

EXHIBIT “B”

A PLAN DESCRIPTION FOR WE MUNDY LANDSCAPING
LOCATED 1299 MITCHELL ROAD
CONSISTING OF 3.55 ACRES

A Plan Description for the property at the 1299 Mitchell Road with B-3(C) Business and Whole District Zoning, with a Conditional Use Planned Development for the WE Mundy Landscaping 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:

10.0 To provide for the orderly, balanced and efficient growth and redevelopment of the City through the positive integration of land use patterns, functions, and circulation systems. To protect and enhance those assets and values that establishes the desirable quality and general livability of the City. To promote the City's position as a regional center.

11.0 To guide the growth of the City in an orderly and structured manner.

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

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

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property consists of approximately 3.55 acres lying on the east side

of Mitchell Road, between E Indian Trail and Turner Lane. The property is currently being developed within Kane County as a landscape business with outside storage including a nurse. This use requires water service from the City; therefore, the property is being annexed into the City as it is adjacent to the City limits. The property lies within the East Aurora School District #1131 boundaries. The property is currently zoned R-1 One-family Dwelling District. The Comprehensive Plan designates the Subject Property as a combination of Business and Low Density Residential.

2. Surrounding Property

The property to the north is zoned F Farming within Kane County. The Comprehensive Plan designates this property as Quasi-Public. The property to the west is B-2(C) Business District, General with a Conditional Use (previously called Special Use). The Comprehensive Plan designates this property as Low Density Residential. The properties to the north and the west is being utilized by the Aurora Turner Club. The property to the south is zoned R-1 One-Family Residential District within Kane County. The Comprehensive Plan designates the property as Low Density Residential and is being utilized as a single-family residence. The northern portion of the properties to the east, across Mitchell Road, are zoned F Farming within Kane County and the southern properties are zoned B-2(S) Business, General with a Conditional Use (previously called Special Use). Comprehensive Plan designates the property as a combination Low Density Residential and Commercial.

III. DEVELOPMENT STANDARDS FOR EACH PARCEL

A. ZONING

The Subject Property as legally described on Attachment "A", and generally depicted on Attachment "B" shall be regulated as follows:

1. Subject Property – B-3 Business and Wholesale District

1.1. Parcel Size and Use Designation

The Subject Property referenced within this document contains approximately 3.54 acres. Upon approval of this document, said property shall be designated as B-3(C) Business and Wholesale District 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 108.4 titled B-3 Business and Wholesale District, except as modified herein.

1.2. Statement of Intent

The B-3 Business and Wholesale 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 currently being developed as a landscape business with outside storage including a nursery use within Kane County. This use requires water service from the City; therefore, the property is being annexed into the City as it is adjacent to the City limits. Access to the property will be via Mitchell Road.

1.3 Use Regulations

1. This property shall be limited to those uses permitted in the B-3 Business and Wholesale District, Section 108.4 of the Zoning Ordinance, with the following modifications:

- a. The following additional uses shall be permitted:
 - (1) Landscape with outside storage

1.4 Plan Approval.

The Civil Site Plan, hereto attached as Attachment “B”, shall serve as the Final Plan. No further submittal, review or approval shall be required for the Subject Property, except that, such Final Plan review and approval shall be required if a change of use occurs from the landscape business with outside storage including a nursery use.

C. PUBLIC IMPROVEMENTS

1. Owner shall dedicate forty feet (40') of right-of-way from the centerline for Mitchell Road.
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 SUBJECT PROPERTY
ATTACHMENT "B" – CIVIL SITE PLAN

ATTACHMENT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL A

Parcel Number(s): 15-10-476-008

Commonly known as: 1299 Mitchell Road located in Kane County.

THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 10: THENCE NORTH ALONG THE EAST LINE OF SECTION 10, 443.90 FEET; THENCE SOUTH 88 DEGREES, 18 MINUTES WEST, 91.33 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 18 MINUTES WEST, 673.74 FEET TO THE CENTERLINE OF MITCHELL ROAD; THENCE NORTH 31 DEGREES, 42 MINUTES EAST, 170.15 FEET, THENCE NORTH 1 DEGREE, 25 MINUTES EAST, 113.10 FEET, THENCE NORTH 88 DEGREES, 49 MINUTES EAST, 588.30 FEET; THENCE SOUTH 1 DEGREE, 30 MINUTES WEST, 250.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY.

ATTACHMENT "B"
CIVIL SITE PLAN

