

EXHIBIT "B"

A PLAN DESCRIPTION FOR 5.035 ACRES OF

THE PAS PLAZA DEVELOPMENT

A Plan Description for the Pas Plaza Development property at the southwest corner of Butterfield Road and Farnsworth Avenue with B-2(S) Business District, General Retail and OS-1(S) Conservation, Open Space and Drainage District with a Special Use Planned Development Zoning Pursuant to Section 10.6-6. of the Aurora Zoning Ordinance

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I. QUALIFYING STATEMENTS

A. PURPOSE

This Special Use/Planned Unit Development Amendment 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, the Developer shall be 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:

11.1(3) To encourage new development contiguous to existing development,

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

12.1(9) To guide development and redevelopment into energy efficient land use patterns;

14.1(4) To encourage quality site design throughout the City;

14.1(5) To provide for the visual enhancement of the City through attractive landscaping, quality signage and diverse building design and arrangement;

63.1(1) To promote an integrated pedestrian circulation system in the City.

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property consists of approximately 5.035 acres lying at the southwest corner of Butterfield Road and Farnsworth Avenue. The majority

of the property is currently vacant with the exception of the existing gas station which is located at the corner. The property lies within the Batavia School District #101 boundaries.

2. Surrounding Property

The Savannah Crossing's commercial development is located to the north, across Butterfield Road, which consists of a Walmart and several outlots. There is a single family residence on a portion of the property to the south. The other portion to the south houses Nadler Golf Cart Sales Facility. The property to the west has been developed as a retail strip center which contains a West Suburban Bank. The property to the east, across Farnsworth Avenue, is the Butterfield Villages commercial development.

B. EXISTING ZONING CLASSIFICATIONS

1. Subject Property

A portion of the Subject Property is currently zoned R-1, B-3 and B-3(S) for the Gas Station in the City of Aurora.

2. Surrounding Property

The properties to the north and west are zoned B-2(S) Business District, General Retail Special Use Planned Development. The property to the south is zoned M-1 Manufacturing District, Limited and the property to the east is zoned PDD Planned Development District with a Special Use.

C. COMPREHENSIVE PLAN

1. Subject Property

The City of Aurora Comprehensive Plan designates the Subject Property as Commercial.

2. Surrounding Property

The City of Aurora Comprehensive Plan designates the surrounding properties as Commercial.

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. Regulations applicable.

The zoning parcel referenced within this document as Parcel A contains approximately 4.45 acres. Upon approval of this document, said property shall be designated as B-2(S) Business District, General Retail with a special use for a 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 Section 8.3 Business District, General Retail.

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 Subject Property will be developed as a neighborhood services and retail center.

1.3. Use Regulations

1. This property shall be limited to those uses permitted in the B-2 Business District, Section 8.3, with the following modifications:

a. The following uses shall be prohibited:

- (1) Pawnshop (2160)
- (2) Use Clothing Stores (2120)
- (3) Banks, Financial Institutions and Insurance (2200)
(This prohibition is limited to payday Loans and Currency Exchanges.)
- (4) Laundromat (2610)
- (5) Tattoo Salon (2630)

b. The following uses shall be permitted:

- (1) Gasoline Station (2831)

c. The following uses shall be limited in number: The Subject Property may permitted up to two (2) total of any one or more of the following uses:

- (1) Drive Through Restaurants (2530)
- (2) Retail sales or service, with a Drive Through (2110)

1.4 Bulk Restrictions

a. The Bulk Restrictions shall be pursuant to the Section 5 and 8.3-5. of the Aurora Zoning Ordinance, except as follows:

- (1) The setback along Butterfield Road shall be 25 feet.
- (2) The setback along Farnsworth Avenue shall be 25 feet. However, the legal non-conforming status for Lot 1 may remain until the site is redeveloped at a future date.
- (3) The setback along the stormwater management facility lot shall be 0.4 feet.

2. Parcel B – OS-1 Conservation, Open Space, and Drainage District

2.1 Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel B contains approximately 0.583 acres. Upon approval of this document, said property shall be designated as Conservation, Open Space, and Drainage 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 6.4 titled Conservation, Open Space, and Drainage District.

2.2. Statement of Intent

The OS-1 Conservation, Open Space, and Drainage 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 detention facility for the neighborhood services and retail center.

2.3 Use Regulations

1. This property shall be limited to those uses permitted in the OS-1 Conservation, Open Space, and Drainage District, Section 6.4.

