CITY OF AURORA
CITY COUNCIL
ORDINANCE NUMBER 005-46
DATE OF PASSAGE March 22, 2005

PETITIONER: WISEMAN-HUGHES ENTERPRISES, INC.

AN ORDINANCE PROVIDING FOR THE EXECUTION OF AN ANNEXATION AGREEMENT PROVIDING FOR R-4(S) B-2(S) AND B-1(S) SPECIAL USE PLANNED DEVELOPMENT ZONING WITH THE OWNERS OF RECORD OF TERRITORY WHICH MAY BE ANNEXED TO THE CITY OF AURORA AND WHICH IS LOCATED NORTH OF NEW YORK STREET WEST OF ROUTE 59, EAST OF COMMONS DRIVE BEING VACANT LAND 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, a proposed Annexation Agreement in the form of Exhibit “A”, 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 with the request that all required hearings be held thereon, and requisition annexation to the City of Aurora of a certain territory therein described, subject to the terms and conditions of said Annexation Agreement, pursuant to Section 11-15.1-1 et seq. Of the Illinois Municipal Code (65 ILCS (1994) 5/11-15.1-1); and

WHEREAS, the Corporate Authorities of the City of Aurora caused a notice to be prepared describing in general the terms and conditions of the proposed Annexation Agreement and stating the time and place of a public hearing to consider the proposed Annexation Agreement; and

WHEREAS, such notice of the public hearing was duly published not less than 15 nor more that 30 days prior to the hearing, in a newspaper of general circulation in the City of Aurora; and

WHEREAS, the Aurora Planning Commission has held a public hearing on the petition to enter into said Annexation Agreement and the zoning amendment therein provided after due publication of notice of hearing and has submitted a recommendation to the City Council of the City of Aurora to approve the Annexation Agreement on said property subject to certain conditions; and

WHEREAS, the City Council also held a public hearing upon the proposed Annexation Agreement as specified in such notice; and
WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement 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, Exhibit “A”, attached hereto and included herein by reference as if fully set forth, in its present form, has been on file with the City Clerk of the City of Aurora for public inspection for at least one week; and

WHEREAS, the Corporate Authorities, after due investigation and consideration, and following the aforesaid public hearings, have determined that entering into the Annexation Agreement in the form of Exhibit “A” attached hereto and included herein by reference as if fully set forth, will serve the public good and benefit the City of Aurora.

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: That the Mayor and City Council hereby find as fact all of the preambles contained in the Annexation Agreement in the form of Exhibit “A”, attached hereto and included herein by reference as if fully set forth.

Section Three: That the Annexation Agreement in the form of Exhibit “A”, 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 Annexation Agreement 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 hereto with the following conditions:

1. That throughout the development process the Petitioner work with the City to live up to the spirit of the proposed evaluation criteria outlined in the Comprehensive Plan Revision for this area including but not limited to: marketing to commuters, the exclusion of elements that would encourage families with school aged children, the establishment of an active SSA to provide for common maintenance within the Mixed Use development areas and the inclusion of some Live-work units within the Mixed Use development areas.

2. That the Petitioner submit Building Elevations, floor plans, signage and fencing be for review and approval by the Planning Division. The buildings will be reviewed at the time of Final Plan and Plat and throughout the building permit process to ensure the architectural elements are in keeping with the urban nature of the development and include elements, which would discourage families with school-aged children.

4. That the central open space area be expanded onto the Subject Property to create a combined 4 acre open space site. To accomplish this the two four unit buildings to the west of the Mixed Use area may need to be removed or relocated within the site.

5. That parking and speed limit restrictions be looked at though the Mixed Use portion of the site.

Section Four: That such number of duplicate originals of said Annexation Agreement may be executed, as the Mayor shall determine.
Section Five: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

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

Section Seven: 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 by the City Council of the City of Aurora, Illinois on this 22 day of March, 2005.

AYES 11  NAYS 0  NOT VOTING 0

SIGNED by the Mayor of the City of Aurora, Illinois, on this 22 day of March 2005.

David L. Stover  Mayor
City of Aurora  Illinois

Attest:

Cheryl Vonhoff  City Clerk

Case File Number: NA21/1-03.221-PA
Parcel Number: 07-21-101-021; and 07-21-101-009

This instrument prepared by:
Aurora Planning Division
1 South Broadway
Aurora, Illinois 60505
EXHIBIT “A”

Annexation Agreement
Exhibit “A”

ANNEXATION AGREEMENT FOR WISEMAN-HUGHES ENTERPRISES, INC., THE PLAZA ON NEW YORK LOCATED ON EAST NEW YORK STREET CONSISTING OF 51.68 ACRES

This ANNEXATION AGREEMENT, hereinafter referred to as “AGREEMENT”, is made and entered into this _____ day of ____________, ______ by and between the CITY OF AURORA, ILLINOIS, a municipal corporation. (“CITY”); JOSEPH PLEITGEN AND RICHARD J. PLEITGEN, TRUSTEES UNDER THE JOSEPH PLEITGEN REVOCABLE LIVING TRUST AGREEMENT DATED APRIL 22, 1993 AS TO AN UNDIVIDED ½ INTEREST AND LILLIAN PLEITGEN AND RICHARD J. PLEITGEN, TRUSTEES UNDER THE LILLIAN PLEITGEN REVOCABLE LIVING TRUST AGREEMENT DATED APRIL 22, 1993, AS TO AN UNDIVIDED ½ INTEREST, (“OWNER”); and WISEMAN-HUGHES ENTERPRISES, INC. (“DEVELOPER”). The City, Owner, and Developer are referred to as “Party” or “Parties.”

WITNESSETH:

1. The Owner is the record title holder of the subject property consisting of approximately 51.68 acres, legally described in Attachment “A” attached hereto (the “Subject Property”).

2. The Developer is the contract purchaser of the Subject Property, and the development of the Subject Property is contingent upon Developer purchasing same from the Owner.

3. The Owner has attached hereto as Attachment “B” a disclosure of the beneficial owners of any land trust holding title to all or a portion of the Subject Property, if any or a statement indicating that there are none.

4. The Parties to this Agreement desire that the Subject Property be annexed to the City of Aurora with the benefits to the Subject Property being as follows:

   a. Full development potential of the Subject Property;
   b. Establishment of high quality development standards that will elevate support and stabilize property values for the proposed land uses;
   c. Provision of a water supply system that has been engineered to supply water services to the Subject Property;
   d. Provision of a sanitary sewer system that has been engineered to supply services to the Subject Property through the Fox Metro Water Reclamation District’s facilities, or the City’s facilities;
   e. Provision of police protection by the City’s fully trained, staffed and equipped Police Department;
f. Provision of fire protection by the City's fully trained, staffed and equipped Fire Department; and,

g. Favorable insurance rates due to the City's Fire Department having a Class 3 rating.

5. The Subject Property is contiguous to the city limits of the City of Aurora, Illinois, and is not within the corporate limits of any other municipality.

6. This Agreement is made pursuant to 65 ILCS 5/11-15.1-1 and 65 ILCS 5/7-1-1 of the Illinois Compiled Statutes.

7. All notices, publications, public hearings, and all other matters attendant to said Agreement as required by State statute and the ordinances, regulations, and procedures of the City have been met prior to the execution by the Parties to this Agreement.

NOW, THEREFORE, it is agreed by and between the Parties hereto as follows:

SECTION A. Duration, Applicability and Owner/Developer Responsibility

1. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, successor Owners of record and/or Developers of the Subject Property, or any part thereof, which is the subject of this Agreement, and their heirs, executors, administrators, successors, assignees, lessees, devisees and upon any successor municipalities for a period of fifteen (15) years from the date of execution hereof, unless changed in accordance with the law.

2. It is understood and agreed by the Parties hereto that, in the event all or any portion of the Subject Property is sold or conveyed at any time during the term of this Agreement, all the obligations and responsibilities of the Owner, as herein set forth shall devolve upon and be assumed by such purchaser or grantee, and the Owner shall be released from all obligations which relate to that portion of the Subject Property as may have been sold or conveyed.

3. In the event Developer does not purchase the Subject Property from Owner for any reason whatsoever, then the Owner shall have no affirmative obligation of Developer under this Agreement until such time as the Subject Property is sold or conveyed to another developer for the purposes of improving the Subject Property.

4. Owner/Developer agrees to record a copy of the city ordinance providing for the execution of this agreement and an executed copy of this Agreement with the appropriate county recorder within ninety (90) days of the approval of said ordinance.

5. Owner/Developer agrees to file with the City Clerk a properly executed Annexation pursuant to this Agreement covering the properties described in Attachment "A" not later than ninety (90) days after the execution of this Agreement.

6. Owner agrees to petition and diligently pursue the Fox Metro Water
Reclamation District and the Fox Valley Park District for annexation of the Subject Property within ninety (90) days of annexation to the City.

7. Owner/Developer agrees to petition and diligently pursue the appropriate U.S. Post Office for an "Aurora" mailing address on the Subject Property of this agreement, within ninety (90) days of annexation to the City.

