

EXHIBIT “B”

A PLAN DESCRIPTION FOR LINDSAY WINDOWS
LOCATED AT 55 SOUTH CONSTITUTION DRIVE
CONSISTING OF 9.46 ACRES

A Plan Description for the property at 55 South Constitution Drive with B-2 (S), Business District – General Retail Zoning, with a Special Use Planned Development for the Lindsay Windows 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:

- 31.1 (3): To promote the development of commercial facilities in existing or planned commercial areas.
- 31.1 (4): To encourage the development of multiple use commercial, employment, and service centers.
- 31.1 (5): To promote the vitality of existing commercial centers within the commercial hierarchy.

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property consists of approximately 9.46 acres lying at the southwest corner of West Galena Boulevard and South Constitution Drive. The property is currently used for general retail. The property lies within the West Aurora School District #129 boundaries. The property is currently zoned B-2(S), General Retail with a Special Use Planned Development. The City of Aurora Comprehensive Plan designates the Subject Property as Commercial.

2. Surrounding Property

North: The properties to the north are zoned B-2(S), General Retail with a Special Use Planned Development, with a Restaurant/Food and Beverage Services (2500) use, and a Gasoline Station (2831) use. The City of Aurora's Comprehensive Plan designates the properties as Commercial.

South: The surrounding property to the south is zoned R-1(S), One Family Dwelling with a Special Use, with a Religious Institution (6400) use and Educational Services (6100) use. The City of Aurora's Comprehensive Plan designates the property as Quasi-Public.

East: The surrounding properties to the east is zoned B-2(S), General Retail with a Special Use Planned Development, with a Retail Sales (2100) use. The City of Aurora's Comprehensive Plan designates the property as Commercial.

West: The surrounding properties to the west are zoned R-5(S), Multiple-Family Dwelling District with a Special Use, with a Housing Services for the Elderly (1200) use; and, P(S), Park and Recreation with a Special Use, and a Natural and Other Recreational Parks (5400) use. The City of Aurora's Comprehensive Plan designates the properties as Quasi-Public and Conservation / Open Space / Recreation / Drainage.

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 – General Retail with a Special Use District

1.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately 8.46 acres. Upon approval of this document, said property shall be designated as B-2(S) General Retail, 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 B-2, 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 Parcel is intended to be developed as a Processing, Finishing, and Assembly Facilities (3140) use. Access to the property will be via West Galena Boulevard and South Constitution Drive.

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. The following additional uses shall be permitted:
 - (1) Processing, Finishing, and Assembly Facilities (3140), with accessory outdoor storage.

This category is comprised of establishments which primarily engage in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of products. Including but not limited to the following: window and door manufacture, Industrial activities, including, but not limited to, electronic, scientific and precision instruments manufacture and repair, experimental product development and plastic products design and assembly, cloth products manufacture, light machinery production and assembly, printing and publishing; Advertising Displays; Apparel and other products manufactured from Textiles; Awnings, venetian blinds and window shades; brushes and brooms; bakeries, wholesale; canning and preserving; Canvas and Canvas Products Manufacture; Ceramic products, pottery, and glazed tile manufacture; Cosmetics, drugs and perfumes; Electrical equipment appliances; Food processing, packaging and distribution; engraving; ice manufacture; jewelry; medical and dental supplies; metal polishing; music instrument manufacture; optical goods and equipment; pattern-making; scientific and precision instruments; shoe and boot manufacture; toys and children's vehicles manufacture; wood products; products from finished materials such as plastic, bone, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious or semiprecious stones, rubber, shell or yarn.

- 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. All parking and loading shall be pursuant to Section 5.13., “Off-Street Parking and Loading” of the Aurora Zoning Ordinance.

2. Parcel B – General Retail with a Special Use District

2.1 Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately 1.00 acres. Upon approval of this document, said property shall be designated as B-2, General Retail 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 B-2, Business District – General Retail.

2.2. 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 will be developed for uses included within the B-2, Business District – General Retail zoning classification.

2.3 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:

- c. 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)

2.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the B-2, Business District – General Retail, Section 8.3.

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.

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 "A"
LEGAL DESCRIPTION OF DEVELOPMENT PARCELS

ATTACHMENT "B"
MAP OF DEVELOPMENT PARCELS

EXHIBIT "A"

SPECIAL SIGN DISTRICT BULK REGULATIONS FOR LINDSAY WINDOWS, LOCATED AT 55 SOUTH CONSTITUTION DRIVE, BEING SOUTH OF GALENA BOULEVARD AND WEST OF CONSTITUTION DRIVE

In addition to any signs permitted by City ordinance, pursuant to Section 2902.5 of the City Code of Ordinances, the City hereby establishes a special sign district for the Subject Property and adopts the special sign district regulations and specifications in this Exhibit "A". The regulations in this Exhibit "A" shall supplement the regulations in the City sign ordinance. In the case of a conflict between the regulations in the City sign ordinance and this Exhibit "A", the less restrictive provision shall apply.

A. General Regulations

A. Approval

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. Construction Type

Permanent signs shall be 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.

C. Setback

Minimum setback shall equal the height of the signage.

D. Easements

A sign easement shall be required for all Overall Shopping Center and Multi-tenant signage, giving all tenants access to the sign.

E. Electronic Message Center (EMC)

a. If electronically operated:

1. Color: Amber and Full Color EMCs are permitted; no red EMCs will be permitted;
2. EMCs shall be limited to no more than thirty (30) percent of the total allowable sign square footage;
3. Messages must remain static (no animations or full motion video) for a minimum of ten (10) seconds;
4. Each message must be able to fit completely on the screen, no scrolling or incomplete messages are permitted;

5. Off-premises advertising is prohibited;
6. Community messages may be displayed on EMCs, including:
 - i. Time/date/temp
 - ii. Government Service Announcements
 - iii. Traffic Information
7. Illumination: Lighting from the sign must not exceed an intensity of 0 footcandles of light at the property line, as measured with a portable hand-held light sensor.
 - b. If manually operated, it constitutes more than fifty (50) of such sign;
 - c. Readerboards must be an integral part of the design of the sign;
 - d. The addition of a readerboard (electronic or manual) to a non-conforming sign is prohibited;
 - e. No more than one (1) readerboard (electronic or manual) will be permitted per zoning lot, regardless of the number of signs permitted or the number of uses located on the zoning lot.

F. Lighting

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. In addition to this exterior lighting permitted for signs, exterior lighting shall be permitted on sales centers, model homes, the American flag, arbors at the subdivision entry, and model home parking lots.

B. Permanent – Non-Residential Development Identification

- a. Quantity: two (2) overall shopping center sign(s) located on South Constitution Drive.
- b. Overall Shopping Center Signage:
 1. One (1) sign at fifty (50) sq. ft. each side, with a maximum height of eight (8) feet.
 2. One (1) sign at fifty (50) sq. ft. each side, with a maximum height of eight (8) feet; sign may contain the overall shopping center name within the allowed signage area. The base shall be of a stone or masonry material.
- b. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location of permanent directional signs within the subject property.