

REVISED ORDINANCE

APPROVED

Ordinance No. 086-5591

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Case ~~1A-86-575-SU~~

ORDINANCE NO. 086-5591

A-86.603-Su/R

CITY OF AURORA, ILLINOIS

DATE OF PASSAGE 12-2-86

AN ORDINANCE AMENDING ORDINANCE NO. 3100 BEING THE AURORA ZONING ORDINANCE AND THE ZONING MAP ATTACHED THERETO, BY GRANTING A REVISION TO A SPECIAL USE ORDINANCE NO. 4209 TO ALLOW A COMMUNITY LIVING FACILITY OPERATED BY THE EBY-BROWN FOUNDATION FOR DEVELOPMENTALLY DISABLED ADULTS

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit as defined in Article 7, Section 6(a), of the 1970 Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may 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, on October 19, 1971, the Aurora City Council approved a Special Use Ordinance No. 4209, for a residentially planned development on the property described in Exhibit "A"; and

WHEREAS, said Ordinance approved a site plan for five, two-story buildings, containing 120 two bedroom units with underground parking facilities; and

WHEREAS, on August 13, 1986, the Eby-Brown Foundation filed with the City of Aurora, an application to revise Ordinance No. 4209 to allow a Community Living Facility for developmentally disabled adults to be constructed on a portion of the subject property which is described in Exhibit "B", attached hereto; and

WHEREAS, after due publication of notice, the Planning Commission of the City of Aurora held a public hearing on Wednesday, September 10, 1986 and Wednesday, October 8, 1986 with respect to said application for special use and found that said application met the standards prescribed by Section 14.6-6 of said Ordinance No. 3100 and has recommended the special use be granted subject to the following conditions:

1. That the Special Use Permit granted in Ordinance No. 4209 be revised to include the following:
 - a. To vacate the site plan approved in Ordinance No. 4209 for land described in Exhibit "B".
 - b. To approve the site plan for the Eby-Brown Foundation attached hereto as

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Exhibit "C" for land described in
Exhibit "B-1".

- c. To require, prior to further development of the site beyond the development contemplated in the site plan for Eby-Brown Foundation as shown on Exhibit "C", that a new site plan incorporating elements from Ordinance No. 4209 (building height, density and parking), be submitted to the Aurora Plan Commission for public hearing and the City Council for final action.
2. That a Special Use Permit be granted to the Eby-Brown Foundation for a Community Living Facility for developmentally disabled adults to operate under the State of Illinois Permit standards for ICF DD 15 and under programs; and
3. That the site for the Community Living Facility be developed in accordance with the approved site plan in Exhibit "C"; and
4. That the applicant agrees to implement the above-stated conditions, and sign the Memorandum of Agreement attached hereto as Exhibit "D" within fourteen (14) days from the date of passage of this Ordinance. If said Memorandum of Agreement (Exhibit "D") is not signed within the applicable time period, the City Council shall take the necessary steps to repeal this Ordinance.

WHEREAS, the City Council, based upon the conditional recommendation and the stated standards of the Planning Commission, finds that the proposed special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, will not be injurious to the use of other property in the immediate vicinity, nor diminish or impair property values in the neighborhood and, further, the City Council finds that the granting of this special use will not impede normal and orderly development and improvement of surrounding property for uses permitted in the district and that adequate utilities, access roads, drainage and other facilities are being provided and that the special use will in all respects conform to the applicable regulations of the R-5 Multiple Family Dwelling District zoning classification except as varied herein; and

WHEREAS, the City Council finds that the proposed special use is not contrary to the purpose and intent of said Ordinance No. 3100.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Kane and DuPage Counties, Illinois as follows:

Section One: That said City Council finds as fact all of the preamble recitals of this Ordinance.

Section Two: In accordance with the Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, Section 14.6, a special use permit is hereby granted to the Eby-Brown Foundation and permitted for the real estate legally described in Exhibit "B-1".

Section Three: That this special use permit hereby granted is solely to Eby-Brown Foundation for the purpose of a Community Living Facility for developmentally disabled adults subject to all of the conditions hereinafter set forth which shall be binding and remain in full force and effect upon the applicant and his respective heirs, executors, administrators, successors, assigns, devisees for the duration of said use.