8. Owner/Developer agrees to dedicate right of way for existing roadways on, through or adjacent to the Subject Property, at the time of petition for Annexation of the Subject Property as specified herein.

9. Owner/Developer agrees that all existing structures on the Subject Property shall be razed and removed within one (1) year after the first final plan and/or plat approval for any portion of the Subject Property upon which any such structure is located.

10. The Owner/Developer agrees to connect to the public sanitary sewer system and shall pay charges for sewer service as are prescribed by City ordinances and by the Fox Metro Water Reclamation District.

11. Owner/Developer agrees to establish cross-access easements with regard to private drives on Gabrielle Drive and Yorkshire Plaza and any other private drives which stub into the property lines of adjacent properties. Owners agree that such cross-access easements shall include the right of access by contiguous and adjoining property owners to access points onto the public right of way.

12. Developer agrees that 100% of the public improvements costs required to serve development to be constructed on the Subject Property shall be the Developer’s responsibility.

13. Owners/Developer agree to cooperate with the City in establishing any special service areas required by the City concerning the Subject Property and shall establish any required Specific Special Service Area ("SSA") within 60 days after Final Plan, Plat, and Final Engineering approval, and prior to any conveyance of any parcels to any non-Developer/Owner controlled person or entity. Owners waive any objection to the establishment of an SSA for the Subject Property, and agree that failure to comply and have a required SSA established may result in the City withholding Occupancy Permits in the Development.

14. The Developer agrees to satisfy the City's school and park donation requirements of the School/Park ordinance by land donation and the balance by the payment of cash with the issuance of each building permit. The Developer and City shall enter into the City's standard letter agreement at the time of Final Plat approval of each residential parcel specifying the exact payments to be made.

15. Owners/Developer agree to pay all lawful City school development impact fees in effect at the time application is made for any building permits, for the Indian Prairie School District 204, upon residential lots on the Subject Property.
16. Prior to November 15, 2005, or Final Plan and Plat approval for any portion of the Subject Property, whichever is sooner, the Developer agrees to enter into a Roadway Agreement with the adjacent property owner to the north for the construction of the main north-south roadway (Station Boulevard) to extend from East New York Street to Meridian Lake Drive. Station Boulevard runs through the Subject Property, through the property immediately to the north, and up to Meridian Lake Drive. The Roadway Agreement shall contain a provision requiring the parties to participate with the City in the cost of off-site right-of-way acquisition for Station Boulevard between Liberty Street and Meridian Lake Drive, based on the City’s purchase price of said right-of-way, but in no event shall the cost exceed $1,800,000.00. Said cost shall be divided between the parties. This provision is subject to the City notifying Developer that it has obtained the necessary right-of-way for the construction of Station Boulevard north of Liberty Street.

SECTION B. Annexation, Zoning and City Responsibility

1. Subsequent to the approval of this Annexation Agreement, the City agrees to adopt an ordinance annexing the Subject Property to the City pursuant to an Annexation Petition, subject to the terms and conditions herein.

2. In the event that an Annexation Petition for the Subject Property is not filed within ninety (90) days, the City may void this Agreement by ordinance.

3. Subsequent to Annexation the City agrees to adopt an ordinance classifying the Subject Property as R-4A, Two-Family Dwelling District Special Use Planned Development, B-1, Business District – Local Retail and B-2, Business District General Retail, established pursuant this agreement and granting the variations specified in Section D herein, and approving the Plan Description for the development as set forth in Attachment “C”.

4. The City agrees to adopt the Concept Plan document incorporated herein as Attachment “B” by separate Resolution, upon and concurrently with annexation of the Subject Property.

5. The City agrees that the dedication of land and the balance by cash will be required for park purposes and shall be paid at the time of building permit issuance on a pro rata basis. The dedication of land shall not be required for school purposes and that cash in lieu of land for school purposes shall be paid at time of building permit issuance on a pro rata basis.

6. The City agrees to the access points from the existing public right-of-way for the Subject Property as identified on the Concept Plan.

7. At the request of Developer and upon petition from the owner of Gabrielle Drive, the City agrees to accept the right-of-way for Gabrielle Drive in “as is” condition, from the western property line of the Subject Property to Commons Drive.
SECTION C. Development Review

1. No portion of the Subject Property shall be developed until and unless the City in accordance with the conditions has approved such development hereinafter set forth.

2. The Subject Property described in Attachment “A” shall be governed by all of the requirements contained in the Aurora Zoning Ordinance No. 3100, except for variations which are specifically set forth in Section D of this Agreement, and subject to the appropriate modifications of the Plan Description attached as Attachment “C”.

3. Except as provided herein, the provisions of the Aurora Subdivision Control Ordinance shall govern all development of the Subject Property regardless of the size of a parcel being developed at any one time. If no subdivision plats for the Subject Property are required, then Owner agrees that the public improvements and other subdivision control requirements of the Aurora Subdivision Control Ordinance shall be applicable to the Subject Property, except as set forth in Section D of this Agreement.

4. A preliminary plan and plat is required to be approved by the City Council on the entire Subject Property described in Attachment “A” prior to the approval of any final plans and plats being approved for any part of said Subject Property.

5. Preliminary plats and plans and final plats and plans may be submitted and approved simultaneously.

6. Final plats may be presented to the City for approval individually.

7. Building Elevations shall be presented for approval with the Final Plat and/or Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements.

8. The construction of buildings on the Subject Property shall be in accordance with the Aurora Building Code requirements in force at the time of issuance of building permits.

9. All codes and ordinances of the City of Aurora not amended herein by this Agreement and all codes and ordinances applicable Citywide adopted by said City after the execution and entering into of this Agreement by the Parties hereto shall apply to the Subject Property.

10. Engineering plans and specifications for the improvements to be installed in each phase of the development shall be submitted to the City together with the final subdivision plat for such phase.

SECTION D. Variations and Special Uses

The variations and conditions as set forth in the Plan Description attached hereto are hereby requested and agreed to.
SECTION E. Roads, Public Utilities and Storm Water Management

1. The public right of way to be dedicated for Station Boulevard shall be established at 100 feet. The cross section for this roadway shall be constructed in two configurations, as per the Concept Plan within Attachment “C.” The first configuration, the Entryway Configuration, shall be implemented from the New York Street intersection north approximately 600 feet. The second configuration, the On-Street Parking Configuration, shall be implemented through the mixed-use portion of the site. The pavement design section shall meet the City of Aurora specifications for a minor collector.

The Entryway Configuration

The cross section through this portion of the improvement shall consist of two 27 foot paved lanes with B6-12 curb and gutter and a 25 foot landscaped median. Five foot (5’) sidewalks adjacent to the property line shall be permitted within the public right-of-way up to one foot off the property line. A landscaped parkway shall be implemented between the sidewalk and the back of curb of the roadway.

The On-Street Parking Configuration

The cross section through this portion of the improvement shall consist of two 33.5 foot paved lanes, with 17 foot width for the angled parking areas included in the 33.5 foot width, with B6-12 curb and gutter and a 12 foot landscaped median. Ten foot (10’) sidewalks adjacent to the property line are required and shall be permitted within the public right of way up to the property line. Six foot (6’) or greater landscaped islands shall be implemented at intervals adjacent to the back of curb of the roadway in lieu of a parkway.

DEVELOPER will install the required improvements to this roadway, as per the Concept Plan within Attachment “C.”

2. The public right of way to be dedicated for Interior Streets shall be established at fifty (50) feet with a cross section of twenty-eight (28) feet of pavement width back to back with B6-12 curb and gutter. OWNER shall dedicate fifty (50) feet of right-of-way and ten feet (10’) of easements on either side of said right-of-way for all interior streets as shown on the Concept Plan within Attachment “C.” DEVELOPER will install the required improvements to these roadways, as per the Concept Plan within Attachment “C”, and will dedicate right of way of twenty-five (25) feet and ten (10) feet of utility easements from the centerline as required by City ordinance.

3. The access points from the existing public right-of-way for the Subject Property are as follows:
   a. All as shown on the Concept Plan document incorporated herein at Attachment "C"

4. A double-fed public water main system is required to provide adequate fire protection and water service for the Subject Property and each lot.
5. Development of the Subject Property requires that adequate storm and sanitary discharge plans, and other related plans, have been approved by the appropriate City of Aurora Department, or agency with responsible jurisdiction.

6. A subsurface drainage investigation report shall be submitted to the Engineering Department for review, as per the requirements of the Stormwater Ordinance. Any and all field tiles on the Subject Property must be protected during construction and shall be re-routed so as to not run under any building. Any filling operations must be done in such a manner so as not to raise the emergency overland flow elevations on adjacent properties. When, as and if said field tile is re-routed Owners and Developer shall not be required to use any tile of a type, kind or character other than is the same or equal to that presently used in the field tile in question. If the tile is run under any paved area, or within public right of way, then concrete tile must be used.

7. 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.

8. All improvements, buildings and structures shall be required to follow the Kane County Stormwater Ordinance requirements as adopted by the City.

