

**EXHIBIT “B”**

**A PLAN DESCRIPTION FOR LAKE STREET 31 DEVELOPMENT,  
LLC LOCATED 970 N. LAKE STREET CONSISTING OF 7.937  
ACRES**

A Plan Description for the property at the 970 N. Lake Street with B-3 Business and Wholesale District Zoning with a Conditional Use Planned Development for the Lake Street 31 Development, LLC 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.
  - 14.1(4) To encourage quality site design throughout the City.
- 14.1(5) To provide for the visual enhancement of the City through attractive landscaping, quality signage and diverse building design and arrangement.
- 30.0 To promote and plan for the location of commercial centers, based on their functions and interrelationships, in order to provide a balanced distribution of commercial development and redevelopment.

## II. GENERAL CHARACTER

### A. EXISTING CONDITIONS

#### 1. Subject Property

The Subject Property consists of approximately 7.937 acres lying on the west side N. Lake Street, south of Lyon Place. The property was previously occupied by Carson Pirie Scott but is currently a vacant building. The property lies within the West Aurora School District #129 boundaries. The property is currently zoned B-3 Business and Wholesale District. The City of Aurora Comprehensive Plan designates the Subject Property as Commercial.

## 2. Surrounding Property

North: The surrounding properties to the north are zoned R-1 One Family Dwelling District and B-3 Business and Wholesale District, with a single family and commercial uses, and the City of Aurora Comprehensive Plan designates the property as Low Density Residential and Commercial.

South: The surrounding property to the south is zoned B-3 Wholesale and Business District, with a multiple commercial/retail uses, and the City of Aurora Comprehensive Plan designates the property as Commercial.

East: The surrounding properties to the east are zoned a combination of M-1 Limited Manufacturing District and B-3 Business and Wholesale District, with commercial/retail uses, and the City of Aurora Comprehensive Plan designates the property as Commercial.

West: The surrounding property to the west is zoned P Park and Recreation District, with a small community park use, and the City of Aurora Comprehensive Plan designates the property as Low Density Residential.

## 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 shall be regulated as follows:

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

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

The zoning parcel referenced within this document as the Subject Property contains approximately 7.937 acres. Upon approval of this document, said property shall be designated as B-3 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"), and be regulated by the Zoning Ordinance except as modified herein, including

but not limited to the provisions for the underlying base zoning district being Section 49-108.4 titled B-3 Business and Wholesale District.

## 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 building is intended to be redeveloped as an indoor climate controlled mini-storage facility with commercial/retail uses fronting along Lake Street. In addition, an outlet will be created within the parking lot at the southeast corner of the Parcel for a cash wash use. Access to the property will be via N. Lake Street and Palace Street.

## 1.3 Use Regulations

1. This property shall be limited to those uses permitted in the B-3 Business and Wholesale District, Section 49-108.4 of the Zoning Ordinance, with the following modifications and additions:
  - a. The following additional uses shall be permitted:
    - (1) Mini-storage, Common Corridor. Mini-storage, Common Corridor shall be defined as a Storage of Household Goods in a common corridor building, such as a climate-controlled facility with individual storage units within. Said use shall not exceed 172,000 square feet.
  - b. The following uses shall be prohibited:
    - (1) Pawnshop (2160)
    - (2) Used Clothing Stores (2120)
    - (3) Alternative Financial Institutions (2220)
    - (4) Laundromat (2610)
    - (5) Tattoo Parlor
    - (6) General contractor, or special trade contractor (off site work (2900)
    - (7) Extermination and pest control (2920)
    - (8) Vehicle storage yards, minor (3311)
    - (9) Commercial relocators (towing services) (4141)
    - (10) Tobacco and Vape shops
  - c. At least one of the newly created retail units fronting Lake Street within the primary structure on Lot 1 shall be developed as a sit-down restaurant, defined, for purposes of this Section only, as either a fast food, or fast casual, or fine casual full-service restaurant; that must have a minimum of 16 customer seating indoors, and a minimum of 12 customer seating outdoors; and does not operate a drive-through window. The minimum number of customer seating can vary with City of Aurora staff approval.

The Developer shall:

- (1) make reasonable efforts and take all reasonable steps to market the units fronting Lake Street, at market value, consistent with the parameters and terms of the project described herein; and
- (2) negotiate in good faith the terms and conditions of the lease of the units and improvements, at market value, if the marketing is successful; and
- (3) make reasonable efforts and take all reasonable steps to obtain City approvals for the development of said unit consistent with the terms contained in this Section. The Developer shall cooperate with the City and provide the City with all reasonably requested information within the Developer's control when said information is required to verify the Developer's marketing efforts. The information shall be provided within a reasonable time following the City's request. The City agrees to keep all information confidential unless it is required by law to disclose said information. The Developer agrees that approval of the City Council shall be required prior to its use of the unit for a purpose other than a restaurant, including any use otherwise authorized as of right under the Zoning Ordinance or the applicable plan description and that such limitation is a reasonable condition on the zoning entitlements granted by O22-047. The City Council will not unreasonably withhold its consent to an alternative use of the unit after the five years from the approval date of ordinance O22-047 has elapsed and the Developer has made the efforts herein described.