2.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the OS-1 Conservation, Open Space, and Drainage District, Section 6.4 and Section 5.

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. 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.
3. 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.
4. 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.
5. Sales and Construction Trailer(s) shall be permitted. At the Developer's sole risk the Developer may install, maintain and occupy up to one (1) trailer subject to the following:
 - 5.1 Upon Preliminary plan approval for the Subject Property and in advance of final engineering, final plat approval and the construction of sanitary, storm sewer, storm water detention facilities, water main, streets, curbs and gutters, the Developer shall be permitted to set temporary construction office, storage and sales trailers on the site. Approval for placement of trailers shall be subject only to staff review, which includes meeting the requirements of the City of Aurora Stormwater Ordinance. Planning Commission or City Council approval shall not be required.
 - 5.2 Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for construction, storage and sales trailers;
 - 5.3 Sales Trailers shall be removed at such time as the Developer receives occupancy permits for the Sales/Model homes;
 - 5.4 The Developer shall be permitted to construct and maintain other appurtenant facilities for said trailers including temporary driveways.
 - 5.5 The Developer, upon approval of the City Engineer may construct temporary parking facilities, haul roads, and other pertinent facilities in advance of receipt of approved formal permits applicable to any parcel. The City Engineer's approval shall not be unreasonably withheld.
 - 5.6 Construction and storage trailers shall be removed within sixty (60) days following the completion of construction activity on the affected parcel.
 - 5.7 All references to trailers in this Section shall be as that term is

defined in the City's Zoning Ordinance. All such 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 ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

A. AURORA ZONING ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Section 8.3-4 Use Regulations:

This property shall be limited to those uses permitted in the B-2 Business District, Section 8.3, with the following modifications:

a. The following uses shall be prohibited:

- (1) Pawnshop (2160)
- (2) Use Clothing Stores (2120)
- (3) Banks, Financial Institutions and Insurance (2200)
(This prohibition is limited to payday Loans and Currency Exchanges.)
- (4) Laundromat (2610)
- (5) Tattoo Salon (2630)

b. The following uses shall be permitted:

- (1) Gasoline Station (2831)

c. The following uses shall be limited in number: The Subject Property may permitted up to two (2) total of any one or more of the following uses:

- (1) Drive Through Restaurants (2530)
- (2) Retail sales or service, with a Drive Through (2110)

2. Section 8.3-5.: Bulk Restrictions

Bulk Restrictions shall be pursuant to the Section 5 and 8.3-5., "Bulk Restrictions" of the Aurora Zoning Ordinance, except as follows:

- (1) The setback along Butterfield Road shall be 25 feet
- (2) The setback along Farnsworth Avenue shall be 25 feet. However, the legal non-conforming status for Lot 1 may remain until the site is redeveloped at a future date.
- (3) The setback along the stormwater management facility lot shall be 0.4 feet.

B. SUBDIVISION CONTROL ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. The installation of street trees, sidewalks, and parkway landscaping shall be a condition of the issuance of a Certificate of Occupancy and shall not be included in the security required under 43-55(a)3.

2. 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.

C. SIGN ORDINANCE MODIFICATIONS AND EXCEPTIONS:

1. Section 41-4: Business Signs

- i) Area - 50 sq. ft. each sign, each side
- ii) Height – eight (8) feet maximum
- iii) Number – one (1) sign per lot with the exception that Lot 1 may have two (2) signs, one along each right of way.
- iv) Construction: Monument style, with consistent architectural elements on all signs, with any combination of wood, masonry, concrete, panels, prefabricated aluminum, and landscaping with illumination; signage itself may be with any combination of backlit pin letters or paneling
- v) The sign setback shall be equal to the height of the sign. However, the legal non-conforming status for the sign on Lot 1 may remain until the sign is modified at a future date.

2. Section 41-6(8): Temporary real estate signs

- a. Area: 300 sq. ft. each side, each sign
- b. Height: 20' max.
- c. Construction: Wood may be illuminated, no flashing lights or strobes.
- d. Quantity: 1 on the subject property
- e. All temporary development signs shall be removed from the property prior to the issuance of the last occupancy permit or within 2 years of the approval of this Plan Description whichever is earlier.

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 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.

VI. LIST OF ATTACHMENTS

ATTACHMENT "A" – Legal Description of Development Parcels

ATTACHMENT "B" – Map of Development Parcels

ATTACHMENT "C" - Special Sign District

ATTACHMENT "A"
LEGAL DESCRIPTION

Parcel Number(s):12-35-477-006, 12-36-300-006, 12-36-300-008, 12-36-300-009, and 12-36-300-010; 12-36-300-029

Commonly known as: 33W991 Butterfield Road, 34W015 Butterfield Road, 1387 Butterfield Road and 1395 Butterfield Road located in Kane County.

