

THE VILLAGE OF NORTH AURORA

ORDINANCE NO. 09-12-07-13

**ORDINANCE APPROVING A SPECIAL USE FOR THE PROPERTY
LOCATED 114 SOUTH LINCOLNWAY, NORTH AURORA, ILLINOIS**

WHEREAS, the Village of North Aurora has received an application from Jupiter Motorsports, Inc. for a special use to allow motor vehicle parts and supply, motor vehicle repair and/or service and motor vehicle sales and/or service for the property located at 114 South Lincolnway, North Aurora, Kane County, Illinois, and

WHEREAS, public notice was given and a public hearing was held pursuant to such notice before the Plan Commission in accordance with Village ordinances and State statutory requirements for special uses on November 3, 2009; and

WHEREAS, the property for which the special use has been requested is currently in the Village and zoned B-3 Central Business District, is identified on the Survey attached hereto and incorporated herein by reference as Exhibit "A" and is legally described as provided on the document attached hereto and incorporated herein by reference as Exhibit "B".

WHEREAS, the Plan Commission, after consideration of all of the relevant factors and the evidence presented, has recommended approval of the requested special use with conditions.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of North Aurora, as follows:

1. The Recitals set forth above are incorporated herein as the material and significant findings of the President and the Board of Trustees.

2. A special use to allow motor vehicle parts and supply, motor vehicle repair and/or service and motor vehicle sales and/or service is hereby approved for the property located at 114 South Lincolnway, North Aurora, Kane County, Illinois, subject to the conditions imposed in Section 3 below.

3. The grant of the special use to allow motor vehicle parts and supply, motor vehicle repair

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and/or service and motor vehicle sales and/or service is conditioned as follows:

- A. Outside storage and display of vehicles shall not reduce the parking required for the lot and shall not interfere with access to adjacent properties, and shall be indicated specifically on the site plan as approved by Staff;
- B. The special use is limited to parts and supply, repair, service and sales of motorcycles, personal recreational vehicles such as scooters, jet skis, ATV's, snowmobiles and other motorized personal recreational vehicles, but not including large vehicles such as automobiles, trucks, campers, mobile homes, etc.;
- C. A site plan illustrating the parking, access and display areas in conformance with the applicable restrictions and this Ordinance must be approved by Staff;
- D. A detailed landscape plan must be approved by Staff and the landscaping must be installed by June 1, 2010;
- E. Any modifications to the existing on site sign must be in conformance with the Sign Ordinance, and the off premise sign must be removed or replaced with a conforming on-premise sign;
- F. The special use is granted to the applicant, Jupiter Motorsports, Inc., and is not transferrable.

4. This Ordinance shall take immediate full force and effect from and after its passage, approval as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois, this 14th day of December, 2009, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois, this 14th day of December, 2009, A.D.

Chris Faber

yes

Michael Herlihy III

yes

Mark Gaffino

yes

Vince Mancini

yes

Mark Guethle

yes

Robert Strusz

yes

Approved and signed by me as the President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois, this 14th day of December, 2009, A.D.

Adel Bermer
Village President

ATTEST:

Don Murray
Village Clerk

SITE GEOMETRICS

THAT PART OF THE EAST HALF OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF AURORA-BATAVIA ROAD, 355.00 FEET SOUTH OF THE SOUTH LINE OF JOHN STREET; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID JOHN STREET, 276.80 FEET TO THE EASTERLY LINE OF ADAMS STREET EXTENDED SOUTHERLY; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF ADAMS STREET EXTENDED, 91.92 FEET TO THE NORTHERLY LINE OF A TRACT OF LAND CONVEYED TO A. EVERETT PATTON BY DEED DATED JUNE 24, 1952 AND RECORDED JUNE 24, 1952 IN BOOK 1582, PAGE 195 AS DOCUMENT 700888; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID PATTON TRACT, 274.15 FEET TO THE WESTERLY LINE OF SAID AURORA-BATAVIA ROADWAY; THENCE NORTHERLY ALONG SAID WESTERLY LINE, 136.70 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