SECTION F. General Provisions

1. In the event that any section, subsection or paragraph of this Agreement is held to be invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Agreement.

2. Any notice or demand hereunder from any Party hereto to another Party hereto shall be in writing and shall be deemed served if mailed by prepaid registered or certified mail addressed as follows:

If to the City: Mayor of Aurora
City of Aurora
44 East Downer Place
Aurora, Illinois 60507

With copy to: Aurora Corporation Counsel
City of Aurora
5 East Downer Place
Aurora, Illinois 60507

If to the Owner: Joseph Pleitgen & Richard J. Pleitgen, Trustees
Joseph Pleitgen Revocable Living Trust
c/o Inland Real Estate Sales, Inc.
611 Rockland
Lake Bluff, Illinois 60044

And to: Lillian Pleitgen & Richard J. Pleitgen, Trustees
Lillian Pleitgen Revocable Living Trust  
c/o Inland Real Estate Sales, Inc.  
611 Rockland  
Lakc Bluff, Illinois 60044

If to the Developer:  
Wiseman-Hughes Enterprises, Inc.  
975 E. 22nd Street  
Wheaton, Illinois 60187  
Attention: Larry Vaupel

With copy to:  
John F. Philipchuck  
Dommernuth, Brestal Cobine & West, Ltd.  
111 W. Downer Place, Suite 300  
Aurora, Illinois 60506

3. Should correspondence to Owner be a notification of violation of any provision of this Annexation Agreement, Owner shall have thirty (30) days in which to correct such violation. The thirty-day period shall begin at the time of the mailing of said notice.

4. The Parties hereto agree to cooperate in applying the provisions of this Agreement and to fulfill the intent of the provisions set forth herein.

5. The Parties agree that the Parties or their successors in title may enforce this Agreement in any court of competent jurisdiction in an appropriate action at law or in equity, as provided in 65 ILCS 5/11.1-4, as amended, including the right of any of the Parties to seek specific performance of the terms of this Agreement.

6. Owner and Developer understand and agree that the Subject Property shall be subject to any lawful fees enacted by the City with regard to development so long as said fees are uniformly applied in the City except for fees that the City elects to rebate to developers pursuant to an annexation or development agreement.

Executed in Aurora, Illinois.
SIGNED BY OWNER on the ___ day of _____________, ____.
JOSEPH PLEITGEN REVOCABLE LIVING TRUST AGREEMENT
Dated April 22, 1993

Name: ____________________________
    Richard J. Pleitgen, Trustee

LILLIAN PLEITGEN REVOCABLE LIVING TRUST AGREEMENT
Dated April 22, 1993

Name: ____________________________
    Richard J. Pleitgen, Trustee

SIGNED BY DEVELOPER on the ___ day of _____________, ____.
Company Name: WISEMAN-HUGHES ENTERPRISES, INC.

By: ______________________________

Its: ____________________________

Attest: __________________________

Its: ____________________________
SIGNED BY CITY OF AURORA on the ____ day of ____________, ____.
CITY OF AURORA, an Illinois
Municipal Corporation

By: [Signature]
David L. Stover, Mayor

Attest: [Signature]
Cheryl Vonhoff, City Clerk
ATTACHMENT “A”

LEGAL DESCRIPTION OF SUBJECT PROPERTY

1-A PART OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL
MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE
NO. 53 WITH THE CENTERLINE OF EAST NEW YORK STREET (ILLINOIS STATE ROUTE NO. 65);
THENCE WESTERLY ALONG THE CENTERLINE OF EAST NEW YORK STREET 1608.0 FEET;
THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 1296.07 FEET TO
JENKIN’S AND THATCHER’S LINE FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG
THE LAST DESCRIBED COURSE 1296.07 FEET TO A LINE DRAWN PARALLEL WITH AND 30.0
FEET NORTHERLY OF THE CENTERLINE (MEASURED AT RIGHT ANGLES THERETO) OF SAID
EAST NEW YORK STREET; THENCE WESTERLY ALONG SAID PARALLEL LINE 574.0 FEET TO
THE MOST EASTERNLY CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF AURORA BY
DOCUMENT NO. R75-48159, THENCE WESTERLY ALONG A NORTHERLY LINE OF SAID CITY
TRACT FORMING AN ANGLE OF 177 DEGREES 10 MINUTES 37 SECONDS WITH THE LAST
DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 2332.22 FEET TO AN
ANGLE IN SAID NORTHERLY LINE; THENCE WESTERLY ALONG A NORTHERLY LINE OF SAID
CITY TRACT, BEING PARALLEL WITH AND 40.0 FEET NORTHERLY OF THE CENTERLINE OF SAID
EAST NEW YORK STREET, 150.0 FEET TO AN ANGLE IN SAID NORTHERLY LINE; THENCE
NORTHEASTERLY ALONG A NORTHEASTERLY LINE OF SAID CITY TRACT FORMING AN ANGLE OF
143 DEGREES 37 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED
COUNTER-CLOCKWISE THEREFROM) 574.16 FEET TO AN ANGLE IN SAID NORTHEASTERLY LINE;
THENCE WESTERLY ALONG A NORTHWESTLY LINE OF SAID CITY TRACT FORMING AN ANGLE OF
221 DEGREES 53 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED
COUNTER-CLOCKWISE THEREFROM) 800.0 FEET TO AN ANGLE IN SAID NORTHERLY LINE;
THENCE SOUTHWESTERLY ALONG A NORTHWESTERLY LINE OF SAID CITY TRACT FORMING AN
ANGLE OF 225 DEGREES 46 MINUTES 28 SECONDS WITH THE LAST DESCRIBED COURSE
(MEASURED COUNTER-CLOCKWISE THEREFROM) 46.99 FEET TO THE SOUTHWEST CORNER OF
SAID CITY TRACT, BEING A LINE DRAWN PARALLEL WITH AND 30.00 FEET NORTHERLY OF THE
CENTERLINE (MEASURED AT RIGHT ANGLES THERETO) OF SAID EAST NEW YORK STREET;
THENCE WESTERLY ALONG SAID PARALLEL LINE 732.50 FEET TO THE WEST LINE OF A TRACT
OF LAND CONVEYED BY DOCUMENT NO. R72-42818; THENCE NORTHERLY ALONG SAID WEST
LINE FORMING AN ANGLE OF 84 DEGREES 37 MINUTES 27 SECONDS WITH THE LAST
DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1513.44 FEET TO THE
SOUTHERLY LINE OF UNIT NO. 1, LIBERTY CENTER INDUSTRIAL DEVELOPMENT RECORDED
DECEMBER 4, 1979 AS DOCUMENT NO. R79-13913, THENCE EASTERLY ALONG SAID
SOUTHERLY LINE FORMING AN ANGLE OF 92 DEGREES 59 MINUTES 16 SECONDS WITH THE
LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 202.41 FEET TO
JENKIN’S AND THATCHER’S LINE, THENCE EASTERLY ALONG JENKIN’S AND THATCHER’S LINE
FORMING AN ANGLE OF 175 DEGREES 37 MINUTES 10 SECONDS WITH THE LAST DESCRIBED
COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 551.57 FEET TO THE POINT OF
BEGINNING, IN DUPage COUNTY, ILLINOIS.
ATTACHMENT “B”

DISCLOSURE OF BENEFICIAL OWNERS

PLAN DESCRIPTION

Ordinance # ______________

Date ______________

A Plan Description for Wiseman Hughes Enterprises, Inc., The Plaza on New York Mixed-use development located north of East New York Street, west of Route 59 and east of Commons Drive with R-4A, B-1 and B-2 Special Use Planned Development Zoning Pursuant to Section 14.6-7 of the Aurora Zoning Ordinance

Revision dates: 2/24/05; 3/9/05; 3/17/05
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I. QUALIFYING STATEMENTS

A. PURPOSE

This Special Use/Planned Development has evolved to assist the Aurora Planning Commission and City Council 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 Section 14.6-7.2 of the Aurora Zoning Ordinance (AZO). 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 City of Aurora Comprehensive Plan. These policies include:

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property
   The subject property consists of approximately 51.68 acres lying north of East New York Street, west of Route 59 and east of Commons Drive. The land is currently farmed. The property lies within the 204 School District boundaries.

