

## **EXHIBIT “B”**

### **A PLAN DESCRIPTION FOR DAC DEVELOPMENTS LOCATED 100 N. BROADWAY CONSISTING OF 1.96 ACRES**

A Plan Description for the property located at the 100 N. Broadway with Downtown Fringe District Zoning, with a Conditional Use Planned Development for DAC Developments Pursuant to Chapter 34, Article VI of the Code of Ordinances.

## I. QUALIFYING STATEMENTS

### A. PURPOSE

This Conditional Use Planned Development has evolved to assist the Aurora Planning and Zoning 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 49-104.3(d) 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.
- 12.1(3) To encourage residential development in close proximity to places of work, shopping and recreation.
- 13.1(7) To promote mass transit stations and intensive land uses, including high-density residential complexes, to locate in relative proximity to one another so as to stimulate transit use.

## II. GENERAL CHARACTER

## A. EXISTING CONDITIONS

### 1. Subject Property

The Subject Property consists of approximately 1.96 acres lying on the east side of N. Broadway, just north of Spring Street extended. The property is currently used as a privately-owned commuter parking lot. The property lies within the East Aurora School District #131 boundaries. The property is currently zoned M-1(C) Manufacturing District, General with a Conditional Use (formally called Special Use) for a parking lot. The City of Aurora Comprehensive Plan designates the Subject Property as Mixed Uses: Offices/Research/Commercial/Residential.

### 2. Surrounding Property

North: The property to the north is zoned M-1 Manufacturing District, General, with a Restaurant/Food and beverage services (2500) use. The City of Aurora Comprehensive Plan designates the property as Mixed Uses: Offices/Research/Commercial/Residential.

South: The surrounding property to the south is zoned DF Downtown Fringe with a Public facilities and services (6200) use. The City of Aurora Comprehensive Plan designates the property as Mixed Uses: Offices/Research/Commercial/Residential.

East: The surrounding property to the east is zoned B-2(C) Business District, General with a Conditional Use (formally called Special Use). A hotel is currently located on this property. The City of Aurora Comprehensive Plan designates the property as Mixed Uses: Offices/Research/Commercial/Residential.

West: The surrounding property to the west is zoned Park and Recreation District, with a pedestrian trail along the Fox River. The City of Aurora Comprehensive Plan designates the property as Conservation, Open Space, Recreation, Drainage.

## III. DEVELOPMENT STANDARDS FOR EACH PARCEL

### A. ZONING

The development of the Subject Property as described on Attachment “A” and depicted on Attachment “B” shall be regulated as follows:

### 1. Subject Property

#### 1.1 Parcel Size and Use Designation

Upon approval of this document, said property shall be designated as DF(C) Downtown Fringe District Zoning, with a Conditional 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 49-108.8 titled DF Downtown Fringe District.

## 1.2. Statement of Intent

The DF Downtown Fringe 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 an urban multi-story apartment building up to 246 units with a mix of studios, one, two and three bedrooms and structured parking. Access to the property will be via North Broadway.

## 1.3 Use Regulations

### 1. This property shall be limited only as follows:

#### a. The following uses shall be permitted:

- (1) Residential, Dwelling units, on all floors, in a building constructed as residential structures, when such units each contain a separate bathroom, a washer and dryer, and a full-service ventilated kitchen. Dwelling units may be mixed with other accessory uses on a single floor.

#### b. The following uses shall be accessory to the residential use:

- (1) Coffee shop
- (2) Bike storage and shop
- (3) Parking garage
- (4) Dog lounge
- (5) Dry cleaners, drop off and pick up only
- (6) Meeting room(s)
- (7) Rooftop Terrace
- (8) Pool
- (9) Media room(s)
- (10) Lounge(s)
- (11) Fitness and fitness related space(s)
- (12) Other compatible use(s) as determined by the Zoning Administrator

## 1.4 Bulk Restrictions

### 1. This property shall be subject to the Bulk Restrictions in the DF

Downtown Fringe District, Section 49-108.8, and Section 49-105 with the following modifications:

a. Building, Dwelling, and Structures Standards

(1) Multi-family residential structures shall be constructed with the following design elements:

(a) Individually accessible balcony, deck, and/or patio shall be required for at least forty-five percent (45%) of the dwelling units.

