

STATE OF ILLINOIS)
)
COUNTY OF KENDALL)
)
CITY OF AURORA)

PETITION TO THE CITY OF AURORA PLANNING AND ZONING COMMISSION
FOR APPROVAL OF WHEATLAND CROSSING

THE UNDERSIGNED Petitioner, D.R. Horton, Inc. – Midwest (hereinafter the “**Petitioner**” or “**D.R. Horton**”), a California corporation, respectfully submits this Petition to the City of Aurora (the “**City**”) for approval of (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 (C) One Family Dwelling District, in part to the R-4A (C) Two-Family Dwelling District, in part to the OS-1 (C) Conservation, Open Space And Drainage District, and in part to the B-2 (C) Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property located at the southeast corner of US-34 and Farnsworth Avenue and consistent with the preliminary plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora’s Municipal Code (hereinafter the “**Code**”).

The Owner of the property at question, being legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**Property**”), is KEKA FARMS, LLC, an Illinois limited liability having an office at 6275 State Route 71, Oswego, Illinois 60543 (the “**Owner**”). Owner has separately filed a petition for annexation of the Property to the City of Aurora pursuant to the terms of a mutually agreeable annexation agreement. Owner has also submitted documentation authorizing Petitioner to seek the relief outlined in this Petition on behalf of the Owner.

Together with this Petition, Petitioner has submitted an application for approval of the

Wheatland Crossing Subdivision (“**Wheatland Crossing**”) as depicted on the General Land Use Plan attached hereto as **Exhibit C**. The General Land Use Plan contains four (4) distinct areas, each being legally described on **Exhibit D**: (a) **Parcel A** – consisting of traditional single-family detached residential homes to be zoned R-2 (C) One Family Dwelling District and depicted on **Exhibit C**; (b) **Parcel B** – consisting of single family attached townhomes to be zoned R-4A (C) Two-Family Dwelling District and depicted on **Exhibit C**; (c) **Parcel C** – consisting of three stormwater detention basins to be zoned OS-1 (C) Conservation, Open Space and Drainage District and being depicted on **Exhibit C**; and **Parcel D** – consisting of commercial lots to be zoned B-2 (C) Business District and depicted on **Exhibit C**.

BACKGROUND INFORMATION

1. Petitioner, D.R. Horton, Inc. – Midwest, a California corporation having an office at 1750 E. Golf Road, Suite 925, Schaumburg, Illinois 60173, is the contract purchaser of Parcel A, Parcel B, and Parcel C (collectively the “**Residential Parcel**”).

2. Owner will retain ownership of Parcel D or will convey ownership of the Commercial Parcel following the annexation and zoning of the Property as set forth in this Petition (the “**Commercial Parcel**”).

3. The Property consists of approximately fifty-seven (57) acres of farmland located at the southeast corner of US-34 and Farnsworth Avenue and is situated in both unincorporated Kane County (PIN# 15-36-400-032) and Kendall County (PIN# 03-01-127-006).

4. Petitioner seeks to annex the Property to the City of Aurora and redevelop the Residential Parcel with seventy (70) single family detached dwelling units and one hundred twenty-four (124) townhome units. Approximately four (4) acres at the immediate corner of US-

34 and Farnsworth Avenue will be reserved for future commercial development.

5. The Property currently supports a farming use, but the Village's Comprehensive Plan designates the Property's use for Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

6. The Kane County portion of the Property is zoned F-Farming, while the Kendall County portion is zoned M2-SU Heavy Industrial – Special Use.

7. The existing land uses surrounding the Property are as follows:

- a. Northwest: Rush Copley Hospital – PDD; Kendall County Concrete – a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County; and Aurora at Summerfield Apartments – R-5(S) in the City of Aurora;
- b. East: Four Pointes and Misty Creek subdivisions – PDD, R-1(S), and R-5(S) in the City of Aurora;
- c. Southwest: Heartland Bank and Trust – B-2-(S) in the City of Aurora; the Summerlin subdivision – R-1(S) in the City of Aurora; and the Deerbrook Place subdivision – R-5(S) in the City of Aurora;
- d. Middle: Prairie Materials concrete plant and the adjacent vacant parcel – a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County.

