

EXHIBIT “B”/ ATTACHMENT “C”

A PLAN DESCRIPTION FOR SCOOTER’S RESUBDIVISION
LOCATED AT THE SOUTHEAST CORNER OF ROUTE 31 AND SULLIVAN ROAD
CONSISTING OF 2.114 ACRES

A Plan Description for the property at the Southeast Corner of Route 31 and Sullivan Road with B-2, Business District – General Retail, with a Conditional Use Planned Development, for the Scooter’s Resubdivision Development, Pursuant to the Code of Ordinances, City of Aurora, Illinois (“City Code”).

I. QUALIFYING STATEMENTS

A. PURPOSE

This Conditional Use Planned Development has evolved to assist the Planning and Zoning Commission ("Commission") and the City Council ("City Council") of the City of Aurora, Illinois ("City") 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 Sec. 34-602 of Chapter 34 of the City Code. 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 Comprehensive Plan of the City ("Comprehensive Plan"). These policies include:

- 11.1 (3) To encourage new development contiguous to existing development.
- 14.1 (4): To encourage quality site design throughout the City of Aurora.
- 31.1 (4): To encourage the development of multiple use commercial, employment and service centers.

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property consists of approximately two acres lying at the southeast corner of Route 31 and Sullivan Road. The property is currently used for a state run transitional facility, and open space. The property lies within the West Aurora School District #129 boundaries. The property is currently zoned B-2, Business District – General Retail. The Comprehensive Plan designates the Subject Property as Quasi-Public.

2. Surrounding Property

North: The surrounding properties to the north are located within the Village of North Aurora. The property at the northeast corner of Route 31 is zoned B-2, General Business District, with a Gasoline Station (2831) use; and, the property at the northeast corner of Offutt Lane and Sullivan Road is zoned R-1, Single Family Residence District, and is vacant lot.

South: The surrounding property to the south is zoned B-2, Business District – General Retail, with a Business and Professional Office (2400) use. The Comprehensive Plan designates the property as Quasi-Public and Commercial.

East: The surrounding property to the east is zoned R-5A(C), Multiple Family Dwelling with a Conditional Use Planned Development, with a Housing Services for the Elderly (1200) use. The Comprehensive Plan designates the property as Quasi-Public.

West: The surrounding property to the west is zoned O(C), Office with a Conditional Use Planned Development, with a Hospital (6330) use. The Comprehensive Plan designates the property as Quasi-Public.

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 – Business District – General Retail

1.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately .526 acres. Upon approval of this document, said property shall be designated as Business District – General Retail Zoning, with a Conditional Use Planned Development on the Zoning Map of the City ("Zoning Map"), and be regulated by the Chapter 49 of the City Code ("Zoning Ordinance"), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-108.3, titled Business District – General Retail, except as modified herein.

1.2. Statement of Intent

The B-2, Business District – General Retail, 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 multi-tenant commercial facility with a drive-through restaurant use. Access to the property will be from Route 31 and Sullivan Road.

1.3 Use Regulations

1. This property shall be limited to those uses permitted in the Business District – General Retail, Section 49-108.3 of the Zoning Ordinance, with the following modifications:
 - a. The following additional uses shall be permitted:
 - (1) Restaurant with a Drive-through Facility (2530)
 - b. The following uses shall be prohibited:
 - (1) Used Clothing Stores (2120)
 - (2) Pawnshop (2160)
 - (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 B-2, Business District – General Retail, Section 49-108.3, and Section 49-105 of the Zoning Ordinance with the following modifications:
 - a. Minimum setbacks shall be as follows:
 - (1) Front Yard (Route 31) Setback: Ten (10) feet
 - (2) Interior Side Yard setback: Zero (0) feet
 - (3) Exterior Side Yard (Sullivan Road) setback: (15) feet
 - (4) Exterior Rear Yard Setback: Fifteen feet (15')
 - (5) Rear Yard Setback: Six (6) feet

2. Parcel B – Business District – General Retail

2.1 Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel B contains approximately 1.6 acres. Upon approval of this document, said property shall be designated as B-2, Business District – General Retail, with a Conditional Use Planned Development on the Zoning Map of the City (“Zoning Map”), and be regulated by the Chapter 49 of the City Code (“Zoning Ordinance”), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-108.3 titled Business District – General Retail, except as modified

herein.

2.2. Statement of Intent

The B-2, Business District – General Retail zoning 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 will be developed as a state run transitional facility. Access to the property will be from Route 31 and Sullivan Road.

2.3 Use Regulations

1. This property shall be limited to those uses permitted in the B-2, Business District – General Retail, Section 49-108.3 of the Zoning Ordinance, with the following modifications:
 - a. The following additional uses shall be permitted:
 - (1) Community Residence, Transitional (1530)

2.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the B-2, Business District – General Retail, Section 49-108.3, and Section 49-105 of the Zoning Ordinance with the following modifications:
 - b. All parking and loading shall be pursuant to Section 105.13., "Off-Street Parking and Loading" of Chapter 49 of the Zoning Ordinance with the following exception(s):
 - (1) Community Residence, Transitional: 1 space per 425 Square Feet of Gross Floor Area for the first floor of office space only.

B. BUILDING, STRUCTURES AND SIGNAGE

1. 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.
2. 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 Chapter 41 of the City Code ("Sign Ordinance").

C. PUBLIC IMPROVEMENTS

1. 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.
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 Control Ordinance, Section 43-55(a)3 of the City Code.

IV. GENERAL PROVISIONS

A. PLAN DESCRIPTION DOCUMENT

1. All current codes and ordinances of the City in effect at the time of the commencement of construction 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 City Code. Public notice shall be provided in accordance with said code 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

PARCEL A

Parcel Number(s): 15-10-352-045

Commonly known as: 1329 N Lake St, located in Kane County.

LOT 1 OF SCOOTER'S RESUBDIVISION, BEING A RESUBDIVISION OF LOT 2 OF DOLAN SUBDIVISION OF PART OF SECTIONS 9 AND 10, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS.

PARCEL B

Parcel Number(s): 15-10-352-045

Commonly known as: 1329 N Lake St, located in Kane County.

LOT 2 OF SCOOTER'S RESUBDIVISION, BEING A RESUBDIVISION OF LOT 2 OF DOLAN SUBDIVISION OF PART OF SECTIONS 9 AND 10, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS.

ATTACHMENT "B"
MAP OF DEVELOPMENT PARCELS

