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ORIGINAL



CITY OF AURORA
PLANNING & DEVELOPMENT COMMITTEE

RESOLUTION NUMBER: PDFN07-36

DATE OF PASSAGE: AUGUST 30, 2007

PETITIONER: PODCO ORCHARD 88, LLC

RESOLUTION APPROVING A WAIVER OF FINAL PLAN REQUIREMENTS FOR
ORCHARD 88 SUBDIVISION PHASE ONE AND TWO FOR CERTAIN DEERPATH
ROAD ROADWAY IMPROVEMENTS.

WHEREAS, by petition dated August 22, 2007, PODCO ORCHARD 88, LLC, submitted a request to the City of Aurora, for a waiver of final plan requirement for Orchard 88 Subdivision Phase One and Two, to allow for certain Deerpath Roadway Improvements as described on Exhibit "A"; and

WHEREAS, the Planning and Development Committee of Aurora City Council has reviewed the recommendation of the Aurora Planning Council and on August 30, 2007 recommended conditional approval of said request; and

WHEREAS, this resolution of the Planning and Development Committee is subject to appeal by the petitioner or a member of the Aurora City Council within the required appeal period which expires September 5, 2007; and

WHEREAS, this resolution shall serve as final action on the request in the event that this resolution is not appealed by any of the aforementioned individuals; and

WHEREAS, in the event that this resolution is appealed, it shall serve as the recommendation of the Planning and Development Committee to the City Council which shall take final action on the request; and

NOW THEREFORE, BE IT RESOLVED that the Planning and Development Committee of the City of Aurora, Illinois, hereby conditionally approves a waiver of final plan requirements and hereby removes the Deerpath Road left turn lane improvement from the approved Engineering Plans for Orchard 88 Phase One dated _____ and releases PODCO ORCHARD 88, LLC from the obligation to construct said improvement with the following conditions:

1. That the petitioner modifies section 6.14 of the CCRs for the Orchard 88 subdivision as follows:

"6.14 Lots shall be utilized only for such uses as Declarant shall, in its sole discretion, determine; provided, however, said uses and architecture shall be compatible with the maintenance and development of a first class office, research and services park development, and shall be in compliance with the zoning and other applicable laws,

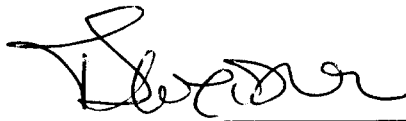
rules, regulations and ordinances as amended or from which variances or special uses may be granted by the City from time-to-time. All uses pursuant to the City of Aurora ORI zoning district shall be allowed with the exception of high intensity trucking uses such as cross-dock trucking facilities, so called "big box" distribution centers and public warehousing facilities whose operation focuses heavily around trucking or any other uses the Declarant determines not to be in conformance with a first class office, research and services park development. Notwithstanding anything to the contrary in this Article 6.14, warehousing and distribution that is accessory to a permitted use is permissible. This Article 6.14 shall not be modified, in whole or in part, with out the prior approval of the City of Aurora."

And, record said revised document on all lots within the Orchard 88 subdivision within 30 days of approval of this resolution.

PRESENTED this 30th day of August, 2007.

PASSED AND APPROVED this 30th day of August, 2007.

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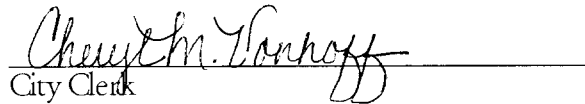


Mayor
City of Aurora Illinois



City Council Members

Attest:



City Clerk

Case File Number: SG12/2-07.327-FPW
Parcel Number:

This instrument prepared by:
Aurora Land Use & Zoning Division
1 South Broadway
Aurora, Illinois 60505

FINAL RECOMMENDATION FOR APPROVAL BY:

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. PDFNL07.36

The Planning & Development Committee At Their Meeting Held On Thursday, August 30, 2007

Recommended **APPROVAL** A Resolution Approving A Waiver Of Final Plan Requirements

For Orchard 88 Subdivision Phase One And Two For Certain Deerpath Road Roadway

Improvements. (Podco Orchard 88, LLC - SG12/2-07.327-Fpw- TM/JS) (**Appealable**)

VOTE: 3-0

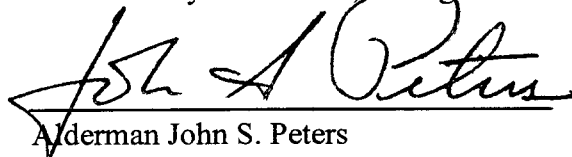
Alderman Michael Saville, Excused Absent

Submitted By: _____

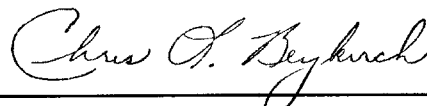
Alderman Michael Saville, Chairman



Alderman Lynda Elmore, Acting Chairman



Alderman John S. Peters



Alderman Chris Beykirch, Alternate

Dated This 31st Day Of August 2007