

**EXHIBIT "B"**

**A PLAN DESCRIPTION FOR TORTILLERIA EL REY DEVELOPMENT,  
LOCATED AT 1955 EAST NEW YORK STREET,  
CONSISTING OF 2.216 ACRES**

A Plan Description for the property at 1955 East New York Street with B-3, Business and Wholesale District Zoning, with a Conditional Use Planned Development for the Tortilleria El Rey 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:

- 13.1 (3): To use the improvement and addition of street and highway facilities as a positive force in guiding new development and improving land use relationships.
- 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.
- 14.1 (4): To provide for the visual enhancement of the City through attractive landscaping, quality signage and diverse building design and arrangement.

## II. GENERAL CHARACTER

### A. EXISTING CONDITIONS

#### 1. Subject Property

The Subject Property consists of approximately 2.216 acres lying near the southeast corner of E. New York St. and Eastern Ave. The property is currently used for retail. The property lies within the East Aurora School District #131 boundaries. The property is currently zoned B-3, Business and Wholesale. The Comprehensive Plan designates the Subject Property as Office / Research / Light Industrial.

## 2. Surrounding Property

North: The surrounding property to the north is zoned B-B, Business Boulevard, and is vacant land. The Comprehensive Plan designates the property as Office / Research / Light Industrial.

South: The surrounding property to the south is zoned B-3, Business and Wholesale and P(C), Park and Recreation with a Conditional Use Planned Development. The property to the south is storage and vacant land. The Comprehensive Plan designates the property as Office / Research / Light Industrial.

East: The surrounding property to the east is zoned B-3(C), Business and Wholesale with a Conditional Use Planned Development. The property is vacant land and a used car dealership. The Comprehensive Plan designates the property as Office / Research / Light Industrial.

West: The surrounding property to the west is zoned B-3, Business and Wholesale. The property to the west is vacant land. The Comprehensive Plan designates the property as Office / Research / Light Industrial.

## III. DEVELOPMENT STANDARDS FOR EACH PARCEL

### A. ZONING

The Subject Property shall be one 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-3, Business and Wholesale District

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

The zoning parcel referenced within this document as Parcel A contains approximately 2.216 acres. Upon approval of this document, said property shall be designated as B-3, Business and Wholesale District, 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 intended to be developed as a Food, Textile, and Related Products (3110) use. Access to the property will be from E. New York St.

## 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) Food, Textiles, and Related Products (3110), limited to the production of tortilla or similar products
  - b. The following uses shall be prohibited:
    - (1) Pawnshop (2160)
    - (2) Used Clothing Store (2120)
    - (3) Alternative Financial Institutions (2220)
    - (4) Laundromat (2610)
    - (5) Tattoo Salon (2630)

## 1.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the B-3, Business and Wholesale District, Section 49-108.4, and Section 49-105 of the Zoning Ordinance
  - a. All parking and loading shall be pursuant to Section 49-105.13., "Off-Street Parking and Loading" of Chapter 49 of the Zoning Ordinance.

## 1.5 Performance Standards

1. This property shall be subject to the Performance Standards in the ORI, Office, Research, and Light Industrial District, Section 49-108.10, and Section 49-105 of the Zoning Ordinance.

## B. BUILDING, STRUCTURES AND SIGNAGE

1. 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.
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").

#### C. PUBLIC IMPROVEMENTS

1. 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.
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 DEVELOPMENT PARCELS  
ATTACHMENT "B" – MAP OF DEVELOPMENT PARCELS

ATTACHMENT "A"  
LEGAL DESCRIPTION OF DEVELOPMENT PARCELS

PARCEL A

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Parcel Number(s): 15-24-451-047, 15-24-451-048

Commonly known as: 1955 East New York Street, located in Kane County.

THAT PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH 1/2 OF SAID SOUTHEAST 1/4 OF SECTION 24; THENCE NORTH 89 DEGREES 09 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTH 1/2, 1014.84 FEET TO THE EASTERLY LINE OF A TRACT OF LAND CONVEYED TO THORNTON R. AND HARMINA L. MORONEY BY DEED RECORDED JANUARY 26, 1931 AS DOCUMENT NO. 343043, EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES 07 MINUTES 27 SECONDS WEST ALONG SAID EXTENDED EASTERLY LINE, 5.12 FEET TO THE SOUTHEASTERLY CORNER OF SAID MORONEY TRACT FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 07 MINUTES 27 SECONDS WEST ALONG THE EASTERLY LINE OF SAID MORONEY TRACT 615.68 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO VERONA MILBRANDT BY DEED RECORDED OCTOBER 18, 1955 AS DOCUMENT NO. 792857; THENCE SOUTH 89 DEGREES 58 MINUTES 37 SECONDS EAST ALONG THE SOUTH LINE OF SAID TRACT 144.83 FEET TO THE SOUTHEAST CORNER OF SAID MILBRANDT TRACT; THENCE NORTH 0 DEGREES 07 MINUTES 27 SECONDS ALONG THE EASTERLY LINE OF SAID TRACT 363.62 FEET TO THE SOUTHERLY LINE OF STATE ROUTE NO. 65; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 301.52 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED MORONEY TRACT; THENCE SOUTH 0 DEGREES 07 MINUTES 27 SECONDS EAST ALONG SAID WESTERLY LINE 892.12 FEET TO AN IRON STAKE AT THE SOUTHWEST CORNER OF SAID MORONEY TRACT; THENCE NORTH 89 DEGREES 15 MINUTES 33 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID MORONEY TRACT 143.36 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE SOUTH 574.00 FEET, AS MEASURED ALONG THE WEST LINE THEREOF AND THAT PART CONVEYED IN THE DEED RECORDED MAY 19, 2020 AS DOCUMENT 2020K25525, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

ATTACHMENT "B"  
MAP OF DEVELOPMENT PARCELS