2. Surrounding Property
   North -- Vacant / Meridian Business Park
   South -- Commercial / Westfield Shopping Town
   East -- Yorkshire Plaza
   West -- Comfort Inn; New York Commons Retail Center; Ponderosa; Vacant land; Montessori School

B. EXISTING ZONING CLASSIFICATIONS
1. Subject Property
R-4 (Single Family Residence District) in DuPage County
ORI(S), Office, Research, and Light Industrial with a Special Use Planned Development

2. Surrounding Property
North – ORI(S), Office, Research, and Light Industrial District with a Special Use Planned Development; M-1, Manufacturing District - Limited
South – PDD, Planned Development District
East – BB, Business Boulevard District
West – B-B, Business Boulevard District; M-1, Manufacturing District - Limited

C. COMPREHENSIVE PLAN

1. Subject Property
Commercial; Office / Research / Light Industrial; Conservation / Open Space/ Recreation / Drainage

2. Surrounding Property
North – Office / Research / Light Industrial; Conservation / Open Space/ Recreation / Drainage; Rivers / Lakes / Ponds / Streams
South - Commercial
East – Commercial
West -- Commercial; Office / Research / Light Industrial

III. DEVELOPMENT STANDARDS FOR EACH PARCEL

A. ZONING

The Development shall be divided into 3 parcels, Parcel A, B, and C, legally described on Attachment “A.” Development of each parcel described on Attachment “A” and generally depicted on Attachment “B” shall be regulated as follows:

1. Parcel A is that parcel lying on both the east and west sides of the stormwater management facility encompassing all single family attached dwelling units.

1.1. Parcel Size and Use Designation

The subject property referenced within this document as Parcel A is interspersed throughout the property and contains 166 units on approximately 27.70 acres. Upon approval of this document, said property shall be designated as R-4A District with a special use
for a planned development on the City of Aurora Zoning Map, and be regulated by Section 11.5-7 of the Aurora Zoning Ordinance as modified herein.

1.2. Statement of Intent

The R-4A District has been chosen as the underlying base zoning for this development to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. Access to the property will be established through the construction of Station Boulevard with a full access point on East New York Street, and aligned with fully signalized Westfield Shopping Town entrance. Station Boulevard roadway will also allow ingress and egress to Liberty Street accessible when the property to the north develops. Secondary access points will be established to the east and west, allowing cross access with the Yorkshire Plaza to the east and on Gabrielle Drive to the west. The subject property will be developed with an “Urban” attached product. The attached product is designed as a rear loaded structure (meaning the garage is located on the opposite side as the front door) to enhance the appearance from the public right of way. The close proximity to the Route 59 Metra Station, Westfield Shopping Town, Yorkshire Plaza, Meier grocery store, and numerous commercial users along Route 59 provide amenities to new residents within walking distance that is un-paralleled in the City of Aurora. Therefore, the “urban” product in conjunction with a mixed-use site design and surrounding amenities is envisioned to create an up-scale, high-end community, with sales prices in the upper echelon of the Aurora housing market.

1.3. Specific Rules and Definitions

The City may approve Final Plans that contain variations up to 10% of the requirement from Sections A-1.5 b, c, and d of this plan description pertaining to Signs, Landscaping & Screening, and Parking & Loading, and Section A-1.9 pertaining to Bulk Restrictions. Variations above 10% shall be requested through the Final Plan process with a public hearing as outlined in Section 15 of the AZO.

1.4. Permitted Uses

This property shall be limited to those uses permitted in the R-4A District, Section 11.5-7 only.
1.5. General Provisions

The development of Parcel A shall be governed by the provisions of the Aurora Zoning Ordinance, Section 11.5-7, R-4A Two-family Dwelling District, unless modified by the following provisions:

a. Plan Approval
   Parcel A shall be subject to final plan approval pursuant to Section 14.6-11(b), entitled "Procedures for approval of plans" subsection "Final plans", of the Aurora zoning ordinance and shall contain all "Final Plans," of the Aurora Zoning Ordinance and shall contain all information as described on Attachment "C", Required Components Of Final Plans.

b. Signs
   All signs shall be pursuant to the “Aurora Sign Ordinance” and the Special Sign District regulations attached hereto as Attachment E to the Plan Description, and incorporated herein.

c. Landscaping and Screening
   All Landscaping and screening shall be pursuant to Attachment "D", Landscaping Requirements. The landscaping for the subject property will be designed in a manner to promote an “urban” feel. This landscape theme will introduce hardscape elements and plaza areas. The style of landscaping is difficult to quantify into the City’s standard canopy tree equivalents, therefore the Staff shall work with the Developer to facilitate the overall theme and to translate those efforts into credit against requirements of Attachment “D”.

d. Parking and Loading
   All parking and loading shall be pursuant to Section 10, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance.

f. Specific Restrictions
   Design and construction standards for lakes and blue/green detention areas shall be pursuant to the Kane County Stormwater Ordinance requirements as adopted by the City.

1.6. Nonconforming Zoning Lots, Structures, and Uses
All nonconforming zoning lots, structures, and uses shall be pursuant to Section 6, "Nonconforming Zoning Lots, Structures, and Uses" of the Aurora Zoning Ordinance.

1.7. Special Uses
All special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

1.8. Accessory Buildings and Uses
All Accessory structures and uses shall be pursuant to Section 8, entitled "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

1.9. Bulk Restrictions

a. Required Setback Areas - The minimum required setback areas for this development shall be as follows:

Front yard 15 feet
Rear yard 15 feet
Side yard 8 feet
Exterior Side yard 15 feet

b. Minimum Separation between "Rear-loaded Garage" Buildings (meaning the garage is located on the opposite side as the front door):

Rear to Rear 50 feet
Front to Front 50 feet
Front to Side 20 feet
Side to Side 15 feet

c. Maximum Density shall not exceed 7 dwelling units per acre.

d. Permitted Obstructions in Required Setback Areas
Obstructions in required setback areas shall be pursuant to Section 5.4 "Permitted Obstructions in Required Yard Areas" of the Aurora Zoning Ordinance.

e. Maximum Height - The maximum height of structures shall be 40 feet.

1.10. Building Elevations
Building Elevations shall be presented for approval with the Final Plat and/or Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements.

2. Parcel B is that parcel lying adjacent to Station Boulevard encompassing all mixed-use structures (multistory buildings containing commercial, office, and/or residential uses).

2.1. Parcel Size and Use Designation

The subject property referenced within this document as Parcel B and on the Parcel Map shown on Attachment "B," contains 196 residential units on approximately 10.30 acres. Upon approval of this document, said property shall be designated as B-1(S) Business District with a special use for a planned development on the City of Aurora Zoning Map, and be regulated by Section 12.2 of the Aurora Zoning Ordinance as modified herein.

2.2. Statement of Intent

The B-1 District has been chosen as the underlying base zoning for this development to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The subject property will be developed as a flexible, mixed-use component. The parcel is designed to have the flexibility of developing within the parameters established within the R-4A District, B-1 District, and/or Office District. Access to the parcel will be via Station Boulevard or interior streets. The mixed-use parcel is envisioned to create an urban presence along Station Boulevard meaning that the structures will be constructed with reduced front setbacks to allow a more direct relationship to the public right of way. This in conjunction with the neighboring residential units will encourage a pedestrian dominant means of interaction between the residents and the surrounding amenities. The mixed-use parcel shall offer a multistory structure with commercial, office, and/or residential units, which also allows for the construction of single family attached dwelling units. This flexibility in product placement enables the plan to evolve depending on the needs of the overall master plan from East New York Street to the Route 59 Metra Station. While the Developer is anticipating 42,000 square feet of commercial / office space with 196 residential units on this Parcel B, Developer want to maintain flexibility such that the amount of commercial/office and residential space may be modified.

2.3. Specific Rules and Definitions
The City may approve Final Plans that contain variations up to 10% of the requirement from Sections A-2.5 b, c, and d of this plan description pertaining to Signs, Landscaping & Screening, and Parking & Loading, and Section B-1.9 pertaining to Bulk Restrictions. Variations above 10% shall be requested through the Final Plan process with a public hearing as outlined in Section 15 of the AZO.

2.4. Permitted Uses

This property shall be limited to those uses permitted in the R-4A, B-1, and/or Office District, pursuant to Section 11.5-7, Section 12.2, and Section 12.5.

2.5. General Provisions

The development of Parcel B shall be governed by the provisions of the Aurora Zoning Ordinance, Section 11.5-7, Section 12.2, and Section 12.5 unless modified by the following provisions:

a. Plan Approval
   Parcel B shall be subject to final plan approval pursuant to Section 14.6-11(b), entitled "Procedures for approval of plans" subsection "Final plans", of the Aurora zoning ordinance and shall contain all information as described on Attachment "C", Required Components Of Final Plans.

b. Signs
   All signs shall be pursuant to the "Aurora Sign Ordinance" and the Special Sign District regulations attached hereto as Attachment E to the Plan Description, and incorporated herein.

c. Landscaping and Screening
   All Landscaping and screening shall be pursuant to Attachment "D", Landscaping Requirements. The landscaping for the subject property will be designed in a manner to promote an "urban" feel. This landscape theme will introduce hardscape elements and plaza arcas. The style of landscaping is difficult to quantify into the City’s standard canopy tree equivalents, therefore the Staff shall work with the Developer to facilitate the overall theme and to translate those efforts into credit against requirements of Attachment "D".

d. Parking and Loading
All parking and loading shall be pursuant to Section 10, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance, except that one and one-half (1½) parking spaces per dwelling unit and four parking spaces per 1000 square feet of commercial use shall be provided, and one-quarter (.25) parking spaces per dwelling unit land banked on site for possible future implementation.

c. Specific Restrictions
Design and construction standards for lakes and blue/green detention areas shall be pursuant to the Kane County Stormwater Ordinance requirements as adopted by the City.