Section Four: That said special use permit is granted specifically upon the conditions recommended by the Planning Commission as stated in this Ordinance.

Section Five: That future proposals for expansion or intensification of whatever kind for the real property legally described on said Exhibit "B-1" except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Section 14.6 of said Ordinance No. 3100.

Section Six: That the real property legally described in said Exhibit "B" shall remain in the underlying zoning classification of R-5 District, and, upon termination of the use by the Eby-Brown Foundation for a Community Living Facility, this special use permit shall terminate and the classification of R-5 District shall be in full force and effect.

Section Seven: That failure to comply with any condition provided for herein shall render this special use permit null and void.

Section Eight: That this Community Living Facility shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City ordinances.

Section Nine: That all other ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Ten: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage, approval and publication as provided by law.

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Section Eleven: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions, which shall remain in full force and effect thereafter.

PRESENTED to the City Council of the City of Aurora, Illinois, on this 2 day of Dec, 1986.

PASSED AND APPROVED by the City Council of the City of Aurora, Illinois, on this 2 day of December, 1986, by a roll call vote as follows:

AYES 7 NAYS 0 NOT VOTING 0

SIGNED by the Mayor of the City of Aurora, Illinois, on this 2 day of Dec, 1986.


Mayor

ATTEST:


City Clerk

This instrument prepared by:

Division of City Planning
CITY OF AURORA
44 East Downer Place
Aurora, Illinois 60507

Case File: A-86.575-SU

A-86.603-Su/R

SU575D07/CASEFILES1/QTXT

That part of the South half of Section 18, Township 38 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of Lot 35 in Block 5 of Orchard Green Subdivision Unit No. 1, being also a point in the East line of Constitution Drive; thence S. $0^{\circ}23'02''$ W. along said East line, 160.00 feet for a point of beginning; thence N. $0^{\circ}23'02''$ E. along said East line, 307.91 feet to a point of curvature; thence northerly along said East line, being a curve to the right having a radius of 531.18 feet for an arc distance of 323.09 feet to a point of tangency; thence N. $35^{\circ}14'02''$ E. along said East line 738.20 feet to a point of curvature; thence northeasterly along a curve to the right having a radius of 25.00 for an arc distance of 39.27 feet to a point of tangency, being a point in the South line of Lilac Lane; thence S. $54^{\circ}35'53''$ E. along said South line of Lilac Lane, 296.00 feet; thence S. $35^{\circ}14'02''$ W., 766.18 feet to a point of curvature; thence southerly along a curve to the left having a radius of 210.18 feet for an arc distance of 127.84 feet to a point of tangency; thence S. $0^{\circ}23'$ W. 307.91 feet; thence N. $89^{\circ}36'58''$ W. 321.00 feet to the point of beginning, all in the City of Aurora, Kane County, Illinois. Containing 9.547 acres.

This property is located at the Southeast Corner of Constitution Drive and Lilac Lane in Orchard Green Subdivision, Aurora, Illinois.

EXHIBIT A

EXHIBIT B

LEGAL DESCRIPTION

THAT PART OF LOT 30 AND ALL OF LOTS 31, 32, 33, 34 AND 35 IN BLOCK 5 OF UNIT NO. 1, ORCHARD GREEN SUBDIVISION, AURORA, KANE COUNTY, ILLINOIS AND THAT PART OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF WEST AURORA PLAZA UNIT NO. 7; THENCE SOUTH 35 DEGREES, 14 MINUTES, 02 SECONDS WEST ALONG THE NORTHWESTERLY LINE EXTENDED SOUTHWESTERLY OF SAID LOT 4, 253.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 210.18 FEET, AND BEING TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 13.27 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 114.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 22 MINUTES, 19 SECONDS WEST, TANGENT TO THE LAST DESCRIBED COURSE, 308.67 FEET TO THE POINT OF INTERSECTION WITH A LINE 160.00 FEET SOUTHERLY OF, AND PARALLEL WITH, SAID SOUTH LINE OF LOT 35, AS MEASURED ALONG SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 89 DEGREES, 34 MINUTES, 43 SECONDS WEST, PARALLEL WITH SAID SOUTH LINE 319.73 FEET TO SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 00 DEGREES, 22 MINUTES, 19 SECONDS EAST ALONG SAID EAST LINE 307.61 FEET TO A POINT OF CURVATURE; THENCE CONTINUING NORTHERLY ALONG SAID EAST LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 531.18 FEET, AN ARC DISTANCE OF 289.69 FEET; THENCE SOUTH 58 DEGREES, 22 MINUTES, 50 SECONDS EAST, 319.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.