8. Petitioner has submitted the appropriate zoning applications together with this Petition for approval of the proposed Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement, approval of Preliminary Plan and Plat of Subdivision, a rezone of the Property to the R-2 (C) One Family Dwelling District, the R-4A (C) Two-Family Dwelling District, the OS-1 (C) Conservation, Open Space And Drainage District, and the B-2 (C) Business District – General Retail District, approval of a Special Use for a Planned Development, and other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the preliminary plans submitted herewith.

QUALIFYING STATEMENT

Petitioner, D.R. Horton, was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 106 markets in 33 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on nearly 82,000 homes over the previous fiscal year (2022). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 1,000 new homes in 2022. D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of Aurora, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

Petitioner seeks to develop the Residential Parcel within the Property as a mixed-use community with seventy (70) traditional detached single-family homes on approximately twenty-two (22) acres and one hundred twenty-four (124) townhomes on approximately seventeen (17) acres, with approximately thirteen (13) acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from approximately 1,700 – 3,000 square feet, will be highlighted by attractive facades with two or three car garages, and will offer buyers 3 -5 bedrooms and 2 -3 bathrooms. Wheatland Crossing has been designed with lot sizes and setbacks commensurate with the established residential neighborhoods to the south (Summerlin and Deerbrook Place) and to the east (Misty Creek and Four Pointes). Further, based on D.R. Horton's experience in other communities in the area, the single-family homes in Wheatland Crossing will appeal to families seeking a modern floor plan combined with a manageable lot size. Specific buyer profiles will cover a broad gamut (first-time buyers, move-up buyers, single-head of

household, etc.). However, D.R. Horton anticipates buyers seeking to take advantage of a strong geographic location that offers quick access to employment and retail areas, combined with the amenities provided by the city of Aurora, as well as attendance within a strong school district.

The townhomes at Wheatland Crossing will offer a more low-maintenance living style than the single-family homes. Ranging in size from approximately 1,600 – 1,800 square feet, the townhomes still offer buyers up to 3-bedrooms and 2-car front-load garages. D.R. Horton is looking to build-on, and continue, the success of its Deerbrook Place community to the southwest, with similar product but more modern façades. Based on sales at Deerbrook Place, D.R. Horton expects a very similar buyer group – which has appealed to young families (kids soon or under 5), single professionals, dual-income households without kids, single parents, and those simply seeking new home-ownership on the east side of Aurora – but with a more manageable home size. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet significant community needs by creating a housing opportunity that is suitable for many types of homebuyers.

In order to develop Wheatland Crossing, Petitioner respectfully requests the following variations:

- (i) A variation for a reduction in the required minimum lot area in the R-2 (C) District from 8,000 square feet to 7,500 square feet;
- (ii) A reduction in the front, rear, and side yard setbacks in the R-2 (C) One-Family Dwelling District to accommodate a front setback of twenty-five feet (25'), a rear yard setback of twenty-five (25') feet, and an interior side yard setback of six feet (6').
- (iii) A waiver from the Code's Minimum Lot Size requirements for the R-4A (C) Two-

Family Dwelling District.

- (iv) A waiver from the Code's Lot Coverage requirements for the R-4A (C) Two-Family Dwelling District.
- (v) A waiver from the Code's setback requirements for the R-4A (C) Two-Family Dwelling District to accommodate a building front to right-of-way setback of twenty-five feet (25'), a building side to right-of-way setback of twenty feet (20'), and a building rear to right-of-way of forty feet (40').
- (vi) A waiver from the Maximum Density requirements for the R-4A (C) Two-Family Dwelling District.

The variations requested herein are driven by: (i) the acute angles and unique shape of the Property; (ii) the surrounding uses and the desire to create a transitional use from the more intense commercial uses and residential subdivisions surrounding the Property; and (iii) the Property's adjacency to Hafenrichter Road and US-34 (Ogden Avenue).

First, given the acute angles and unique shape of the Property, a traditional "lot and block" subdivision layout was not possible, resulting in the need to reduce lot areas and setbacks on a small number of the lots. Second, sound land use planning dictates uses which create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across US-34 to the north, the townhomes have been strategically placed at the northern portion of the Property to provide a buffer between the hospital use and the proposed single-family homes to the south. These townhomes on the north end of the Property also feature a central park area. While the western most 4 acres of the Property at the corner of South Farnsworth Avenue and US-34 have been designated for commercial use, townhomes are likewise planned to the east of the proposed commercial development and west of

the single-family homes.