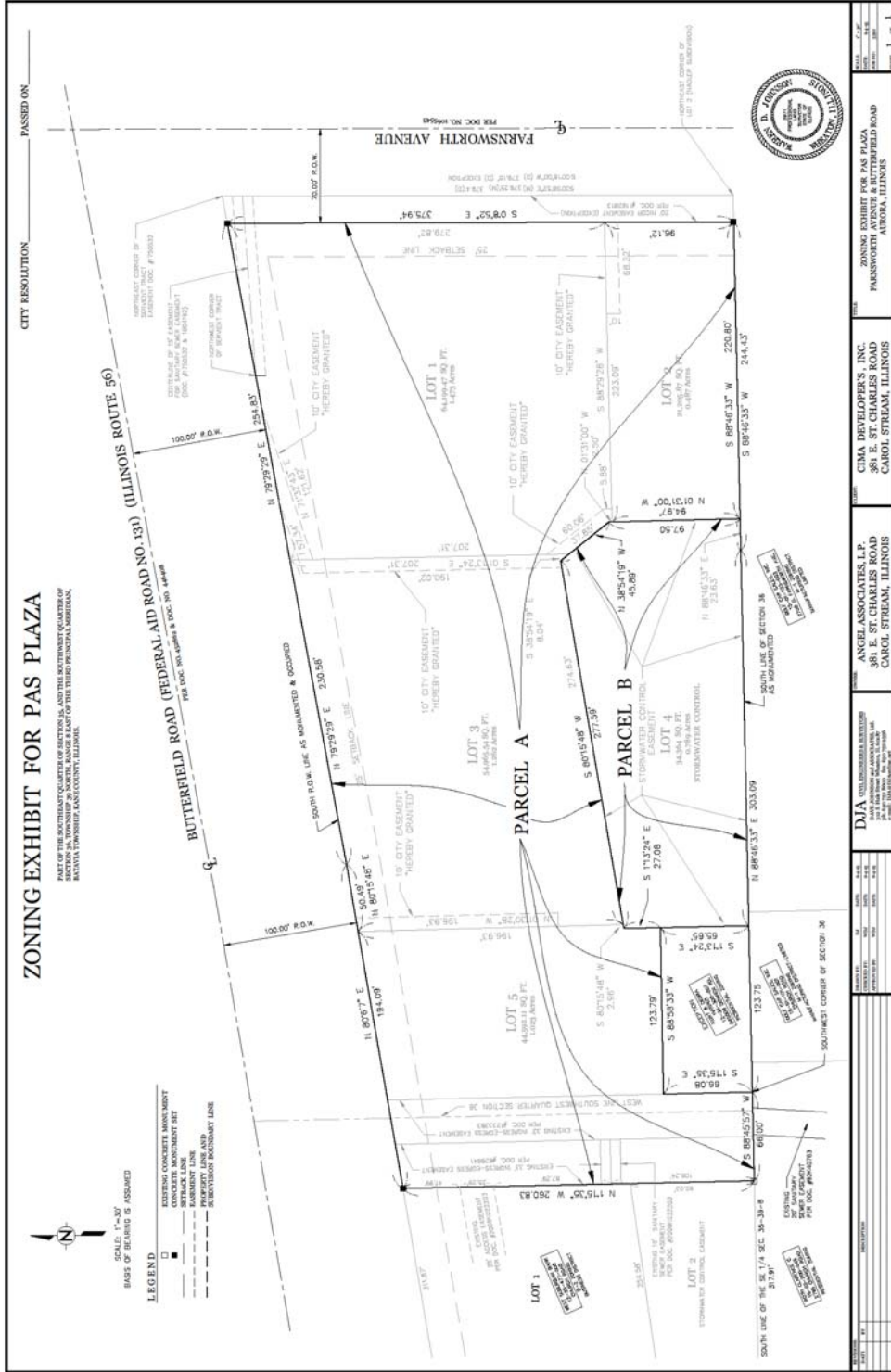
PARCEL A:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF AFORESAID SECTION 35; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS WEST 66 FEET; THENCE NORTH 1 DEGREE 15 MINUTES 35 SECONDS WEST 260.83 FEET; THENCE NORTH 80 DEGREES 6 MINUTES 7 SECONDS EAST 194.09 FEET; THENCE NORTH 80 DEGREES 15 MINUTES 48 SECONDS EAST 50.49 FEET; THENCE NORTH 79 DEGREES 29 MINUTES 29 SECONDS EAST 230.58 FEET; THENCE NORTH 79 DEGREES 29 MINUTES 29 SECONDS EAST 254.83 FEET; THENCE SOUTH 0 DEGREES 8 MINUTES 52 SECONDS EAST 375.94 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 33 SECONDS WEST 220.80 FEET; THENCE NORTH 1 DEGREE 31 MINUTES 00 SECONDS WEST 97.50 FEET; THENCE NORTH 38 DEGREES 54 MINUTES 19 SECONDS WEST 45.89 FEET; THENCE SOUTH 80 DEGREES 15 MINUTES 48 SECONDS WEST 277.59 FEET; THENCE SOUTH 1 DEGREE 13 MINUTES 24 SECONDS EAST 27.08 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 33 SECONDS WEST 123.79 FEET; THENCE SOUTH 1 DEGREE 15 MINUTES 35 SECONDS EAST 66.08 FEET TO THE POINT OF BEGINNING. CONTAINING 184,963 S.F. (4.246 ACRES). IN BATAVIA TOWNSHIP, KANE COUNTY, IL

