

ORD 18-1518 Exhibit C

The Special Use Permit for a Planned Unit Development—General Development Plan approved by this Ordinance 18-1518 shall include the following exceptions from the applicable provisions of Chapter 159 of the Village Code of Ordinances, as set forth in that certain Development Agreement approved by Village Ordinance No. _____ of even date herewith between the Village of Romeoville, the Developer, and certain entities holding title to the property to which this Ordinance 18-1518 pertains which are owned or controlled by the Developer (the "Development Agreement"). Terms hereinafter used in this Exhibit C and defined in the Development Agreement shall have the same definition and meaning when used in this Exhibit C.

- (i) that Developer shall be permitted to continue its current filling operations on the Site until the Termination Date, as hereinafter defined, and in accordance with the provisions of Section 159.083(C) applicable to the conduct of fill placement uses comparable to that conducted by Developer, including the operation and storage within the Fill Area of construction equipment, vehicles and other equipment used by Developer in the conduct of fill operations and concrete and asphalt recycling;
- (ii) that in connection with the aforesaid filling operations, Developer shall be permitted to have semi-truck traffic entering, leaving and travelling through the Site until the Termination Date;
- (iii) that for a period ending on the Termination Date, Developer shall be permitted to continue to park vehicles on other than a hard-paved surface on the Fill Area provided that such vehicle parking shall consist of and be limited to the storage of trucks and trailers as currently conducted on the Fill Area pursuant to the variance approved by Village Ordinance No. 09-0773;
- (iv) that until the Termination Date, or until the property adjoining the Site owned by S.S. Apollo Family Restoration, Inc. is sold, whichever first occurs, Developer shall be permitted to park vehicles on that portion of the Fill Area presently improved with a hard-paved surface, where such vehicles consist of used passenger motor vehicles owned by a licensed used motor vehicle retailer, provided that nothing herein or in the PUD Ordinance shall be construed to authorize the actual conduct of used motor vehicle sales from any portion of the Site, and that the approvals granted herein and in the PUD Ordinance shall be limited to authorize such vehicle parking for the purpose of serving as an offsite or remote storage lot for a licensed used motor vehicle retailer, and provided further, however, that such vehicle parking shall only be authorized within and conducted upon that portion of the Fill Area depicted on Exhibit A as presently improved with a hard surface;
- (v) that until the Termination Date, and notwithstanding any other or contrary provision of this Agreement, Developer shall, within the Contractors' Yard, be permitted to park licensed and operable motor vehicles having passenger vehicle license plates or having truck license plates of Class H or lesser weight registration category and licensed and operable trailers for the transport of equipment having a trailer license plate category of TE or lesser weight registration category (which trailers shall be permitted to be parked with equipment loaded thereon), provided, however, that the Developer shall otherwise, except as provided in subsection (i) above, be prohibited from storing any other vehicles (including semi-trucks and semi-trailers), or untrailer construction equipment or other equipment or materials of any kind within the Contractors' Yard or from locating or storing any other mobile or temporary office or storage structure thereon (including but expressly not limited to mobile office trailers and shipping containers used for portable storage), and shall likewise be prohibited, except as provided in subsection

(i) above, from storing any of the previously herein enumerated vehicles, trailers, equipment, trucks, mobile/temporary structures or materials of any kind on the Hahn Property or the Ace Hardware Property;

(vi) that notwithstanding any other or contrary provision of this Agreement, Developer, as a condition to the placement of any fill material whatsoever on any portion of the Site other than the Fill Area, shall design, construct and place into operation and use such storm water management facilities as may be required by applicable ordinance, together with appropriate best management practices (both ultimate and interim) to promote water quality, erosion and sediment control, all as reviewed and approved by the Village; and

(vii) that except for the activities hereinabove specifically permitted for the period from the date of the approval of the PUD Ordinance until the Termination Date, no outside storage of materials or personal property shall be permitted on the Site other than in compliance with the requirements of the P-B Planned Business District. Except as permitted pursuant to the terms of this Section 2 A, Developer is prohibited from storing any other vehicles (including semi-trucks and semi-trailers), or untrailer construction equipment or other equipment or materials of any kind, or from locating or storing any other mobile or temporary office or storage structure thereon (including but expressly not limited to mobile office trailers and shipping containers used for portable storage), on the Site.

The "Termination Date" is December 31, 2023. If upon the Termination Date, the Site has not been filled to the level of the final grades shown on the Finished Grading Plan prepared by Knight Engineers and Architects, Project # 7406.05 dated May 4, 2018, as from time to time revised, then the Developer shall have the right to continue fill and concrete and asphalt recycling operations as provided in subsection 2A(i) above, including the operation and storage of vehicles and equipment as therein provided, until December 31, 2028. With respect to the continuation of other activities described in Section Two A, Developer may request an extension of the Termination Date from the Village, and the Village Manager's staff shall have the right to review and act upon the extension request at its discretion, and to condition any approval of such an extension upon the Developer's acceptance of reasonable conditions related thereto.