(b) Residential dwelling units shall be permitted on all floor levels.

(c) The parking facility shall be located within the primary structure, be fully enclosed for the first two levels with masonry and partially enclosed exterior walls may only be allowed for those parking levels located three (3) stories or more above grade level and contain a minimum of one point two six (1.26) parking spaces per residential dwelling unit within said primary structure. The exterior building elevation shall be compatible with the remaining building and be subject to approval pursuant to Section B.2.

b. Minimum setbacks shall be as follows:

(1) Front Yard Setback (along Broadway): Ten feet (10')

(2) Interior Rear Yard Setback: Zero feet (0')

(3) Interior Side Yard Setback: Zero feet (0')

c. Minimum floor area per dwelling unit:

(1) Efficiency - 405 square feet

(2) One-Bedroom - 650 square feet

(3) Two-Bedroom - 900 square feet

(4) Three-Bedroom - 1200 square feet

d. Density

(1) The maximum density shall not exceed 126 dwelling units per acre.

e. Parking and Loading,

All parking and loading shall be pursuant to Section 49-105.13, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance except that a minimum of one point two six (1.26) parking spaces per dwelling unit shall be required within a parking facility. One (1) parking space shall be allotted per unit which shall be included in the rent. The remaining point two six (0.26) parking spaces shall be designated as visitor parking. Said visitor parking spaces shall not be rented to any individuals.

The Developer shall establish a Parking Management Plan as part of the Final Plan and Plat within the CCR's or management agreement to regulate the above parking requirements through parking passes, designated spaces, or other means in order to enforce the one (1) parking space per unit. A Parking Handbook shall be provided to all new renters within the development explaining the Parking Management Plan as part of the lease agreement.

**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 Chapter 41, except that free-standing development signs shall not be permitted.

**C. PUBLIC IMPROVEMENTS**

1. A minimum of a ten-foot (10') concrete sidewalk is required to be installed by the Developer along Broadway. Said sidewalk may be located outside the right of way line. If the sidewalk is located within the Subject Property, a city easement shall be provided over said sidewalk. The location shall be determined at the time of Final Plan.
2. 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.
3. The City and Developer agree to cooperate in drafting an agreement to allow for Developer to have access to the City's property for the purpose of constructing and maintaining improvements on the City's property. These improvements include, but are not limited to patios, balconies, sidewalks, paths and stairs. As part of the agreement, the Developer will agree to maintain the improvements and indemnify and hold harmless the City for

any liability that results from their use of the City's property.

**D. SALE TRAILERS AND CONSTRUCTION TRAILERS**

1. The Developer shall be permitted, at the Developer's sole risk, to place, maintain and occupy sales/leasing, construction office and storage trailers on the Subject Property subject to the following:
  - a. Permits for a sales/leasing trailer(s) will not be issued until a Preliminary Plan is approved and a plan designating the area to be devoted to a sales/leasing trailer(s) is submitted.
  - b. Upon Preliminary Plan approval for the Subject Property and in advance of final engineering approval, final plat approval and construction of sanitary sewer, storm sewer, stormwater detention facilities, water main, streets, curbs and gutters, the Developer shall be permitted to place temporary sales/leasing, construction office and storage trailer(s) on the Subject Property. Approval for placement of such trailer(s) shall be subject only to staff review, which includes meeting the applicable requirements of the City of Aurora Stormwater Ordinance, except as indicated in this document. Neither Planning Commission nor City Council approval shall be required.
  - c. Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for trailers used for sales/leasing, construction office and storage, unless required by the State of Illinois Department of Public Health Plumbing Program.
  - d. Sales/leasing trailers shall be removed at such time as the Developer receives occupancy permits for all sales/leasing model units constructed in multi-family residential structures on the Subject Property.
  - e. The Developer shall be permitted to construct and maintain other appurtenant facilities for construction, storage or sales/leasing trailers including temporary driveways.
  - f. The Developer, upon approval of the City Engineer, may construct temporary parking facilities, haul roads, and other pertinent facilities on the Subject Property in advance of receipt of approved formal permits applicable to any portion of the Subject Property. The City Engineer's approval shall not be unreasonably withheld.
  - g. Construction office and storage trailers shall be removed within sixty (60) days following the completion of construction activity on the affected parcel.
2. All sales/leasing, construction office and storage trailers shall be maintained in a neat and orderly manner. The Developer shall maintain and repair any and all temporary facilities.