The Property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, Petitioner has strategically placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the Property (Lot 102 and Lot 107). A third stormwater detention basin is also planned along the east property line (Lot 106). The stormwater management areas have been designed efficiently and are optimized to provide sufficient stormwater storage for Wheatland Crossing while simultaneously providing a buffer between the manufacturing use and proposed residential development. City sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development.

In addition to the stormwater detention basins, significant landscaping is planned along the east side of the cement plant to provide an additional transitional buffer. Landscape treatments will also be utilized to enhance the visual appeal of the community, and will include a mix of ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and perennial and ornamental grasses. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings, and appealing entrance monuments. Additionally, Wheatland Crossing will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave.

Access to the southern portion of the site will be provided via full movement access roads off Hafenrichter Road and South Farnsworth Avenue, which access roads will be aligned opposite to Canyon Creek Drive and Summerlin Drive. The access roads will provide one inbound lane and one outbound lane and outbound movements will be under stop-sign control. Access to the north side of the Property will be available via a right-in-right-out from US-34, and additional

access via the east side of Wheatland Crossing will be provided by connection to Keating Drive. Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. Moreover, Petitioner proposes to install a new 10-foot-wide multi-use path adjacent to the Property along the north side of Farnsworth Avenue and new sidewalk along the north side of Hafenrichter Road. Finally, Petitioner also intends to dedicate approximately seven thousand eight hundred (7,800) linear feet of new right-of-way to the City.

Approval of Wheatland Crossing will protect property values by removing uncertainty in the real estate marketplace by developing the Property which has historically been vacant and underutilized, increase Aurora's real estate tax base, support the adjacent commercial uses, and provide a much-needed new housing opportunity within Aurora.

STANDARDS

1. The Qualifying Statement shall provide information on how the proposal relates to the following standards:

a. The public health, safety, morals, comfort or general welfare.

It is essential to the public health, safety, morals, comfort and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. Not only does Wheatland Crossing satisfy these important objectives, but it is also directly in conformance with the City's vision for the Property. The Comprehensive Plan designates the Property Commercial, Low Density Residential (0-5 DUs / Acre), and Conservation, Open Space, Recreation, and Drainage. Wheatland Crossing improves the public health, safety, morals, comfort and general welfare by developing the Property as one hundred

twenty-two (124) front - load townhomes (Gross Density 5.64 DUs / Acre) and seventy (70) detached single family homes (Gross Density 2.45 DUs / Acre). Total gross density for the development, including the proposed commercial development, is 3.38 DUs / Acre. The proposed density is consistent with the Comprehensive Plan and the established residential character to the east (Misty Creek and Four Pointes residential subdivisions) and to the south (Summerlin and Deerbrook Place residential subdivisions). Lot sizes of the single-family detached lots will range from approximately 7,500 to 11,200 square feet. Lastly, Wheatland Crossing will improve the Property and create consistency and security by providing a transition between the commercial areas to the west and will not negatively impact the public health, safety, morals, comfort or general welfare.

b. The use and enjoyment of other property already established or permitted in the general area.

As stated above, the Property is adjacent to Summerlin and Deerbrook Place residential subdivisions to the south and Misty Creek and Four Pointes residential subdivisions to the east. Kendall County Concrete, the Aurora at Summerfield subdivision, and Rush Copley Medical Center are across US-34 to the northwest. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south and Aurora's vision for the Property. By developing the Property consistent with the Comprehensive Plan, Petitioner seeks to preserve consistency of the established residential character of the neighborhood. Petitioner's development of the Property will remove uncertainty in the real estate marketplace and permit construction of high-quality, detached single family homes and townhomes by one of the nation's leading and most recognized home builders.

c. Property values within the neighborhood.

Petitioner's development of the Property will not be detrimental to the property values

within the neighborhood, nor will it alter the essential character of the neighborhood. Rather, Wheatland Crossing will preserve and increase property values by developing a property which has historically been vacant and underutilized. Wheatland Crossing is consistent with the Comprehensive Plan and the established residential neighborhoods to the south and east, and will eliminate uncertainty with development of the Property. In addition to removing uncertainty, the construction of new single-family homes and townhomes will enhance the real estate tax base and will be an overall improvement to the area.

d. The normal and orderly development and improvement of surrounding property for uses established or permitted within their respective existing zoning districts.