EXHIBIT "B"

The Southerly 230.0 feet of the following described parcel of real estate (as measured along its Westerly line):

THAT PART OF LOT 30 AND ALL OF LOTS 31, 32, 33, 34 AND 35 IN BLOCK 5 OF UNIT NO. 1, ORCHARD GREEN SUBDIVISION, AURORA, KANE COUNTY, ILLINOIS AND THAT PART OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF WEST AURORA PLAZA UNIT NO. 7; THENCE SOUTH 35 DEGREES, 14 MINUTES, 02 SECONDS WEST ALONG THE NORTHWESTERLY LINE EXTENDED SOUTHWESTERLY OF SAID LOT 4, 253.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 210.18 FEET, AND BEING TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 13.27 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 114.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 22 MINUTES, 19 SECONDS WEST, TANGENT TO THE LAST DESCRIBED COURSE, 308.67 FEET TO THE POINT OF INTERSECTION WITH A LINE 160.00 FEET SOUTHERLY OF, AND PARALLEL WITH, SAID SOUTH LINE OF LOT 35, AS MEASURED ALONG SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 89 DEGREES, 34 MINUTES, 43 SECONDS WEST, PARALLEL WITH SAID SOUTH LINE 319.73 FEET TO SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 00 DEGREES, 22 MINUTES, 19 SECONDS EAST ALONG SAID EAST LINE 307.61 FEET TO A POINT OF CURVATURE; THENCE CONTINUING NORTHERLY ALONG SAID EAST LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 531.18 FEET, AN ARC DISTANCE OF 289.69 FEET; THENCE SOUTH 58 DEGREES, 22 MINUTES, 50 SECONDS EAST, 319.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

EXHIBIT B-1

LEGAL DESCRIPTION

THAT PART OF LOT 30 AND ALL OF LOTS 31, 32, 33, 34 AND 35 IN BLOCK 5 OF UNIT NO. 1, ORCHARD GREEN SUBDIVISION, AURORA, KANE COUNTY, ILLINOIS AND THAT PART OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF WEST AURORA PLAZA UNIT NO. 7; THENCE SOUTH 35 DEGREES, 14 MINUTES, 02 SECONDS WEST ALONG THE NORTHWESTERLY LINE EXTENDED SOUTHWESTERLY OF SAID LOT 4, 253.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 210.18 FEET, AND BEING TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 13.27 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 114.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES, 22 MINUTES, 19 SECONDS WEST, TANGENT TO THE LAST DESCRIBED COURSE, 308.67 FEET TO THE POINT OF INTERSECTION WITH A LINE 160.00 FEET SOUTHERLY OF, AND PARALLEL WITH, SAID SOUTH LINE OF LOT 35, AS MEASURED ALONG SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 89 DEGREES, 34 MINUTES, 43 SECONDS WEST, PARALLEL WITH SAID SOUTH LINE 319.73 FEET TO SAID EAST LINE OF CONSTITUTION DRIVE; THENCE NORTH 00 DEGREES, 22 MINUTES, 19 SECONDS EAST ALONG SAID EAST LINE 307.61 FEET TO A POINT OF CURVATURE; THENCE CONTINUING NORTHERLY ALONG SAID EAST LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 531.18 FEET, AN ARC DISTANCE OF 289.69 FEET; THENCE SOUTH 58 DEGREES, 22 MINUTES, 50 SECONDS EAST, 319.50 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

EASEMENT PROVISIONS

AN EASEMENT FOR THE INSTALLATION, REPAIR AND REMOVAL OF SANITARY SEWERS AND APPURTENANCES IS HEREBY GRANTED TO THE AURORA SANITARY DISTRICT AND ITS SUCCESSORS AND ASSIGNS OVER, UNDER AND UPON THOSE AREAS SHOWN HEREON AS SANITARY SEWER EASEMENT.