2.6. Nonconforming Zoning Lots, Structures, and Uses
All nonconforming zoning lots, structures, and uses shall be pursuant to Section 6, "Nonconforming Zoning Lots, Structures, and Uses" of the Aurora Zoning Ordinance.

2.7. Special Uses
All special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

2.8. Accessory Buildings and Uses
All Accessory structures and uses shall be pursuant to Section 8, entitled "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

2.9. Bulk Restrictions

a. Maximum Lot Area Coverage by Buildings and Structures
   – one hundred percent (100%) of the area of the zoning lot (not including public right-of-way).

b. Minimum setbacks from the public right of way:
   Front yard 0 feet
   Rear yard 0 feet
   Side yard 0 feet
   Exterior Side yard 0 feet

c. Permitted Obstructions in Required Setback Areas
Obstructions in required setback areas shall be pursuant to Section 5.4 "Permitted Obstructions in Required Yard Areas" of the Aurora Zoning Ordinance.

d. Maximum Height - The maximum height of structures shall be 70 feet.
2.10. Building Elevations

Building Elevations shall be presented for approval with the Final Plat and/or Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements.

3. Parcel C is that parcel lying adjacent to the East New York Street encompassing all commercial parcels on both sides of the "Main Street."

3.1. Parcel Size and Use Designation

The subject property referenced within this document as Parcel C and on the Parcel Map shown on Attachment "B," contains 13.68 acres, consisting of 7 outlots on approximately 8.40 acres, and the remaining 5.28 acres consists of stormwater management facilities and interior street right-of-way. Upon approval of this document, said property shall be designated as B-2(S) Business District with a special use for a planned development on the City of Aurora Zoning Map, and be regulated by Section 12.3 of the Aurora Zoning Ordinance as modified herein.

3.2. Statement of Intent

The B-2 District has been chosen as the underlying base zoning for this development to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The subject property will be developed as a commercial component. The parcels are designed to have the flexibility of developing within the parameters established with the B-2 District. Access to the parcel will be via Station Boulevard and interior streets. The commercial parcel is envisioned to provide commercial uses for the general area in keeping with the adjacent commercial uses. This component in conjunction with the neighboring residential units will encourage a pedestrian dominant means of interaction between the residents and the surrounding amenities.

3.3. Specific Rules and Definitions

The City may approve Final Plans that contain variations up to 10% of the requirement from Section C-1.5 b, c, and d of this plan description pertaining to Signs, Landscaping & Screening, and Parking & Loading, and Section C-1.9 pertaining to Bulk Restrictions. Variations above 10% shall be requested through the Final Plan process with a public hearing as outlined in Section 15.
of the AZO.

3.4. Permitted Uses

For the first five (5) years after recording of the final plat, Parcel C shall be limited to those uses that are dining and restaurant related, including but not limited to the following uses:

a. Sit down restaurant
b. Banquet hall
c. Comedy club
d. Dance hall
e. Bowling alley
f. Production theater
g. Spa
h. Art gallery/studio
i. Sports bar
j. Live music pub
k. Museum

Other uses in the B-1 District, pursuant to Section 12.2, shall be allowed as accessory uses to the above stated permitted uses. After five (5) years, any uses permitted in the B-2, Business District – General Retail, except any automobile-related uses (i.e. gas station, automobile repair shop, etc.) shall be permitted uses for any unsold lots still remaining on Parcel C.

Outlots which contain uses that include a drive-through facility shall be allowed but cannot exceed 20% of the total area of Parcel C. Development of lots that contain drive-through facilities must be processed through full City Council approval at the time of Final Plan.

3.5. General Provisions

The development of Parcel C shall be governed by the provisions of the Aurora Zoning Ordinance, Section 12.3 unless modified by the following provisions:

a. Plan Approval
   Parcel C shall be subject to final plan approval pursuant to Section 14.6-11(b), entitled "Procedures for approval of plans" subsection "Final plans", of the Aurora zoning ordinance and shall contain all information as described on Attachment "C", Required Components Of Final Plans.

b. Signs
   All signs shall be pursuant to the "Aurora Sign Ordinance" and the Special Sign District regulations attached hereto as
Attachment E to the Plan Description, and incorporated herein.

c. Landscaping and Screening
All landscaping and screening shall be pursuant to Attachment "D", Landscaping Requirements. The landscaping for the subject property will be designed in a manner to promote an "urban" feel. This landscape theme will introduce hardscape elements and plaza areas. The style of landscaping is difficult to quantify into the City’s standard canopy tree equivalents, therefore the Staff shall work with the Developer to facilitate the overall theme and to translate those efforts into credit against requirements of Attachment “D”.

d. Parking and Loading
All parking and loading shall be pursuant to Section 10, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance.

e. Specific Restrictions
Design and construction standards for lakes and blue/green detention areas shall be pursuant to the Kane County Stormwater Ordinance requirements as adopted by the City.

3.6 Nonconforming Zoning Lots, Structures, and Uses
All nonconforming zoning lots, structures, and uses shall be pursuant to Section 6, "Nonconforming Zoning Lots, Structures, and Uses" of the Aurora Zoning Ordinance.

3.7 Special Uses
All special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

3.8 Accessory Buildings and Uses
All Accessory structures and uses shall be pursuant to Section 8, entitled “Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

3.9 Bulk Restrictions
a. Maximum Lot Area Coverage by Buildings and Structures will be pursuant to Section 12.3 of the Aurora Zoning Ordinance.
b. Minimum setbacks from the public right of way:
   Front yard
   Arterial 30 feet
   Local 15 feet
   Rear yard 20 feet
   Side yard 20 feet
   Exterior Side yard 20 feet

c. Permitted Obstructions in Required Setback Areas
   Obstructions in required setback areas shall be pursuant to
   Section 5.4 “Permitted Obstructions in Required Yard Areas” of the Aurora Zoning Ordinance.

d. Maximum Height - The maximum height of structures shall
   be pursuant to Section 12.3-2.

3.10 Building Elevations
   Building Elevations shall be presented for approval with the Final
   Plat and/or Plan and will be evaluated based on quality and variety
   of building materials, orientation and presentation from the public
   street, and the use of architectural elements.

B. PUBLIC IMPROVEMENTS

1. Owners/Developer agree to cooperate with the City in establishing
   any special service areas required by the City concerning the
   Subject Property and shall establish any required Specific Special
   Service Area (“SSA”) within 60 days after Final Plan, Plat, and
   Final Engineering approval, and prior to any conveyance of any
   parcels to any non-Developer/Owner controlled person or entity.
   Owners waive any objection to the establishment of an SSA for
   the Subject Property, and agree that failure to comply and have a
   required SSA established may result in the City withholding
   Occupancy Permits in the Development.

2. All improvements, buildings and structures shall be required to
   follow the Kane County Stormwater Ordinance requirements as
   adopted by the City.

3. Construction of the Station Boulevard shall be in accordance with
   the cross sections as detailed on Attachment “G”.

IV. REQUESTED MODIFICATIONS AND EXCEPTIONS TO THE AURORA
    ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

A. AURORA ZONING ORDINANCE MODIFICATIONS AND EXCEPTIONS
1. Section 11.5-7.2
   The height of the residential structures shall be constructed to a height of 40’.

2. Section 11.5-7.4
   The front yard setback shall be 15’ and the rear yard setback shall be 15’.

3. Section 11.5-7.5
   The lot coverage shall be 100% of the zoning lot.

4. Section 12.2-1.1 and Section 12.5-1.9
   The mixed-use buildings may be constructed such that the total square footage permitted for the residential use exceeds the total first floor square footage that is utilized for office or business use.

5. Section 12.2-2
   The height of the mixed use structures shall be 70’.

6. Section 12.2-3
   The mixed use buildings shall be allowed to be constructed with zero (0) foot front, interior and exterior side and rear yard setbacks along collector or local streets.

7. Section 12.3-3
   The front yard setback for a structure exceeding 35 feet on a local or collector street shall be 15 feet; the interior side yard, exterior side yard and rear yard setbacks for a structure exceeding 35 feet and abutting residential shall be 20 feet.

8. Section 10.6-19
   Parking for the mixed use area shall be established at one and one-half (1½) parking spaces per dwelling unit and four parking spaces per 1000 square feet of commercial use and one-quarter (.25) parking spaces per dwelling unit land banked on site for possible future implementation.

Additional variations may be requested through a Final Plan process with a public hearing as outlined in Section 15.

B. SUBDIVISION CONTROL ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. The installation of street trees, sidewalks, and parkway 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
2. The Developer may commence construction of the major earthwork and stormwater detention facilities at the Owner's or Developer's sole risk before approval of the Final Plat, provided that prior thereto, the subdivider submits plans, estimates, and specifications for all public improvements for approval by the City Engineer; receives approval from all other appropriate authorities that have jurisdiction, including, but not limited to the Kane DuPage Soil and Water Conservation District; review and approval of the wetland delineation in accordance with the City of Aurora Stormwater Ordinance; Engineering Department approval of a mass grading plan and Stormwater Management Permit Application as required by the City of Aurora Stormwater Ordinance; and post cash or securities in the amount equal to one hundred and ten (110) percent of the estimated costs for mass grading site restoration and soil erosion control items.

