

**ORIGINAL**



**CITY OF AURORA  
CITY COUNCIL**

**ORDINANCE NUMBER:** 010-069

**DATE OF PASSAGE:** December 14, 2010

**PETITIONER:** Eola Venture I, LLC

**AN ORDINANCE ESTABLISHING A REVISION TO THE SPECIAL USE PLANNED DEVELOPMENT FOR B-2(S) BUSINESS DISTRICT – GENERAL RETAIL WITH A SPECIAL USE FOR A PLANNED DEVELOPMENT ZONING AND APPROVING A PLAN DESCRIPTION LOCATED AT THE SOUTHEAST CORNER OF DIEHL ROAD AND EOLA ROAD, NORTH OF THE ILLINOIS PRAIRIE PATH IN DUPAGE COUNTY, ILLINOIS**

**WHEREAS**, the City of Aurora has a population of more than 25,000 persons in it and is, therefore, a home rule unit as defined in Article VII, section 6(a) of the 1970 Constitution of the State of Illinois; and

**WHEREAS**, said section of the Constitution authorizes a home rule unit to exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, Eola Venture I, LLC is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

**WHEREAS**, a revised Plan Description in the form of Exhibit "B", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora for review with the Annexation Agreement Revision for the property described in Exhibit "A"; and

**WHEREAS**, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement Revision in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

**WHEREAS**, property legally described in Exhibit "A" has been duly and validly annexed to the City of Aurora pursuant to the terms and conditions in the Annexation Agreement Revision; and

**WHEREAS**, Exhibits "A" and "B", attached hereto and included herein by reference as if fully set forth, in its present form, have been on file with the City Clerk of the City of Aurora for public inspection for a at least one week; and

**WHEREAS**, the City Council, based upon the recommendation of the Planning Commission, and after due investigation and consideration, has determined that the classification and establishment of a Special Use Planned Development and the approval of the Plan Description with an underlying zoning of B-2(S) Business District – General Retail for the property legally described in Exhibit “A” will promote the sound planning and development of the City, and therefore serve the best interest of the City of Aurora; and

**WHEREAS**, the City Council, finds that the proposed special use is not contrary to the purpose and intent of said Ordinance Number 3100, being the Aurora Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Aurora, Illinois, As follows:

**Section One:** That said City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this ordinance.

**Section Two:** In accordance with the Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, Section 4.3(8000) and Section 10.6, a Special Use Permit is hereby granted for a Special Use Planned Development with an underlying zoning of B-2(S) Business District – General Retail, and permitted for the real estate legally described in Exhibit “A”.

**Section Three:** That the Plan Description in the form of Exhibit “B” attached hereto and included herein by reference as if fully set forth, and incorporated in and made a part of this Ordinance, is hereby approved and the Mayor of the City of Aurora is hereby authorized and directed to execute such Plan Description on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor’s signature and affix the corporate seal of the City thereto.

**Section Four:** That all modifications and exceptions under the Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set for the in the Plan Description, are hereby granted and approved.

**Section Five:** That such number of duplicate originals of said Plan Description may be executed as the Mayor shall determine.

**Section Six:** That this Ordinance shall take effect and be in full force and effect upon and after its passage, approval and publication in pamphlet form as required by law.

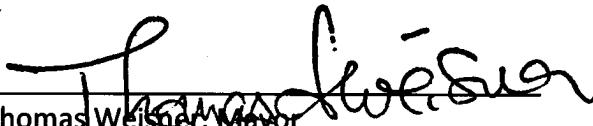
**Section Seven:** That all ordinances or part ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

**Section Eight:** That any section, phrase or paragraph of this ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this ordinance which shall remain in full force and effect.

**PASSED AND APPROVED** to the City Council of the City of Aurora, Illinois on this 14th  
day of Dec., 2010.

**AYES:** 12 **NAYS:** 0 **NOT VOTING:**     

**SIGNED** by the Mayor of the City of Aurora, Illinois, on this 14th day of Dec.  
2010.

  
Thomas Weisner, Mayor  
City of Aurora, Illinois

Attest:

  
Cheryl Vonnhoff, City Clerk

This instrument prepared by:  
Aurora Planning and Zoning Division  
1 South Broadway  
Aurora, Illinois 60505

Case File Number: NA08/1-10.148-PA/R  
Parcel Number: 07-08-103-020

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**For the property located east of Eola Road and south of Diehl Road, Naperville  
Township, Illinois**

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**PART OF PARCEL C:**

LOT 6 (EXCEPT THAT PART CONVEYED TO THE COUNTY OF DUPAGE BY DOCUMENT NUMBER R1993-191752 AND DOCUMENT NUMBER R2004-318740) IN DIEHL INDUSTRIAL PARK ASSESSMENT PLAT NO. 2, OF PART OF THE WEST 739 FEET OF TRACT 2 IN ASSESSMENT PLAT OF CULVER FARM AND THE HARRIS FARM OF PART OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 19, 1964, AS DOCUMENT R64-30327 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 5S045 Eola Road, currently vacant land  
Tax Parcel Number: 07-08-103-020

**EXHIBIT "B"**

**PLAN DESCRIPTION**

**For the property located east of Eola Road and south of Diehl Road, Naperville  
Township, Illinois**

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**OWNER:** Eola Venture I, LLC  
535 Fairway Drive, Suite 127  
Naperville, Illinois 60563

**DATE ANNEXATION AGREEMENT REVISION  
APPROVED BY CITY COUNCIL:**

December 14, 2010

**ORDINANCE NUMBER:**

~~010-069~~ 010-068

**PLAN DESCRIPTION AS:**

Attachment "C"

**NOTE: A COPY OF THE DOCUMENT AS REFERENCED HEREON IS ON FILE IN THE CITY OF  
AURORA PLANNING AND ZONING DIVISION OFFICE ON THE SECOND FLOOR, 1 SOUTH  
BROADWAY, AURORA, ILLINOIS, 60505.**

**RECOMMENDATION**

TO: THE COMMITTEE OF THE WHOLE  
FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Meeting On Thursday, November 4, 2010 Recommended **APPROVAL** Of An Ordinance Establishing A Revision To The Special Use Planned Development For B-2(S) Business District - General Retail With A Special Use For A Planned Development Zoning And Approving A Revision To The Plan Description Located At The South East Corner Of Diehl And Eola Road, North of Illinois Prairie Path In DuPage County, Illinois (Eola Venture I, LLC - NA08/1-10.148-PA/R - JR/TD - Ward 10) (If Moved Forward By The Planning And Development Committee At Its 11/4/2010 Meeting, This Item Should Accompany The Annexation Agreement To The 12/14/2010 City Council Meeting As Unfinished Business After The Public Hearing)

CONDITIONS:

1. That the following modifications be made to Attachment "G" Recapture Agreement.
  1. That a 1% administrative fee, payable to the City, be added to any recapture amount collected by the City.
2. That the Owner(s) enter into a Private Agreement addressing the construction, maintenance, easements, recapture of private internal roadways, and shared public improvements. Said Agreement shall be executed and recorded with DuPage County prior to Preliminary Plan and Plat approval.

VOTE: 3-0

Submitted By Michael B. Saville  
Alderman Michael Saville, Chairman

Rick Mervine  
Alderman Rick Mervine

Abby Schuler  
Alderman Abby Schuler

John "Whitey" Peters  
Alderman John "Whitey" Peters, Alternate