted independent and care facilities on the remaining portion. This development achieves the goal of the Route 59

Corridor Plan. While also providing for some office and commercial uses, the residential portion of the site will not add to the local student population.

Staff has been working extensively with the Petitioner regarding the age restricted independent living facility. While this will be a deed restricted age restriction of a minimum of 62 years of age, similar developments have shown an average age of residents being approximately 80 years old, with many single or widowed residents. These residents, therefore, tend to have fewer cars than a typical apartment complex. According to a recent traffic and parking evaluation conducted by KLOA, the independent living facility is projected to have a peak parking demand of approximately 83 vehicles (parking ratio of 0.60 parking spaces per unit). Therefore, Staff believes that the proposed parking ratio of 1 space per unit will be more than adequate due to the age restrictions that will run with the property.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has not received public inquiries regarding 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.

11.0 To guide the growth of the City in an orderly and structured manner.

11.1(5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.

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 promotes complementary interactions between different land use components.

13.1(3) To use the improvement and addition of street and highway facilities as a positive force in guiding new development and improving land use relationships.

### **RECOMMENDATIONS:**

The Planning Commission recommended APPROVAL of the Ordinance Establishing a Special Use Planned Development, Approving the Melody Town Center Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of R-5(S) Multiple-Family Dwelling, R-5A(S) Midrise Multiple Family Dwelling, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage with a Special Use Planned Development for the property located at east of the intersection of Ogden Avenue and 75th Street.

### **ATTACHMENTS:**

Exhibit A - Legal Description

Exhibit B - Plan Description

Land Use Petition with Supporting Documents

Property Research Sheet

## Legistar History Report

Legistar Number: 19-0530

cc:

Building, Zoning and Economic Development Committee:

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 Establishing a Special Use Planned Development, Approving the Melody Town Center Plan Description and Amending Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, to an underlying zoning of R-5(S) Multiple-Family Dwelling, R-5A(S) Midrise Multiple Family Dwelling, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage with a Special Use Planned Development for the property located at east of the intersection of Ogden Avenue and 75th Street

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, Old Second Natl Bank- 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 June 13, 2019, CDI Development Services, LLC filed with the City of Aurora a petition Requesting the Establishment of a new Special Use Planned Development, and to change the underlying zoning district from B-2(S) General Retail District to R-5(S) Multiple-Family Dwelling District, R-5A(S) Midrise Multiple Family Dwelling District, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage District with a Special Use Planned Development on the property located east of the intersection of Ogden Avenue and 75th Street 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 referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on July 17, 2019, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on July 24, 2019, 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 Commission, finds that the proposed Rezoning and Special Use is not contrary to the purpose and intent of Ordinance Number 3100, being the Aurora Zoning Ordinance.

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 Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to Section 10.7 and Section 11 a Special Use permit is hereby granted for a Planned Development (8000) use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Planned Development (8000) use 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 special 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 special 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 Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That Ordinance Number 3100, being the Aurora 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 B-2(S) General Retail District with a Special Use District to R-5(S) Multiple-Family Dwelling, R-5A(S) Midrise Multiple Family Dwelling, B-2(S) General Retail District, and OS-1(S) Conservation, Open Space and Drainage with a Special Use Planned Development District. Upon termination of the use of said property for a Planned Development (8000) this Special Use permit shall terminate and the classification of R-5 Multiple-Family Dwelling, R-5A Midrise Multiple Family Dwelling, B-2 General Retail District, and OS-1 Conservation, Open Space and Drainage shall be in full force and effect.

Section Eleven: That this Planned Development (8000) use 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 Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set forth in the Plan Description, are here by granted and approved.