C. OTHER ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Except as modified herein, the Zoning Ordinance and Building Codes for the subject Parcels shall be as follows:

   City of Aurora Zoning Ordinance (Ordinance #3100) as amended herein;
   Aurora Building Code.

2. Developer may submit, and the City shall review standard plans for various building types for compliance with City codes. After the first building of a type has been completed, subsequent permit applications for the same building type may incorporate the approved standard building plan by reference without further review by the City. Upon the request of the Building Department, copies of plans and elevations of each dwelling unit shall be submitted to the City with the permit application.

D. MODEL HOMES AND SALES TRAILERS, CONSTRUCTION TRAILERS

1. Model Homes
   The Developer shall be permitted, at the Developer’s sole risk, to construct, maintain and occupy six (6) townhome single family attached buildings and three (3) mixed use model buildings subject to the terms of this Section D.
   a. Permits for model units will not be issued until a final plat is approved containing the model unit area;
   b. Tested and approved water with sufficient fire hydrant coverage for the model units (subject to the review of the
Fire Marshal), gravel street, street signs, and stormwater detention with a functioning overland flood route from the model area to the detention facility, and a secondary access, gravel surface roadway for construction, emergency and inspection vehicles shall be provided prior to model permit issuance. Sanitary and water services do not need to be provided until approval of residential occupancy.

2. Sales and Construction Trailers
   a. Upon Preliminary plan approval for the Subject Property and in advance of final engineering, final plat approval and the construction of sanitary, storm sewer, storm water detention facilities, water main, streets, curbs and gutters, the Developer shall be permitted to set temporary construction office, storage and sales trailers on the site. Approval for placement of trailers shall be subject only to staff review, which includes meeting the requirements of the City of Aurora Stormwater Ordinance. Planning Commission or City Council approval shall not be required.
   b. Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for construction, storage and sales trailers;
   c. The Developer shall be permitted to construct and maintain other appurtenant facilities for said trailers including temporary driveways.
   d. The Developer, upon approval of the City Engineer may construct temporary parking facilities, haul roads, and other pertinent facilities in advance of receipt of approved formal permits applicable to any parcel. The City Engineer’s approval shall not be unreasonably withheld.
   e. Construction and storage trailers shall be removed within sixty (60) days following the completion of construction activity on the affected parcel.

3. All references to trailers in this Section (D) shall be as that term is defined in the City’s Zoning Ordinance. All such trailers shall be maintained in a neat and orderly manner. The Developer shall maintain and repair any and all temporary facilities.

V. GENERAL PROVISIONS

A. PLAN DESCRIPTION DOCUMENT

1. All current codes and ordinances of the City in effect at the time of
the development 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 Section 15 of the Aurora Zoning Ordinance. Public notice shall be provided in accordance with said section 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.

B. PLAN DOCUMENTS

1. A Preliminary Plan and a Preliminary Plat are required to be approved for each development parcel prior to approval of a Final Plat and Final Plan for property within said parcel, pursuant to Section 14.6-7 of the AZO.

VI. LIST OF ATTACHMENTS
Attachment “A" - Legal Description of Development Parcels
Attachment “B” – Concept Plan
Attachment “C” - Required Components of Final Site Plan
Attachment “D” - Landscaping Requirements
Attachment “E” - Special Sign District
Attachment “F” – Main Street Cross Sections
ATTACHMENT “A”
LEGAL DESCRIPTION OF DEVELOPMENT PARCELS

PARCEL A (Proposed R-4A Zoning)

THAT PART OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 59 WITH THE CENTERLINE OF EAST NEW YORK STREET (ILLINOIS STATE ROUTE NO. 65); THENCE WESTERLY ALONG THE CENTERLINE OF EAST NEW YORK STREET 1608.0 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 1256.07 FEET TO JENKIN'S AND THATCHER'S LINE; THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE 290.28 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00° 24' 34" WEST, A DISTANCE OF 725.07 FEET; THENCE NORTH 88° 39' 28" WEST, A DISTANCE OF 310.81 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT OF THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 500.00 FEET, AN ARC DISTANCE OF 326.61 FEET; THENCE NORTH 46° 03' 27" EAST, 845.41 FEET TO THE POINT OF BEGINNING.

AND ALSO,

THAT PART OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 59 WITH THE CENTERLINE OF EAST NEW YORK STREET (ILLINOIS STATE ROUTE NO. 65); THENCE WESTERLY ALONG THE CENTERLINE OF EAST NEW YORK STREET 1608.0 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 1256.07 FEET TO JENKIN'S AND THATCHER'S LINE; THENCE NORTH 86° 50' 53" WEST, A DISTANCE OF 378.97 FOR A POINT OF BEGINNING; THENCE SOUTH 46° 03' 27" WEST, A DISTANCE OF 668.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT OF THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 122.00 FEET, AN ARC DISTANCE OF 191.64 FEET; THENCE SOUTH 43° 56' 33" EAST, A DISTANCE OF 128.66 FEET; THENCE SOUTH 47° 15' 17" WEST, A DISTANCE OF 207.51 FEET; THENCE SOUTH 42° 28' 07" WEST, A DISTANCE OF 108.02 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT OF THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 131.00 FEET, AN ARC DISTANCE OF 79.21 FEET; THENCE NORTH 69° 37' 52" WEST, A DISTANCE OF 813.46 FEET; THENCE NORTH 05° 47' 07" EAST, A DISTANCE OF 810.30 FEET; THENCE SOUTH 87° 13' 23" EAST, A DISTANCE OF 202.39 FEET; THENCE SOUTH 86° 50' 53" EAST, A DISTANCE OF 1139.00 FEET TO THE POINT OF BEGINNING.

PARCEL B (Proposed B-1 Zoning)

THAT PART OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 59 WITH THE CENTERLINE OF EAST NEW YORK STREET (ILLINOIS STATE ROUTE NO. 65); THENCE WESTERLY ALONG THE CENTERLINE OF EAST NEW YORK STREET 1608.0 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 1256.07 FEET TO JENKIN'S AND THATCHER'S LINE FOR A POINT OF BEGINNING; THENCE SOUTH 00° 24' 34" WEST, A DISTANCE OF 290.28 FEET; THENCE SOUTH 46° 03' 27" WEST, A DISTANCE OF 845.41 FEET; THENCE NORTH 43° 56' 33" WEST, A DISTANCE OF 363.15 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT OF THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 122.00 FEET, AN ARC DISTANCE OF 191.64 FEET; THENCE
NORTH 46° 03' 27" EAST, A DISTANCE OF 668.33 FEET TO THE JENKIN'S AND THATCHER'S LINE; THENCE SOUTH 86° 50' 53" EAST, A DISTANCE OF 378.97 FEET TO THE POINT OF BEGINNING.

PARCEL C (Proposed B-2 Zoning)

THAT PART OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 59 WITH THE CENTERLINE OF EAST NEW YORK STREET (ILLINOIS STATE ROUTE NO. 65); THENCE WESTERLY ALONG THE CENTERLINE OF EAST NEW YORK STREET 1608.0 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 1256.07 FEET TO JENKIN'S AND THATCHER'S LINE; THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE 1015.35 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00° 24' 34" WEST, A DISTANCE OF 211.25 FEET; THENCE NORTH 89° 35' 26" WEST, A DISTANCE OF 574.00 FEET; THENCE NORTH 87° 06' 03" WEST, A DISTANCE OF 230.22 FEET; THENCE NORTH 89° 35' 23" WEST, A DISTANCE OF 149.99 FEET; THENCE NORTH 53° 13' 20" WEST, A DISTANCE OF 57.46 FEET; THENCE SOUTH 84° 52' 55" WEST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 39° 04' 27" WEST, A DISTANCE OF 46.58 FEET; THENCE NORTH 89° 35' 26" WEST, A DISTANCE OF 732.50 FEET; THENCE NORTH 05° 47' 07" EAST, A DISTANCE OF 503.07 FEET; THENCE SOUTH 69° 37' 52" EAST, A DISTANCE OF 813.46 FEET TO A NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE EASTERLY HAVING A CHORD BEARING OF NORTH 28° 10' 47" EAST AND HAVING A RADIUS OF 131.00 FEET, AN ARC DISTANCE OF 79.21 FEET; THENCE NORTH 42° 28' 07" EAST, A DISTANCE OF 108.02 FEET; THENCE NORTH 47° 45' 17" EAST, A DISTANCE OF 207.51 FEET; THENCE SOUTH 43° 56' 33" EAST, A DISTANCE OF 234.49 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT OF THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 500.00 FEET, AN ARC DISTANCE OF 326.61 FEET; THENCE SOUTH 88° 39' 28" EAST, A DISTANCE OF 310.81 FEET TO THE POINT OF BEGINNING.
ATTACHMENT “C”
REQUIRED COMPONENTS OF FINAL PLANS

A. General Directions
   1. Must be drawn to accurate engineering scale.
   2. Must contain following information.
      a) Scale
      b) North arrow
      c) Original and revision dates.
      d) Name and address of owner of record.
      e) Name and address of site plan designer.

