

**EXHIBIT “B”/ ATTACHMENT “C”**

**A PLAN DESCRIPTION FOR FAZAL SUBDIVISION**  
**LOCATED AT 1125 AURORA AVENUE**  
**CONSISTING OF .768 ACRES**

A Plan Description for the property at the southeast corner of Aurora Avenue / Rte. 25 and East Indian Trail, with B-2(C), Business District – General Retail Zoning, with a Conditional Use Planned Development for the Fazal 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 (5): To guide and promote development to areas where public utilities, public roads, and municipal services are either available or planned.
- 14.1 (1): To foster future growth in the City that does not contribute to deterioration in either existing developments or a reduction in the City's ability to provide adequate services.
- 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 .768 acres lying at the southeast corner of Aurora Ave. / Rte. 25 and E. Indian Trail. The property is currently vacant. The property lies within the East Aurora School District # 131 boundaries. The property is currently zoned B-2(C), Business District – General Retail with a

Conditional Use for an Automotive Service Station Use. The Comprehensive Plan designates the Subject Property as Commercial.

## 2. Surrounding Property

North: The surrounding property to the north is zoned B-3, Business and Wholesale, and R-1, One Family Dwelling District. The properties are used for vehicle repair and a cemetery. The Comprehensive Plan designates the properties as Commercial.

South: The surrounding property to the south is zoned R-1(C), One Family Dwelling District with a Conditional Use for a Municipal Water Treatment Plant. The property is used for a water treatment plant. The Comprehensive Plan designates the property as Public and Commercial.

East: The surrounding property to the east is zoned B-3, Business and Wholesale District. The property is used for general retail. The Comprehensive Plan designates the property as Commercial.

West: The surrounding property to the west is zoned B-3, Business and Wholesale, and R-1(C), One Family Dwelling District with a Conditional Use for a Municipal Water Treatment Plant. The property is used for train tracks. The Comprehensive Plan designates the property as Utilities.

## III. DEVELOPMENT STANDARDS FOR EACH PARCEL

### A. ZONING

The Subject Property shall be one zoning parcel 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, Business District – General Retail

##### 1.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately .768 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 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 gas station with retail, and a fast-food drive-through restaurant. Access to the property will be from Aurora Ave / Route 25, E Indian Trail, and from the property to the east's parking lot.

## 1.3 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) Gasoline Station (2831)

## 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 Setback: Five (5) feet
    - (2) Exterior Rear Yard Setback: One foot, nine inches(1'-9")
    - (3) Exterior Side Yard Setback: Five (5) feet

## B. BUILDING, STRUCTURES AND SIGNAGE

1. Retaining walls utilized within the development shall not exceed nine (9) feet in height. The stepping of retaining walls is allowed up to nine (9) 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 Chapter 41 of the City Code ("Sign Ordinance"), with the following exceptions:

- 3.1 Area: 48 sq ft.

- 3.2 Height: 8' max
- 3.3 Setback: 5' from the property line.
- 3.4 Construction: Monument style, with any combination of wood, masonry, concrete, and landscaping will illumination.
- 3.5 Quantity: 1 on the Subject Property.
- 3.6 Location: The intersection of Aurora Avenue and E. Indian Trail.

#### C. PUBLIC IMPROVEMENTS

- 1. 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

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Parcel Number(s): 15-15-201-041

Commonly known as: 1125 Aurora Avenue, located in Kane County.

PARCEL 1

THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ALONG THE QUARTER SECTION LINE, 1.65 CHAINS TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD; THENCE SOUTH 25 DEGREES EAST ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY 66 LINKS; THENCE SOUTH 89 DEGREES 30 MINUTES EAST TO THE EASTERLY LINE OF AURORA AVENUE FOR A PLACE OF BEGINNING; THENCE SOUTH 89 DEGREES 30 MINUTES EAST, 203.50 FEET; THENCE SOUTHERLY AT RIGHT ANGLES 52.84 FEET; THENCE NORTH 89 DEGREES 30 MINUTES WEST, 182.00 FEET TO THE EASTERLY LINE OF SAID AURORA AVENUE; THENCE NORTH 25 DEGREES WEST ALONG THE EASTERLY LINE OF SAID AURORA AVENUE, 58.30 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 25.80 FEET TO THE EASTERLY LINE OF STATE ROUTE 25; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE 22.0 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, 181.50 FEET FOR THE PLACE OF BEGINNING; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, 181.50 FEET TO THE EASTERLY LINE OF SAID STATE ROUTE 25; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE 143.66 FEET; THENCE EASTERLY ALONG A LINE MAKING AN ANGLE OF 114 DEGREES 56 MINUTES 30 SECONDS (MEASURED FROM NORTHWEST TO NORTH TO EAST) WITH THE LAST DESCRIBED COURSE, 181.50 FEET; THENCE NORTHWESTERLY 143.97 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.

ATTACHMENT "B"  
MAP OF DEVELOPMENT PARCELS