PARCEL B:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF AFORESAID SECTION 35; THENCE NORTH 88 DEGREES 46 MINUTES 33 SECONDS EAST 426.84 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREE 31 MINUTES 0 SECONDS WEST 97.50 FEET; THENCE NORTH 38 DEGREES 54 MINUTES 19 SECONDS WEST 45.89 FEET; THENCE SOUTH 80 DEGREES 15 MINUTES 48 SECONDS WEST 277.59 FEET; THENCE SOUTH 1 DEGREE 13 MINUTES 24 SECONDS EAST 92.72 FEET; THENCE NORTH 88 DEGREES 46 MINUTES 33 SECONDS EAST 303.09 FEET TO THE POINT OF BEGINNING. CONTAINING 34,364 S.F. (0.789 ACRES). IN BATAVIA TOWNSHIP, KANE COUNTY, IL

ATTACHMENT "B" MAP OF DEVELOPMENT PARCELS



ATTACHMENT "C"
SPECIAL SIGN DISTRICT REGULATIONS

In addition to any signs permitted by City ordinance, pursuant to Chapter 41 "Signs" of the City Code of Ordinances, the City hereby establishes a special sign district pursuant to Section 41-14. "Special Sign District" for the Subject Property and adopts the special sign district regulations and specifications in this Attachment E to Plan Description. The regulations in this Attachment B shall supersede the regulations in the City sign ordinance. In the case of a conflict between the regulations in the City sign ordinance and this Attachment B, the more restrictive provision shall apply.

A. Signs Permitted

1. Temporary real estate signs – Development Identification

- a. Area: 300 sq. ft. each side, each sign
- b. Height: 20' max.
- c. Construction: Wood may be illuminated, no flashing lights or strobes.
- d. Quantity: 1 on the subject property
- e. All temporary development signs shall be removed from the property prior to the issuance of the last occupancy permit or within 2 years of the approval of this Plan Description whichever is earlier.

2. Permanent – Non-Residential Development Identification

- a. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location permanent non-residential development identification within the Subject Property. Construction of said signage shall be monument style with consistent architectural elements on all signs, with any combination of wood, masonry, concrete and landscaping with illumination; signage itself may be with any combination of backlit pin letters or paneling.
- b. Lot signage
 - i) Area - 50 sq. ft. each sign, each side
 - ii) Height – eight (8) feet maximum
 - iii) Number – one (1) sign per lot with the exception that Lot 1 may have two (2) signs, one along each right of way.
 - iv) Construction: Monument style, with consistent architectural elements on all signs, with any combination of wood, masonry, concrete, panels, prefabricated aluminum, and landscaping with illumination; signage itself may be with any combination of backlit pin letters or paneling
 - v) The sign setback shall be equal to the height of the sign.

However, the legal non-conforming status for the sign on Lot 1 may remain until the sign is modified at a future date.

B. General Regulations

1. In addition to the exterior lighting permitted on signs as indicated above, exterior lighting shall be permitted on sales centers, model homes and the American flag.
2. Signs may be directly or indirectly illuminated; provided, however, "For Sale" signs shall not be illuminated between the hours of 10:00 p.m. and 5:00 a.m.