B. Written documents
   1. A statement of planning objectives to be achieved by the final plan through the particular approach proposed by the petitioner.
   2. A development schedule indicating the approximate date when construction of the final plan or stages of the final plan can be expected to begin and be completed.
   3. Petitioner's proposed covenants, restrictions and conditions to be established as part of the final plan.
   4. A statement of the petitioner's intentions with regard to the future selling or leasing of all or portions of the final plan such as land areas, dwelling units, etc.
   5. Exceptions or variations to City Zoning or Subdivision ordinances being requested as part of the final plan including the specific section of the Ordinance from which the variation is requested and the requested variation itself.
   6. Estimates of cost of installation of all proposed improvements confirmed by a registered Illinois engineer.

C. Plan Data Requirements
   1. Dimensions of property.
   2. Existing and proposed streets (public and private), right-of-ways, driveways, all principal and accessory buildings and their use, dimensioned building setbacks, lot sizes, sidewalks, off-street parking, service areas, open space and recreational facilities.
   3. Preliminary architectural plans for all buildings in sufficient detail to show basic building planning.
   4. The existing and proposed vehicular and pedestrian circulation systems, indicating their interrelationship and proposed treatments of points of conflict.
   5. Existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas, telephone and cable television lines including their sizes.
   6. Proposed public and private lighting system.
   7. Existing and proposed easements for utility service.
   8. Proposed signage indicating size and content.
   9. Existing vegetation and plantings.
   11. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites
and similar public and semi-public uses.

12. Any other information necessary to clearly show the proposed site plan elements.

D. Information Regarding Contiguous Property
1. Location of contiguous buildings.
2. Zoning of contiguous property.
3. Land Use of contiguous property.

E. Site Data to be Provided in Lower Right Hand Corner
1. Legal Description.
2. Size of property in square feet or acres.
4. Proposed lot coverage of buildings by square feet and percentage.
5. Proposed blacktop-pavement coverage by square feet and lot percentage.
6. Number of parking spaces provided.
7. Number of parking spaces required by Zoning Ordinance.
8. Total amount of landscaped area by square feet and lot percentage.
9. Number of buildings.
10. Number of dwelling units, if residential project.
11. Breakdown of dwelling unit bedroom types, if residential project.

F. Landscape Data to be Provided in Lower Left Hand Corner
1. Number of plantings by type.
2. Size of plantings at installation.
3. On-center spacing for hedges.
4. Caliper size of all trees at installation.
ATTACHMENT “D”
LANDSCAPING REQUIREMENTS

I. Landscaping Purpose and Intent. These landscape standards are hereby established to create and maintain an aesthetically appealing community character that minimizes the negative impacts of vehicular traffic, parking lots, etc., and which incorporates human scale into the visual perception of the City. Specifically, these requirements are intended to beautify the public way; to increase the compatibility of adjacent uses by requiring a buffer or screening between uses; to minimize the adverse impact of noise, dust and headlight glare; to reduce topsoil erosion and storm water runoff; and to re-establish a canopy cover over the built environment to mitigate the effects of sun and wind so as to moderate extremes of temperature, provide shade, reduce wind velocity and conserve energy resources.

II. Applicability. The landscape standards set forth herein shall be applied to all approved landscape plans; special use planned developments and Planned Development Districts through the final plan review procedures; special use petitions; rezoning petitions; conditional use petitions; all variation petitions; final plat of subdivision petitions; and each use district as specifically required through the site plan review process.

III. Required Landscape Plan. The landscape plan shall be drawn to an accurate engineering scale, and include a scale, north arrow, location map, original and revision dates, name and address of owner and site plan designer. Plans shall show all landscape areas and their uses, the number of plantings by type, the size of plantings at installation, the on-center spacing for hedges, the caliper size of all trees at installation, existing vegetation and plantings, and proposed berming and fencing. Also included shall be all proposed/existing structures and other improvements, including but not limited to paved areas, berms, lighting, retention/detention areas and planting material. The landscape plan shall be sealed by a state registered Landscape Architect unless waived by the Zoning Administrator.

IV. Landscape provisions. The following provisions shall be deemed as the minimum requirements for the landscape plan. Additionally, a variety of planting material is desired and must be reflected in the landscape plan.

A. The following requirements shall apply to all parcels and are cumulative:

1. Stormwater facility requirement. For lake facilities, provide three canopy tree equivalents per each 100 feet of high water line. For detention facilities, provide five canopy tree equivalents per 100 feet of high water line. A minimum of 25% of the required canopy tree equivalent shall be non-canopy tree planting material. Alternatively, such facilities may be designed as natural features, implementing native deep-rooted shoreline plantings that stabilize the soil, slow runoff, facilitate infiltration and decrease erosion, subject to specific approval by the City.
2. Street tree requirement. Provide three canopy trees per 100 feet of right-of-way frontage, in the parkway on each side of each public street, pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual. If it is not possible to locate these trees in the parkway, place them within the exterior yards next to the parkway pursuant to the required count. When located below power lines, however, street trees must be understory trees pursuant to Section 6 of Arboricultural Specifications Manual.

For areas along the Station Boulevard it shall be allowable to implement planters in lieu of actual green parkways. The requirement for plant material in this area will be determined with the Final Landscape Plan in a manner to accomplish the “Urban” theme of the subject property.

3. Setback area requirement. All required setback areas shall be planted in turf or other acceptable living groundcover.

B. The following requirements shall apply to all non-single family detached parcels and are cumulative in addition to the requirements of Section IV.A:

1. Perimeter Yard Requirement. Provide three canopy tree equivalents per 100 feet of lot perimeter, which may be clustered.

2. Buffer Yard Requirement. Enhance the boundaries between adjacent non-residential uses and residential uses, and between adjacent single family detached residential uses and non-single family detached residential uses to provide an aesthetic screening treatment by planting two canopy tree equivalents per one hundred feet of lot line, of which fifty percent (50%) shall be non-canopy tree planting material. Alternatively, a wall or fence may satisfy the requirement as determined by the City.

This requirement shall not apply to a mixed use parcel adjoining a residential parcel within the boundaries of the subject property.

3. Parking Lot Internal Requirement. An 8.5’ by 19’ landscaped island protected by a six inch raised concrete curb shall be established for every 20 parking spaces. Said islands shall be planted with 1.5 canopy tree equivalents with the preferred planting material mix including one canopy tree. Said islands shall be located to organize and direct traffic flow within the parking lot, and may be clustered.

4. Foundation planting requirement. Provide one canopy tree equivalent per 100 lineal feet of building foundation to effectively relate the structure to the landscape, of which 100% of the requirement shall be non canopy tree planting material.
This requirement shall not apply to any building constructed adjacent to the Station Boulevard.

5. Dwelling unit requirement. Provide 1 canopy tree equivalent per dwelling unit located around and/or adjacent to the structure.

C. The following requirements shall apply to all newly established single family detached developments and are cumulative in addition to the requirements of Section IV.A:

1. Neighborhood border requirement. Provide subdivision neighborhoods with landscape borders, in which planting material, entry monuments and features, grade changes and the like are located. These borders shall be a minimum of 20 feet wide and shall be located along all public streets where single family detached lots do not front on such streets. Said border areas shall be planted at four (4) canopy tree equivalents per one hundred (100) feet of right of way frontage, of which fifty percent (50%) shall be non canopy tree planting material.

2. Dwelling unit requirement. One canopy tree or equivalent shall be planted for each interior lot, and two trees for each corner lot. Said trees shall be planted in the required exterior yards of each street frontage.

D. The following provisions shall apply to all non-single family detached parcels and any planting material utilized shall be credited toward the requirements of Section IV.A and Section IV.B:

1. Parking Lot Screening Provisions. Screen parking lots within 50 feet of public rights-of-way with compact hedging, berming, decorative fencing, decorative masonry, or a combination of these techniques, to a height of two and a half feet (2.5').

2. Miscellaneous Screening Provisions. Screen to 100 percent opacity dumpsters, trash enclosures, HVAC and utility facilities with a combination of plant material and decorative fencing, decorative masonry, building structural extensions, or other similar elements.

3. Storage Area Screening Provisions. All exterior storage for business, wholesale and manufacturing uses shall be screened as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, six (6) feet above grade and may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, neutral colored fence slatting, or wall construction. Such screening shall be required when one or more of the following conditions are present:
a. When any exterior yard of the property is located along a public right-of-way and storage is two hundred (200) feet or less from the right-of-way.

b. When any exterior yard of the property is located across a street from property that is zoned or developed solely for residential or public park purposes regardless of the distance from the residential or park property, and the City of Aurora’s Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

c. When any exterior yard of the property is located across an alley from property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the City of Aurora’s Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

d. When the property is located contiguous to the yard of property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the City of Aurora’s Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

e. When such storage areas were in existence as of July 9, 1996, screening shall be in conformance with the requirements of Section IV.D.3.c. not later than one (1) year from the date of notification, but within five (5) years following said date.

