

EXHIBIT "B"
PLAN DESCRIPTION REVISION
For the property located at 2962 Kirk Road being north of Butterfield Road and west of
Kirk Road

Casefile: BA36/3-18.006-SU/PD/R/FPN

Owner: TMK Inland Aurora Venture, LLC
2901 Butterfield Road
Oak Brook, IL 60523

Contract Purchasers: Wendy's
Wenzak QSC Management Company
424 Fort Hill Drive, Suite 142
Naperville, IL 60540

Ordinance Number of
Special Use Planned Development: O2005-144 and amended by O2007-090,
O2008-025, O2011-053, and O2012-027

Date Special Use Planned Development
Approved by City Council: December 13, 2005

Said Savannah Crossing (TMK Aurora Venture, LLC) Plan Description is hereby revised and amended for the property legally described in Exhibit "A" as follows:

That the following Section III.1.2.4 be modified:

Section III.A.2.4. Permitted Uses

This property shall be limited to those uses permitted in the B-2 Business District General Retail District, Section 12.3, with the following modifications and additions:

Up to ~~three (3)~~ **four (4)** Drive Through restaurants shall be allowed in Parcel AB and may be allowed on Lots 3, **4**, 5, 9, 10 or 11 and shall be prohibited on all other lots.

Drive Through pharmacies shall only be allowed on Lots 1 and 2, and shall be prohibited on all other lots.

Bank/financial facilities, which may include a drive through, shall only be allowed on Lot 8 and shall be prohibited on all other lots.

An outdoor garden supply and sales center; outdoor storage area for trailers, bales and pallets as shown on the Preliminary Plan and Plat shall be allowed only on Lot 1 and shall be prohibited on all other lots.

Two outlots shall be shown and shall be developed as white tablecloth sit-down restaurants, defined, for purposes of this Section only, as a casual to fine casual full service restaurant with

the ability to take reservations, with minimum indoor table seating for at least fifty (50) people with its primary purpose as a dine in facility, with or without a full service bar, and does not sell fast food or operate a drive in window as its principal business. The Developer shall (i) make reasonable efforts and take all reasonable steps to market the two parcels, at market value, as outlot pad sites consistent with the parameters and terms of the project described herein; (ii) negotiate in good faith the terms and conditions of the sale or lease of the outlot site pads and improvements at market value, if the marketing is successful; and (iii) make reasonable efforts and take all reasonable steps to obtain City approvals for the development of said outlot site pads consistent with the terms contained in this Section. The Developer shall cooperate with the City and provide the City with all reasonably requested information within the Developer's control when said information is required to verify the Developer's marketing efforts. The information shall be provided within a reasonable time following the City's request. The City agrees to keep all information confidential unless it is required by law to disclose said information. This provision shall expire on the earlier of March 31, 2008 or when sit-down restaurants are constructed on two lots.

The following uses shall be prohibited on all lots:

- Automobile sales, rental or leasing
- Pawn Shop
- Payday Loan Stores/Currency Exchange
- Tattoo Parlors
- Amusement Center, including but not limited to bowling alley, skate rink, game room/arcade.
- Fuel Station

The following uses shall be prohibited on lots 2-11:

- Auto accessory store
- Automobile detail shops
- Automotive repair
- Battery and tire service station

If lot 9 and/or lot 10 remain unsold after three (3) years, the above automobile-related uses shall be allowed as a special use for either or both of said unsold lots.

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