**IV. REQUESTED MODIFICATIONS AND EXCEPTIONS TO THE AURORA BUILDING CODE**

1. Building Code Amendment 1207.2.3 and 1207.3.1  
That the Wall STC rating and Floor IIC rating both be reduced from 60 to 56 with weekly reports from a 3<sup>rd</sup> party testing company.
2. Building Code Amendment 1404.1.1  
That the percentage of full Wythe masonry be reduce from eighty (80%) percent to forty-three (43%) percent.

## V. 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 Chapter 34, Article VI of the Code of Ordinances. 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 THE SUBJECT PROPERTY  
ATTACHMENT "B" – PRELIMINARY PLAN



ATTACHMENT "A"  
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Parcel Number(s): 15-22-201-030, 15-22-201-035, and 15-22-327-002  
Commonly known as: 100 N. Broadway located in Kane County.

LOTS 1 AND 2 AND PART OF LOTS 3, 4, AND 5, BLOCK 29, ORIGINAL TOWN OF AURORA AND PART OF LOTS 8, 9, AND 10 OF E. HYDE'S SUBDIVISION OF BLOCK A, AURORA, KANE COUNTY, ILLINOIS, ALL DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 OF SAID E. HYDE'S SUBDIVISION; THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 126 DEGREES 12 MINUTES 30 SECONDS WITH THE EAST LINE OF SAID LOT 7 (MEASURED COUNTER-CLOCKWISE THEREFROM) 10.0 FEET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE LAST DESCRIBED COURSE 10.0 FEET TO SAID SOUTHEAST CORNER; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A, 120.45 FEET TO AN ANGLE IN SAID SOUTHEASTERLY LINE; THENCE SOUTHWESTERLY ALONG A SOUTHEASTERLY LINE AND THE SOUTHEASTERLY LINE OF SAID BLOCK 29 FORMING AN ANGLE OF 165 DEGREES, 15 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER- CLOCKWISE THEREFROM) 319.59 FEET TO THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 48.0 FEET OF SAID LOT 5; THENCE NORTHWESTERLY ALONG SAID NORTHERLY LINE FORMING AN ANGLE OF 90 DEGREES 31 MINUTES 00 SECONDS WITH SAID SOUTHEASTERLY LINE OF BLOCK 29 (MEASURED COUNTER- CLOCKWISE THEREFROM) 219.0 FEET TO A SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO THE FOX RIVER VALLEY PLEASURE DRIVEWAY AND PARK DISTRICT BY DOCUMENT NUMBER 1082864; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID PARK DISTRICT TRACT FORMING AN ANGLE OF 88 DEGREES 12 MINUTES 53 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER- CLOCKWISE THEREFROM) 405.99 FEET TO A POINT THAT IS 114.94 FEET SOUTHWESTERLY OF THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARK DISTRICT TRACT WITH THE NORTHEASTERLY LINE OF LOT 5 OF SAID E. HYDE'S SUBDIVISION; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 40 SECONDS WITH THE SOUTHEASTERLY LINE OF SAID PARK DISTRICT TRACT (MEASURED CLOCKWISE THEREFROM) 94.92 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 205 DEGREES 26 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 59.21 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 36 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 57.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.