

EXHIBIT "B"

A PLAN DESCRIPTION FOR FOX VALLEY PROPERTY
SERVICES LLC 1900 E NEW YORK
LOCATED ON THE SOUTH SIDE OF NEW YORK STREET,
BETWEEN EASTERN AVENUE AND WELSH DRIVE
CONSISTING OF 14.26 ACRES

A Plan Description for the property on the south side of New York Street, between Eastern Avenue and Welsh Drive with B-2(S) General Business District Zoning and P(S) Park and Recreation District with a Special Use Planned Development for the Fox Valley Square Development Pursuant to Section 10.6-6 of the Aurora Zoning Ordinance.

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I. QUALIFYING STATEMENTS

A. PURPOSE

This Special Use Planned Development has evolved to assist the Aurora Planning Commission and City Council in governing their recommendations and actions on this development as it relates to the existing zoning and land uses in the area.

Developer shall mean the person(s) or entity who brings the Subject Property described herein to a more complete, complex, or desirable state.

Owner shall mean the person(s) or entity who is described as the legal owner of record of the Subject Property described herein.

For the purposes of this document, Developer and Owner shall be one and the same and held equally accountable for all requirements within this Plan Description.

B. INTENT

This Plan Description has been prepared pursuant to the requirements of Section 10.6-6.2 of the Aurora Zoning Ordinance. It is the intent of this document to promote and protect the public health, safety, morals, comfort, and general welfare of the area; and to guide the development toward the realization of the appropriate Physical Development Policies of the City of Aurora Comprehensive Plan. These policies include:

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.

31.1(3) To promote the development of commercial facilities in existing or planned commercial areas.

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property consists of approximately 14.02 acres lying on the south side

of New York Street, between Eastern Avenue and Welsh Drive. The property is currently vacant. The property lies within the East Aurora School District #131 boundaries. The property is currently zoned B-3(S) Business and Wholesale District with a Special Use Planned Development. The City of Aurora Comprehensive Plan designates the Subject Property as Office/Research/Light Industrial.

2. Surrounding Property

The surrounding property to the North has a combination of BB Business Boulevard District, ORI(S) Office, Research and Light Industrial District and R-1 Residential District zoning. An office and equipment facility use is located within the City limits while the residential uses are within unincorporated Kane County. The City of Aurora Comprehensive Plan designates the property as Office/Research/Light Industrial.

The surrounding property to the South is currently zoned R-5(S) Multiple-family Dwelling District and P Park and Recreation District, and is owned by the Kane County Forest Preserve. The City of Aurora Comprehensive Plan designates the property as Conservation, Open Space, Recreation, and Drainage.

The surrounding property to the East is currently zoned B-3(S) Business and Wholesale District, with a special use for a combined used car dealership and major auto repair use. The City of Aurora Comprehensive Plan designates the property as Office/Research/Light Industrial.

The surrounding property to the West is currently zoned B-3 Business and Wholesale District, with a restaurant use, and the City of Aurora Comprehensive Plan designates the property as Office/Research/Light Industrial.

III. DEVELOPMENT STANDARDS FOR EACH PARCEL

A. ZONING

The Subject Property shall be divided into two zoning parcel(s) as legally described on Attachment "A", and generally depicted on Attachment "B".

Development of the zoning parcel(s) shall be regulated as follows:

1. Parcel A – B-2(S) Business District – General Retail

1.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately 4.88 acres. Upon approval of this document, said property shall be designated as B-2(S) General Business District Zoning, with a Special Use

Planned Development on the City of Aurora Zoning Map, and be regulated by the Aurora Zoning Ordinance except as modified herein, including but not limited to the provisions for the underlying base zoning district being Section 8.3 titled Business District – General Retail.

1.2. Statement of Intent

The Business District – General Retail District, has been chosen as the underlying base zoning for this Parcel to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The Parcel is intended to be developed as a Shopping Center. Access to the property will be a full access via New York Street.

1.3 Use Regulations

1. This property shall be limited to those uses permitted in the B-2 Business District – General Retail, Section 8.3, with the following modifications:
 - a. Additionally, up to one (1) total of each of the following uses shall be permitted:
 - (1) Car Dealership, used (2811)
 - (2) Major Automotive Repair (2836), when accessory to a Car Dealership, used.
 - (3) Retail sales or services with a drive through (2110)
 - (4) Financial Institution with a drive-through facility (2210)
 - (5) Restaurant with drive-through facility (2530)
 - (6) Mini-Storage (3340)
 - b. The following uses shall be prohibited:
 - (1) Pawnshop (2160)
 - (2) Used Clothing Stores (2120)
 - (3) Alternative Financial Institutions (2220)
 - (4) Laundromat (2610)
 - (5) Tattoo Salon (2630)

1.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the Business District – General Retail District, Section 8.3, and Section 5 with the following modifications:
 - a. Minimum setbacks shall be as follows:
 - (1) Front Yard Setback: Thirty feet (30')
 - (2) Interior Rear Yard Setback: Eight feet (8')
 - (3) Internal Side Yard Setback: Zero feet (0')
 - (4) External Side Yard Setback: Ten feet (10')

b. All parking and loading shall be pursuant to Section 5.13., "Off-Street Parking and Loading" of the Aurora Zoning Ordinance with the following exception

(1) Structure 2255: Vehicle Sales - shall require 1 parking space and 5 vehicle display spaces per 300 square feet of gross floor area, plus 2 spaces per service bay. Non-individually accessible spaces may be used for Vehicle display spaces, however upon termination of the Car Dealership use the parking area shall be re-striped so that all spaces are individually accessible.