Petitioner's proposed plans include development of the Property as one hundred twenty-four (124) front-load townhomes and seventy (70) detached single family homes. Petitioner's proposed plans build upon the existing residential character and will promote compatibility between adjacent developments by introducing a complimentary development with an overall gross density of 3.38 dwelling units per acre. Wheatland Crossing will encourage the orderly development of the surrounding property by developing a historically vacant parcel with townhomes and detached single-family homes. The proposed use will spur development of the surrounding property, specifically the western 4 acres of the property designated for commercial use. Establishment of Wheatland Crossing, among other things, secures a quiet residential district compatible with the surrounding area and improves property values.

e. Utilities, access road, drainage and/or other necessary facilities.

Fox Metro Water Reclamation sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development. As mentioned above, four access points will serve Wheatland Crossing. Keating Drive will connect Wheatland Crossing with Misty Creek and Four Pointes residential subdivisions to the east. Additional access points will be located

along US-34 to the north and Farnsworth Avenue and Hafenrichter Road to the south. Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. A 10-foot-wide multi use path will be constructed adjacent to the Property along the north side of Farnsworth Avenue and a sidewalk will be installed along the north side of Hafenrichter Road. Lot 102, Lot 106, and Lot 107 have been designated for stormwater management areas to provide sufficient storage/drainage to the community.

f. Ingress and egress as it relates to traffic congestion in the public streets.

Ingress and egress shall be provided via Keating Drive to the east, US-34 to the north, and South Farnsworth Avenue and Hafenrichter Road to the south. All roadways have been designed consistent with Aurora's Subdivision Control Ordinance and City Code. Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) performed a traffic study. Petitioner is committed to working with the City to address roadway improvements associated with its proposed development.

g. The applicable regulations of the zoning district in which the subject property is proposed to be or is located.

The Property is currently located in unincorporated Kendall and Kane Counties and is designated F-Farming and M2-SU Heavy Industrial – Special Use and is subject to the bulk regulations contained within the counties' zoning ordinances. Petitioner's proposed plans herein will comply with the City's applicable regulations for the R-2 (C) One Family Dwelling District, the R-4A (C) Two-Family Dwelling District, the OS-1 (C) Conservation, Open Space and Drainage District, and the B-2 (C) Business District – General Retail District, subject to those variations requested above.


WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests approval of: (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation

Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 (C) One Family Dwelling District, in part to the R-4A (C) Two-Family Dwelling District, in part to the OS-1 (C) Conservation, Open Space And Drainage District, and in part to the B-2 (C) Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the conceptual plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora's Municipal Code.

RESPECTFULLY SUBMITTED this 11th day of May, 2023.

PETITIONER:

D.R. HORTON, INC. – MIDWEST
A California Corporation



Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION – THE “PROPERTY”

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTH-WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE

LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTER-LINE OF U.S. 34.

KANE COUNTY LEGAL:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S.

ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTER-LINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUB-DIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