#### 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 with the following modifications:
  - a. Minimum setbacks for Lot 1 shall be as follows:
    - (1) Front Yard Setback: thirty feet (30')
    - (2) Exterior Rear Yard Setback: fifteen feet (15')
    - (3) North Interior Side Yard Setback: five feet (5')
    - (4) South Interior Side Yard Setback: seven feet (7') setback from private drive.
  - b. Minimum setbacks for Lot 2 shall be as follows:
    - (1) Front Yard Setback: thirty feet (30')
    - (2) Rear Yard Setback: 8 feet (8')
    - (3) North Interior Side Yard Setback: five feet (5')
    - (4) South Interior Side Yard Setback: seven feet (7') setback from private drive.

- c. All parking and loading shall be pursuant to Section 49-105.13., "Off-Street Parking and Loading" of the Zoning Ordinance with the following exception(s):
  - (1) Mini-storage, Common Corridor: In addition to business or professional offices and retail parking, 1 space per 4,000 square foot of gross floor area with a minimum of 3 spaces shall be required.

## 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 including the additions of storefronts and windows.
- 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") with the following modifications and requirements:
  - a. Ground sign on Lot 1:
    - (1) Construction: Signs must be monument style, with any combination of wood, masonry, or concrete.
    - (2) Quantity: A maximum of one (1) sign is allowed per Lot.
    - (3) Area: A maximum of fifty (50) square feet per sign face is allowed.
    - (4) Height: A maximum of ten (10) feet in height per sign is allowed.
    - (5) Setback: Setback of a sign shall equal the height of the sign.
    - (6) Lighting: Signs may be internally lit, externally lit or lit with backlit pin lettering.
    - (7) Landscaping: shrubs and other landscaping materials should be planted at the base of each sign.

## C. PUBLIC IMPROVEMENTS

- 1. A five-foot (5') concrete sidewalk is required to be installed by the Developer along Lake Street. Said sidewalk shall be located at least 5 feet 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 Code 43-55(a)3.

#### 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 PARCEL  
ATTACHMENT "B" – MAP OF DEVELOPMENT PARCEL

ATTACHMENT "A"  
LEGAL DESCRIPTION OF DEVELOPMENT PARCEL

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Parcel Number(s): 15-15-155-008

Commonly known as: 970 N. Lake Street located in Kane County.

THAT PART OF THE WESTERLY HALF OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE SOUTH 101.64 FEET ALONG THE WESTERLY LINE OF SAID SECTION 15 TO THE OLD CLAIM LINE (WHICH IS ALSO THE NORTH LINE OF RIDDLE HIGHLANDS IN THE CITY OF AURORA, ILLINOIS); THENCE EASTERLY ALONG THE OLD CLAIM LINE 648.77 FEET TO THE NORTHWEST CORNER OF LOT 13 IN BLOCK 11 OF RIDDLE HIGHLANDS; THENCE NORTHERLY ALONG A LINE WHICH BEGINS AT THE NORTHWEST CORNER OF LOT 13 IN BLOCK 11 OF RIDDLE HIGHLANDS AND EXTENDS NORTHERLY TO THE SOUTHWEST CORNER OF LOT 221 OF NORTHLAKE MANOR AURORA, KANE COUNTY, ILLINOIS, FOR A DISTANCE OF 772.78 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 430 FEET TO THE SOUTHEAST CORNER OF LOT 221 IN NORTHLAKE MANOR; THENCE EASTERLY ALONG THE SOUTHERLY LINE AND SOUTHERLY LINE EXTENDED OF NORTHLAKE MANOR 763.74 FEET TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO THE STATE OF ILLINOIS DEPARTMENT OF PUBLIC WORKS AND BUILDINGS BY SPECIAL WARRANTY DEED RECORDED NOVEMBER 1, 1963 AS DOCUMENT 1011949; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2451.29 FEET, AN ARC DISTANCE OF 190.33 FEET; THENCE SOUTH 8 DEGREES 33 MINUTES 49 SECONDS EAST ALONG SAID WESTERLY LINE 197.38 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE SOUTH 44 DEGREES 28 MINUTES 11 SECONDS WEST ALONG SAID WESTERLY LINE 25.04 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE SOUTH 8 DEGREES 33 MINUTES 49 SECONDS EAST 31.52 FEET TO THE SOUTHWEST CORNER OF SAID STATE OF ILLINOIS TRACT; THENCE NORTH 88 DEGREES 51 MINUTES WEST PARALLEL WITH THE SOUTHERLY LINE AND SOUTHERLY LINE EXTENDED OF NORTHLAKE MANOR 822.69 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.



ATTACHMENT "B"  
MAP OF DEVELOPMENT PARCEL

Location Map (1:2,500):