(2) Structure 2620: Mini-storage yard - In addition to retail parking, 1 space per 2 acre with a minimum of 3 spaces required

2. Parcel B – P(S) Park and Recreation District

2.1 Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel B contains approximately 9.08 acres. Upon approval of this document, said property shall be designated as P(S) Park and Recreation District Zoning, with a Special Use Planned Development on the City of Aurora Zoning Map, and be regulated by the Aurora Zoning Ordinance except as modified herein, including but not limited to the provisions for the underlying base zoning district being Section 6.6 titled P Park and Recreation District.

2.2. Statement of Intent

The P Park and Recreation District, has been chosen as the underlying base zoning for this Parcel to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The Parcel is intended to be dedicated to the Kane County Forest Preserve District to become part of the Oakhurst Forest Preserve. The property owner shall enter into a dedication agreement with the Kane County Forest Preserve District for Parcel B, being 9.08 acres of land, within ninety (90) days of approval of this Plan Description.

B. BUILDING, STRUCTURES AND SIGNAGE

1. Retaining walls utilized within the development shall not exceed three (3) feet in height. The stepping of retaining walls is allowed up to six (6) feet in overall height with a minimum run of three (3) feet between steps.
2. Building Elevations shall be subject to approval with the Final Plan and will be evaluated based on the quality and variety of building materials, orientation and

presentation from the public street and the use of architectural elements.

3. Signage Elevations and locations shall be subject to approval with the Final Plan and will be evaluated based on the quality and variety of materials, orientation and presentation to the public street and the use of architectural elements matching the building. The signage on the property shall be subject to the Aurora Sign Ordinance, with the following modifications and requirements for free standing signs:
 1. Development Sign
 - (1) Construction: Signs must be monument style, with any combination of wood, masonry, or concrete.
 - (2) Quantity: A maximum of one (1) Shopping Center Development sign is allowed and must contain the name of the overall shopping center.
 - (3) Area: A maximum of one hundred (100) square feet per sign face is allowed.
 - (4) Height: A maximum of eighteen (18) feet in height per sign is allowed.
 - (5) Setback: Setback of a sign shall equal the height of the sign.
 - (6) Lighting: Signs may be internally lit, externally lit or lit with backlit pin lettering.
 - (7) Landscaping: shrubs and other landscaping materials should be planted at the base of each sign.

C. PUBLIC IMPROVEMENTS

1. The public right of way to be dedicated for New York Street shall be established at one hundred and ten feet (110') with a cross section of two 27 foot lanes of pavement width back to back with B6-12 curb and gutter with a 20 foot center median and a ten foot (10') City Easement adjacent to the dedicated right of way. An eight-foot (8') asphalt bike path on the south adjacent to the property line are required and shall be permitted within the public right of way up to 1 foot off the property line. DEVELOPER RESPONSIBILITY: Developer will dedicate right of way of fifty-five feet (55') from the centerline and a ten foot (10') city easement adjacent to the dedicated right of way as required by City ordinance. The developer will also install the required landscaping, and bike path adjacent to the Subject Property.
2. A five-foot (5') concrete sidewalk or eight-foot (8') asphalt path is required to be installed by the Developer along all property lines adjacent to public streets. Said sidewalk or path may be located one foot inside the right of way line. The determination of materials and location shall be determined at the time of Final Plan.
3. The installation of street trees and landscaping shall be a condition of the issuance of a Certificate of Occupancy and shall not be included in the security required under Subdivision Code 43-55(a)3.