CONTAINS: 31,501.74 SQ. FT.
PIN:15-04-401-002

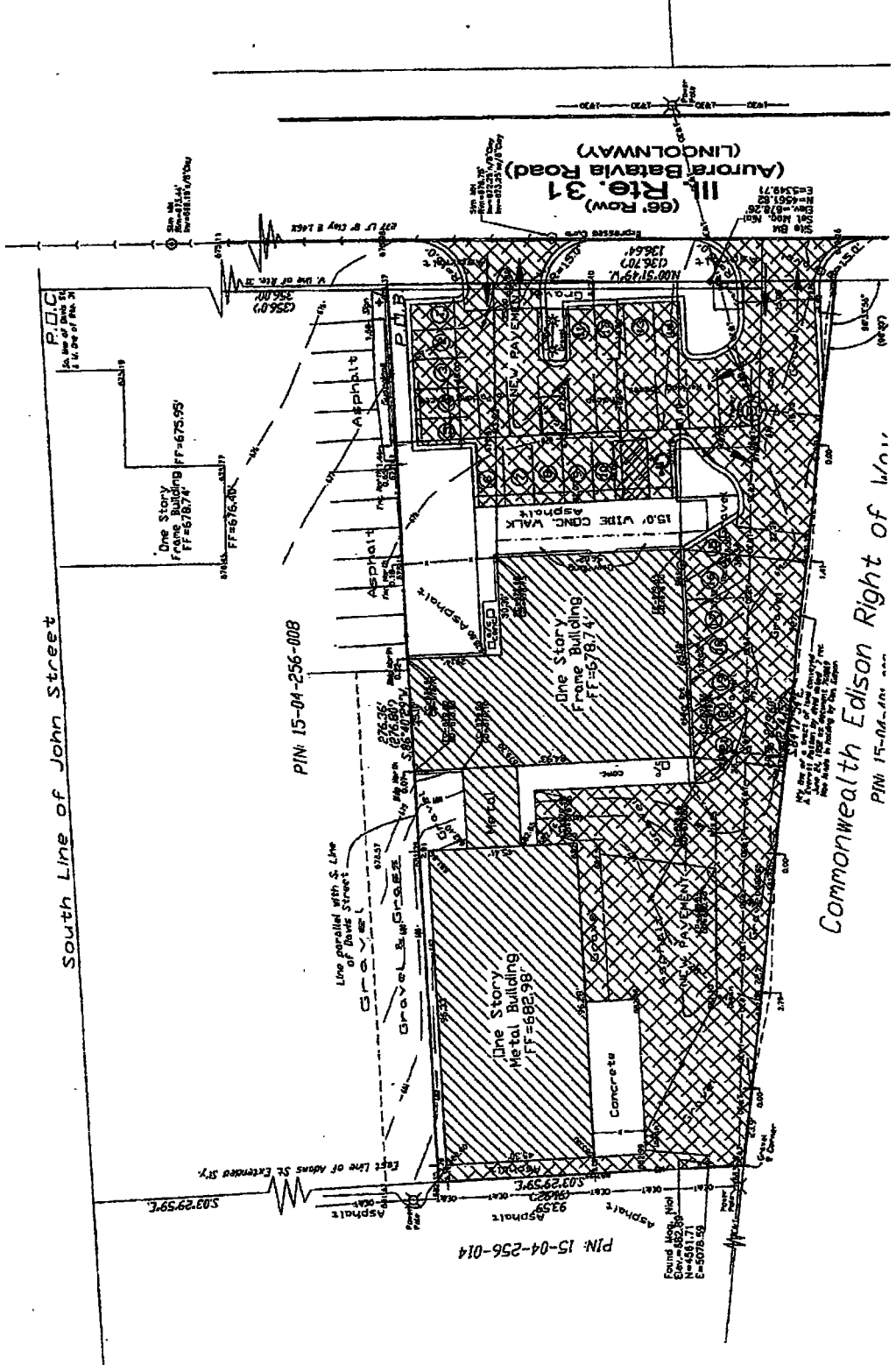


Exhibit A

THAT PART OF THE EAST HALF OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF AURORA-BATAVIA ROAD, 356.00 FEET SOUTH OF THE SOUTH LINE OF JOHN STREET; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID JOHN STREET, 276.00 FEET TO THE EASTERLY LINE OF ADAMS STREET EXTENDED SOUTHERLY; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF ADAMS STREET EXTENDED, 91.92 FEET TO THE NORTHERLY LINE OF A TRACT OF LAND CONVEYED TO A. EVERETT PATTON BY DEED DATED JUNE 24, 1952 AND RECORDED JUNE 24, 1952 IN BOOK 1582, PAGE 195 AS DOCUMENT 700869; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID PATTON TRACT, 274.15 FEET TO THE WESTERLY LINE OF SAID AURORA-BATAVIA ROADWAY; THENCE NORTHERLY ALONG SAID WESTERLY LINE, 136.70 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

Exhibit *B*