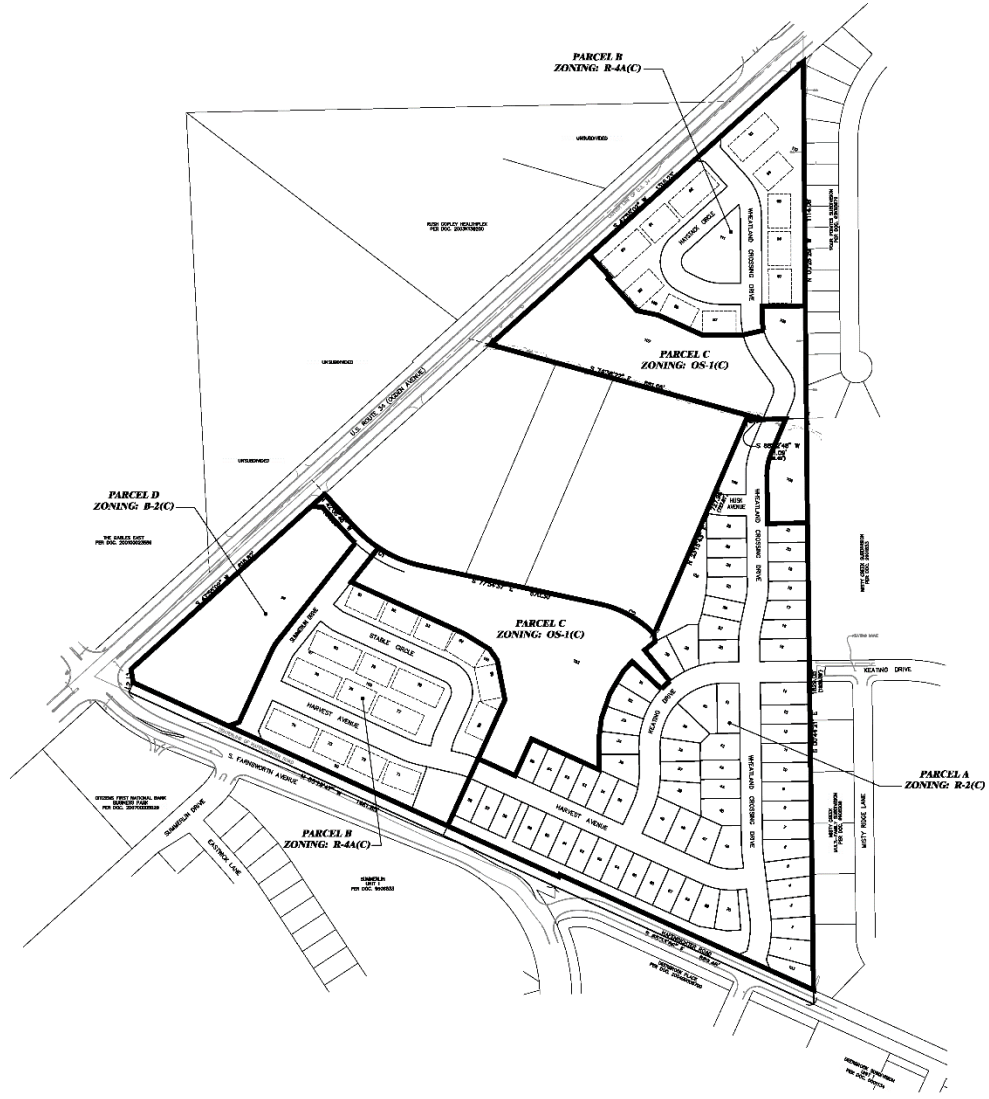
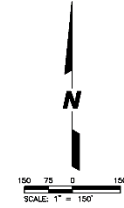
EXHIBIT B
PRELIMINARY PLAN AND PLAT OF SUBDIVISION

**EXHIBIT C
GENERAL LAND USE PLAN**

**ZONING EXHIBIT
GENERAL LAND USE PLAN
FOR
WHEATLAND CROSSING**

PART OF SECTION 1-37-8 IN KENDALL COUNTY AND SECTION 36-38-8 IN KANE COUNTY.

SHEET 1 OF 1



PETITIONER:
D.R. HORTON, INC.—MIDWEST, A CALIFORNIA CORPORATION
1750 E. GOLF RD., SUITE 925
SCHAUMBURG, IL 60173
(847) 362-9100

PREPARED BY:
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DISC NO.: 637008 FILE NAME: ZONING EXHIBIT
DRAWN BY: BCD/AJR FLD. BY: / PC. NO.: BK./PG.
COMPLETION DATE: 08-03-2023 JOB NO.: 637.028
XREF: TOPO PROJECT MANAGER: KTS
DWP SHEET: 1

REVISED 09-27-23 BCD PARCEL DESIGNATIONS
REVISED 10-04-23 BCD ADJUSTED PARCEL D

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EXHIBIT D
LEGAL DESCRIPTION - PARCEL A, PARCEL B, PARCEL C, and PARCEL D

PARCEL A – “R-2” (C) ONE-FAMILY DWELLING DISTRICT:

THAT PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 381.18 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 165.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 125.67 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 191.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 231.64 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 95.71 FEET; THENCE NORTH 06 DEGREES 59 MINUTES 51 SECONDS EST, 67.27 FEET; THENCE NORTH 19 DEGREES 04 MINUTES 17 SECONDS EAST, 81.30 FEET; THENCE NORTH 30 DEGREES 55 MINUTES 11 SECONDS EAST, 80.88 FEET; THENCE NORTH 42 DEGREES 52 MINUTES 21 SECONDS EAST, 40.62 FEET; THENCE SOUTH 47 DEGREES 07 MINUTES 39 SECONDS EAST, 125.00 FEET; THENCE NORTHEASTERLY, 36.49 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 263.00 FEET AND A CHORD BEARING NORTH 46 DEGREES 50 MINUTES 49 SECONDS EAST, THENCE NORTH 38 DEGREES 41 MINUTES 46 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 18 MINUTES 14 SECONDS EAST, 41.38 FEET; THENCE NORTH 08 DEGREES 58 MINUTES 03 SECONDS WEST, 22.61 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 727.95 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 123.40 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 117.22 FEET; THENCE SOUTHERLY, 68.68 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF SOUTH 11 DEGREES 02 MINUTES 34 SECONDS WEST; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 151.37 FEET; THENCE NORTH 89 DEGREES 15 MINUTES 39 SECONDS EAST; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1458.66 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

PARCEL B – “R-4A” (C) TWO-FAMILY DWELLING DISTRICT ZONING:

NORTH TOWNHOME PARCEL

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 763.00 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 31 SECONDS WEST, 135.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 35.20 FEET; THENCE SOUTHERLY, 38.88 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING SOUTH 07 DEGREES 06 MINUTES 39 SECONDS EAST; THENCE SOUTH 76 DEGREES 13 MINUTES 12 SECONDS WEST, 66.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 128.63 FEET; THENCE NORTH 71 DEGREES 15 MINUTES 52 SECONDS WEST 44.11 FEET; THENCE NORTH 63 DEGREES 14 MINUTES 38 SECONDS WEST, 106.38 FEET; THENCE NORTH 78 DEGREES 24 MINUTES 50 SECOND WEST, 68.69 FEET THENCE NORTH 42 DEGREES 04 MINUTES 43 SECONDS WEST, 132.41 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 17 SECONDS EAST, 7.97 FEET; THENCE NORTH 42 DEGREES 04 MINUTES 58 SECONDS WEST, 95.63 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 34 DEDICATED PER DOCUMENT 2007K075742; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 899.69 FEET ALONG SAID SOUTHEASTERLY LINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

SOUTH TOWNHOME PARCEL

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 381.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 752.93 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 246.50 FEET; THENCE NORTHERLY, 32.21 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 133.00 FEET AND A CHORD BEARING NORTH 31 DEGREES 26 MINUTES 34 SECONDS EAST; THENCE NORTH 38 DEGREES 22 MINUTES 54 SECONDS EAST, 392.81 FEET; THENCE NORTHWESTERLY, 37.17 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 423.13 FEET AND A CHORD BEARING NORTH 44 DEGREES 37 MINUTES 45 SECONDS WEST; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET ALONG SAID SOUTHEASTERLY LINE; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET; THENCE SOUTHEASTERLY 97.76 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING SOUTH 49 DEGREES 17 MINUTES 30 SECONDS EAST; THENCE SOUTH 38 DEGREES 22

MINUTES 54 SECONDS WEST, 137.32 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 387.51 FEET; THENCE SOUTH 58 DEGREES 40 MINUTES 34 SECONDS EAST, 92.85 FEET; THENCE SOUTH 34 DEGREES 47 MINUTES 29 SECONDS EAST, 42.57 FEET; THENCE SOUTH 11 DEGREES 03 MINUTES 58 SECONDS EAST, 127.98 FEET; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 430.88 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

PARCEL C – “OS-1” (C) CONSERVATION, OPEN SPACE AND DRAINAGE DISTRICT:

NORTH DETENTION

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 139 IN MISTY CREEK SUBDIVISION PER DOCUMENT 9901833; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 326.19 FEET; THENCE SOUTH 89 DEGREES 15 MINUTES 39 SECONDS WEST, 125.00 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 151.37 FEET; THENCE NORTHERLY, 68.68 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING NORTH 11 DEGREES 02 MINUTES 34 SECONDS EAST; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 117.22 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 88 DEGREES 42 MINUTES 48 SECONDS WEST, 72.31 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S ROUTE 34 DEDICATED PER DOCUMENT 2007K075742 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 418.54 FEET ALONG SAID SOUTHEASTERLY LINE; THENCE SOUTH 42 DEGREES 04 MINUTES 58 SECONDS EAST, 95.63 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 17 SECONDS WEST, 7.97 FEET; THENCE SOUTH 42 DEGREES 04 MINUTES 43 SECONDS EAST, 132.41 FEET; THENCE SOUTH 78 DEGREES 24 MINUTES 50 SECONDS EAST, 68.69 FEET; THENCE SOUTH 63 DEGREES 14 MINUTES 38 SECONDS EAST, 106.38 FEET; THENCE SOUTH 71 DEGREES 15 MINUTES 52 SECONDS EAST, 44.11 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 128.63 FEET; THENCE NORTH 76 DEGREES 13 MINUTES 12 SECONDS EAST, 66.00 FEET; THENCE NORTHERLY, 38.88 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING NORTH 07 DEGREES 06 MINUTES 39 SECONDS WEST; THENCE NORTH 00 DEGREES 26 MINUTES 29 SECONDS WEST, 35.20 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 31 SECONDS EAST, 135.00 FEET TO THE WEST LINE OF FOUR POINTES SUBDIVISION PER DOCUMENT

92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 351.08 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

SOUTH DETENTION

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET; THENCE SOUTHEASTERLY, 31.68 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING SOUTH 44 DEGREES 26 MINUTES 22 SECONDS EAST TO THE POINT OF BEGINNING; THENCE CONTINGUING EASTERLY, 97.76 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 AND A CHORD BEARING SOUTH 49 DEGREES 17 MINUTES 30 SECONDS EAST; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 570.30 FEET; THENCE EASTERLY, 196.66 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 335.00 FEET AND A CHORD BEARING SOUTH 61 DEGREES 05 MINUTES 33 SECONDS EAST; THENCE SOUTH 08 DEGREES 58 MINUTES 03 SECONDS EAST, 22.61 FEET; THENCE SOUTH 51 DEGREES 18 MINUTES 14 SECONDS WEST, 41.38 FEET; THENCE SOUTH 38 DEGREES 41 MINUTES 46 SECONDS EAST, 125.00 FEET; THENCE SOUTHWESTERLY, 36.49 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 263.00 FEET AND A CHORD BEARING SOUTH 46 DEGREES 50 MINUTES 49 SECONDS WEST; THENCE NORTH 47 DEGREES 07 MINUTES 39 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 52 MINUTES 21 SECONDS WEST, 40.62 FEET; THENCE SOUTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, 80.88 FEET; THENCE SOUTH 19 DEGREES 04 MINUTES 17 SECONDS WEST, 81.30 FEET; THENCE SOUTH 06 DEGREES 59 MINUTES 51 SECONDS WEST, 67.27 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 95.71 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 231.64 FEET; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 191.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 125.67 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 265.88 FEET; THENCE NORTH 11 DEGREES 03 MINUTES 58 SECONDS WEST, 127.98 FEET; THENCE NORTH 34 DEGREES 47 MINUTES 29 SECONDS WEST, 42.57 FEET; THENCE NORTH 58 DEGREES 40 MINUTES 34 SECONDS WEST, 92.85 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 387.51 FEET; THENCE NORTH 38 DEGREES 22 MINUTES 54 SECONDS EAST, 137.32 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

PARCEL D – "B-2" (C) BUSINESS DISTRICT – GENERAL RETAIL DISTRICT:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,135.05 FEET TO THE POINT OF BEGINNING, THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THE FOLLOWING TWO COURSES ARE ALONG SAID EASTERLY RIGHT OF WAY LINE THENCE NORTH 09 DEGREES 04 MINUTES 17 SECONDS WEST, 42.16 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 757.82 FEET; THENCE SOUTH 87 DEGREES 04 MINUTES 41 SECONDS EAST, 35.38 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 114.83 FEET; THENCE SOUTHEASTERLY, 37.17 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 423.13 FEET AND A CHORD BEARING SOUTH 44 DEGREES 37 MINUTES 45 SECONDS EAST; THENCE SOUTH 38 DEGREES 22 MINUTES 54 SECONDS WEST, 392.81 FEET; THENCE SOUTHERLY 32.21 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 133.00 FEET AND A CHORD BEARING SOUTH 31 DEGREES 26 MINUTES 34 SECONDS WEST; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 246.50 FEET; THENCE SOUTH 69 DEGREES 30 MINUTES 13 SECONDS WEST, 35.36 FEET TO THE POINT OF BEGINNING IN KENDALL COUNTY, ILLINOIS.