4. The Developer may commence construction of the major earthwork and stormwater detention facilities at the Owner's or Developer's sole risk before approval of the Final Plat, provided that prior thereto, the subdivider submits plans, estimates, and specifications for all public improvements for approval by the City Engineer; receives approval from all other appropriate authorities that have jurisdiction, including, but not limited to the Kane DuPage Soil and Water Conservation District; review and approval of the wetland delineation in accordance with the City of Aurora Stormwater Ordinance; Engineering Department approval of a mass grading plan and Stormwater Management Permit Application as required by the City of Aurora Stormwater Ordinance; and post cash or securities in the amount equal to one hundred and ten (110) percent of the estimated costs for mass grading site restoration and soil erosion control items.
5. The City recognizes that if Parcel B is dedicated to the Kane County Forest Preserve, then the following Section(s) of the Aurora Subdivision Control Ordinance shall not be required for said Parcel:
 - a. Section 43-12 Prerequisites to building permits;
 - b. Section 43-18 Review, recommendation of dedication;
 - c. Section 43-55 Arrangement for improvements prerequisite;
 - d. Section 43-72 Streets;
 - e. Section 43-76(d) Lots;
 - f. Section 43-77 Building setback lines;
 - g. Section 43-95 Street improvements;
 - h. Section 43-98 Sidewalks; and
 - i. Section 43-99 Landscaping

However, if Parcel B is not dedicated to the Kane County Forest Preserve, all Ordinance shall have to be met.

IV. GENERAL PROVISIONS

A. PLAN DESCRIPTION DOCUMENT

1. All current codes and ordinances of the City in effect at the time of the development shall govern except where expressly stated within this Plan Description document to the contrary.
2. Amendments to this Plan Description document shall be subject to Section 15 of the Aurora Zoning Ordinance. Public notice shall be provided in accordance with said section and, to all current owners of property subject to this Plan Description.
3. This Plan Description document shall be mutually binding upon the heirs, executors, administrators, successors and assigns of present or future

owners who use the property for the same permitted use.

4. If any section, subsection or paragraph of this Plan Description document shall be held invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Plan Description document.
5. Any provisions contained within this Plan Description document that are in conflict shall be enforced in accordance with the more restrictive provision.

V. LIST OF ATTACHMENTS

ATTACHMENT "A" - LEGAL DESCRIPTION OF DEVELOPMENT PARCELS
ATTACHMENT "B" – MAP OF DEVELOPMENT PARCELS

ATTACHMENT "A"
LEGAL DESCRIPTION OF DEVELOPMENT PARCELS

THE LEGAL DESCRIPTION of the entire 14.02 Acre property

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE EASTERLY ALONG THE SOUTH LINE THEREOF, 1015.41 FEET (1014.81 FEET REC.) TO THE SOUTHERLY EXTENSION OF AN EAST LINE OF TRACT OF LAND CONVEYED TO THORTON R, AND HERMINA L. MORONEY BY DEED RECORDED JANUARY 26, 1931 AS DOCUMENT NO. 343043, FOR A POINT OF BEGINNING; THENCE NORTHERLY, AT AN ANGLE OF 90°42'58", MEASURED CLOCKWISE FROM SAID SOUTH LINE, ALONG THE SOUTHERLY EXTENSION OF SAID EAST LINE, 620.80 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO VERONA MILBRANDT BY DEED RECORDED OCTOBER 18TH, 1955 AS DOCUMENT NO. 792857; THENCE EASTERLY, AT AN ANGLE OF 89°51'13", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG THE SOUTHERLY LINE OF SAID MILBRANDT TRACT, 144.83 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE NORTHERLY, AT AN ANGLE OF 89°51'13", MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG THE EAST LINE OF SAID TRACT, 363.45 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 65 (NEW YORK AVENUE); THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 514.44 FEET, ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.78 FEET, SAID ARC FORMING A CHORD THAT MEASURES 98°42'27" COUNTERCLOCKWISE FROM THE SAID EAST LINE, TO THE WEST LINE OF A TRACT OF LAND CONVEYED TO WILLIAM AND BEATRICE NADLER, RECORDED OCTOBER 20TH, 1967 AS DOCUMENT NO. 1100360; THENCE SOUTHERLY, AT AN ANGLE OF 81°18'20", MEASURED COUNTERCLOCKWISE FROM THE CHORD FORMED BY THE LAST DESCRIBED COURSE, ALONG SAID WEST LINE, 1053.49 FEET TO THE SOUTH LINE OF SAID NORTH HALF; THENCE WESTERLY, AT AN ANGLE OF 90°42'11", MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, ALONG SAID SOUTH LINE, 652.93 FEET TO THE POINT OF BEGINNING, CONTAIN 14.02 ACRES, ALL IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL A

Parcel Number(s): the northerly 4.88 acres of 15-24-451-033 as illustrated on the Preliminary Plat of Subdivision for Fox Valley Square Subdivision attached to the Owner/Developer's Petition

Commonly known as: 1900 E. New York Street, located in Kane County.

LOTS 1, 2 AND 3 OF FOX VALLEY SQUARE SUBDIVISION, BEING PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

PARCEL B

Parcel Number(s): the southerly 9.08 acres of 15-24-451-033 as illustrated on the Preliminary Plat of Subdivision for Fox Valley Square Subdivision attached to the Owner/Developer's Petition

Commonly known as: 1900 E. New York Street, located in Kane County.

LOT 4 OF FOX VALLEY SQUARE SUBDIVISION, BEING PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

ATTACHMENT "B"
MAP OF DEVELOPMENT PARCELS

Location Map (1:5,000):