E. In addition to new planting material, the City may recognize and give one canopy tree equivalent credit for each 12 inches of caliper of healthy existing material that is in desirable condition and properly located as determined by the City.

F. The City may give credit for canopy tree equivalents that are planted at a size greater than the required minimum size. Such credit may satisfy up to 10 percent of the total canopy tree equivalent requirement, exclusive of the street tree requirement. The following shall be a basis for the credit:

1. Canopy tree or understory tree. For each inch of caliper greater than the minimum required, an inch of credit shall be applied.

2. Evergreen tree or multi-stemmed tree. For each foot in height greater than the minimum required, a foot of credit shall be applied.

3. Deciduous or evergreen shrubs. For each two feet in height greater than the
minimum required, a foot of credit shall be applied.

V. Planting material specifications. The specifications for all required planting material shall be pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual.

A. The minimum size of the material at time of planting shall be as follows:

1. Canopy tree at 2.5 inch caliper. Note: caliper shall be measured 12 inches from the base of the tree.

2. Evergreen tree at 6 foot in height, or understory tree at 2.5 inch caliper, or multi-stemmed tree at 8 foot in height.

3. Deciduous or evergreen shrubs at 18 inches in height.

B. Planting Material Variety. In order to allow for flexibility while maintaining minimum planting levels, many of the above provisions specify “canopy equivalents” instead of canopy trees. A canopy equivalent is one canopy tree, or three evergreen/understory/multi-stemmed trees, or twenty shrubs. These equivalent amounts are allowed to substitute for a canopy tree since the approximate coverage area at maturity of each of the equivalent amounts is comparable to the approximate coverage area at maturity of one canopy tree.

C. Acceptable and unacceptable tree species shall be pursuant to Section 4 of the Arboricultural Specifications Manual.

VI. Naturalized Planting Areas. The use of naturalized prairie style landscaping shall be encouraged adjacent to and within stormwater detention facilities, wetland, low-lying and inactive open space areas. These areas must meet the following criteria in order to remove said areas from the above stated requirements.

1. A detailed species list and management plan shall be prepared by a reportable consultant to be submitted by the Developer with the proposed Landscape Plan. This report shall include specifications on seed mix and amounts of seeds per square foot to be planted.

2. These areas shall not be subject to Section PM-302.4 of the City of Aurora Property Standard Ordinance if maintained pursuant to said management plan.

3. Prior to the Developer turning over general maintenance to the Homeowner’s Association the Developer will hire a reportable consultant too determine (using the meandering method) whether all of the following criteria have been met:

   a) A minimum of 50% of the planted species in the upland, wet meadow, and emergent planting zones are alive and apparent; and
b) There are no areas (of 4 square feet or larger) on side slopes, which are devoid of vegetation; and

c) The basin side slopes do not contain significant rills or gullies and the basin shoreline is not severely cut as a result or erosion; and

d) The emergent planting zone contains at least 50% coverage by native species; and

e) No more than 20% of any specific plant community is dominated by Reed Canary Grass (Phalaris arundinacea), White Sweet Clover (Melilotus alba), Kentucky Blue Grass (Poa pratensis), Purple Loosestrife (Lythrum salicaria), or Sandbar Willow (Salix interior).

D. The Homeowner Association shall be responsible employing a reportable landscaping firm for installing and long term maintenance of said natural landscape areas in compliance with the approved plans and reports

VII. Subsequent to the review of said landscape plan, and issuance of the building permit, the City may allow through a staff review of said plan, minor deviations which do not substantially alter the plan, and which do not substantially diminish the intended benefits of said plan.

VIII. The City shall recognize that the cost of planting material required by the standards of Section IV must be proportionate to the cost of the balance of work being proposed, and shall not exceed 20% of the total project costs, exclusive of sod and seeding costs, as supported by two written bids by recognized contractors.

IX. Planting Material Installation and Maintenance. Planting material shall be installed prior to the end of the first available planting season prior to the issuance of an Occupancy Permit. Said planting materials shall be maintained and kept in a healthy condition, and any required planting material that dies shall be replaced prior to the end of the next available planting season. An irrevocable Letter of Credit shall be required as deemed necessary by the Zoning Administrator to guarantee installation of improvements required by the approved landscape plan prior to the issuance of a permit. The amount of said Letter of Credit shall be based on written bids from contractors covering the installation of all elements of the landscape plan including but not limited to all planting material, fencing, screen walls and pavers. Said Letter of Credit may be required where there are extensive elements required by the approved landscape plan as determined by the Zoning Administrator.

X. Timing extension for installation. If construction work is completed during the offplanting season, a temporary certificate of occupancy shall be issued for the property which shall specify that all planting material as required by this Section be installed prior to the end of the next planting season.
ATTACHMENT “E”  
SPECIAL SIGN DISTRICT REGULATIONS

In addition to any signs permitted by City ordinance, pursuant to Section 2902.5 of the City Code of Ordinances, the City hereby establishes a special sign district for the Subject Property and adopts the special sign district regulations and specifications in this Attachment E to Plan Description. The regulations in this Attachment E shall supplement the regulations in the City sign ordinance. In the case of a conflict between the regulations in the City sign ordinance and this Attachment E, the less restrictive provision shall apply.

A. Signs Permitted

1. Temporary - Development Identification
   a. Area: 300 sq. ft. each side, each sign
   b. Height: 20’ max.
   c. Construction: Wood may be illuminated, no flashing lights or strobes.
   d. Quantity: two (2) on the subject property
   e. All temporary development signs shall be removed from the property prior to the issuance of the last occupancy permit.

2. Permanent – Residential Development Identification
   a. Area: 50 sq. ft. each
   b. Height: 6’ max.
   c. Construction: Monument style, with any combination of wood, masonry, concrete and landscaping with illumination
   d. Quantity: three (3) on the subject property

3. Permanent – Non-Residential Development Identification
   a. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location permanent non-residential development identification within the subject property.
   b. Area: 50 sq. ft. each
   c. Height: 8’ max.
   d. Construction: Monument style, with any combination of wood, masonry, concrete and landscaping with illumination
   e. Quantity: one (1) overall shopping center sign(s) and one additional sign for each commercial outlet.

4. Temporary and Permanent Directional Identification and Permanent – Non-Residential Development Identification
   a. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location of temporary and permanent directional signs and any permanent non-residential development identification within the subject property.
   b. Area: 12 sq. ft. each
c. Height: 6' max.
d. Quantity: four (4) model signs; six (6) directional signs

5. Models and Sales Trailers
   a. Development identification, direction signage and hours of operation signage shall be permitted on subject trailers.

B. General Regulations

1. In addition to the exterior lighting permitted on signs as indicated above, exterior lighting shall be permitted on sales centers, model homes, the American flag, arbors at the subdivision entry, and model home parking lots.

2. Signs may be directly or indirectly illuminated; provided, however, “For Sale” signs shall not be illuminated between the hours of 10:00 p.m. and 5:00 a.m.
RECOMMENDATION

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

The Planning & Development Committee At Their Regular Meeting On Thursday, March 10, 2005 Recommended APPROVAL An Ordinance Providing For The Execution Of An Annexation Agreement Providing For R-4 (S) B-2 (S) And B-1 (S) Special Use Planned Development Zoning With The Owners Of Record Of Territory Which May Be Annexed To The City Of Aurora And Which Is Located North Of New York Street West Of Route 59, East Of Commons Drive Being Vacant Land In DuPage County Illinois. (Wiseman-Hughes Enterprises, Inc. – NA21/1-03.221-Pa – SP/DF) (A Public Hearing Will Be Scheduled For The 3/22/2005 City Council Meeting)

VOTE: 3-0

Submitted By

Alderman Michael Saville, Chairman

Alderman Lynda Elmore

Alderman John S. Peters

Alderman Chris Beykirch, Alternate

Dated This 11th Day Of March, 2005
CITY OF AURORA, ILLINOIS

ORDINANCE NO. 005-40

ORDINANCE PROVIDING FOR THE EXECUTION OF AN ANNEXATION AGREEMENT PROVIDING FOR R-4(S), B-2(S), AND B-1(S) SPECIAL USE PLANNED DEVELOPMENT ZONING WITH THE OWNERS OF RECORD OF TERRITORY WHICH MAY BE ANNEXED TO THE CITY OF AURORA AND WHICH IS LOCATED NORTH OF NEW YORK STREET, WEST OF ROUTE 59, EAST OF COMMONS DRIVE, BEING VACANT LAND IN DU PAGE COUNTY

ADOPTED ON MARCH 22, 2005

PREPARED BY: CITY CLERK’S OFFICE
RETURN TO: CITY CLERK’S OFFICE
CITY OF AURORA
44 E. DOWNER PLACE
AURORA, IL  60507