

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DH*

DATE: September 23, 2008 (BOT) Date: October 2, 2008

TITLE: PC 08-27: 591 S. Main Street

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. The petitioner, the Village of Lombard, requests conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District. (DISTRICT #5)

The Plan Commission recommended approval of this petition with conditions.

Staff is also requesting a waiver of first reading.

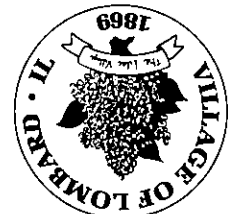
Please place this item on the October 2, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *David A. Hulseberg* _____
Date _____
Date _____
Date *9/24/08* _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: October 2, 2008

SUBJECT: PC 08-27; 591 S. Main Street

Attached please find the following items for Village Board consideration as part of the October 2, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-27;
3. An Ordinance granting conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District; and
4. Plans associated with the petition.

The Plan Commission recommended approval of the zoning actions associated with the petition with conditions.

Staff is requesting a waiver of first reading.

H:\C:\WORD\USER\PC\CAS\SES\2008\PC 08-27\DAH referral memo.doc



VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



Village President
William J. Mueller

Village Clerk
Britte O'Brien

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 08-27; 591 S. Main Street

Trustees
Greg Alan Cron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, requests conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District.

Village Manager
David A. Hulseberg

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 15, 2008. Josephayne Meloun, operator of Josephayne Automotive at 591 S. Main Street, presented the petition. Mr. Meloun stated that he wished this conditional use had been completed nineteen years ago. He stated that there were some zoning issues on the property. However, those issues would be taken care of.

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Chairperson Ryan then opened the meeting for public comment.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

John Burkett, 252 W. Ethel Ave., stated that he has used Mr. Meloun as his mechanic for many years. He stated that Mr. Meloun is credible, competent, and an asset to the community. Mr. Burkett stated that the automotive repair work done at Josephayne Automotive is high quality.

William Heniff, Acting Director of Community Development, commented on the petition. Mr. Heniff stated that the public hearing was intended to address a 1989 agreement between the Village and Josephayne Automotive. The Village of Lombard is listed as the petitioner due to meeting the obligations of that agreement.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff has prepared a report and is submitting it to the public record in its entirety. The subject property is located at the northeast corner of Main Street and Madison Street. The

property is developed with an automobile repair building approximately 2,180 square feet in size.

This public hearing is intended to address an agreement entered into April 20, 1989 between JoeShayne Automotive and the Village of Lombard. The agreement stated that the Village would grant a conditional use for automobile repair in consideration of JoeShayne agreeing to, among other things, a dedication to the Village of approximately one hundred (100) square feet located at the northeast corner of Main Street and Madison Street. However, the agreed upon conditional use was never approved by the Village through a public hearing process. The Village of Lombard is acting as petitioner in order to fulfill this obligation.

The business operator, JoeShayne Meloun, was issued a Certificate of Occupancy on January 14, 1987 to operate an automobile service station at 591 S. Main Street. At that time, the Zoning Ordinance required that all automobile service stations provide gasoline pumping services. JoeShayne Automotive originally provided this service. However, Mr. Meloun desired to remove the underground fuel tanks on the property to avoid the possibility of environmental effects from future leaks. In order for Mr. Meloun to continue servicing automobiles without providing gasoline pumping services, a change in use to automobile repair was necessary.

On April 20, 1989, JoeShayne Automotive and the Village entered into an agreement which would grant a conditional use for an automotive repair business on the subject property.

The conditional use was to be granted subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing tree standing identification sign.

3. Curbing per ordinance shall be provided between landscaped and paved areas.

4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.

5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.

6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Cartano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.

7. Petitioner may remove fuel storage tanks.

With the exception of the enclosure for the trash receptacle, these conditions have been met. However, Mr. Meloun has agreed to apply for a permit to complete this last condition.

The Comprehensive Plan calls for this area to be developed with Neighborhood Commercial uses. The agreement for a conditional use predates the Comprehensive Plan adopted in January 1998.

The property is primarily surrounded by a gas station, convenience shopping and services, offices, and residential properties. Staff finds the proposed use to be compatible with the surrounding land uses.

As no changes to the building or site are proposed at this time, the conditional use itself is the only zoning issue under consideration. Staff also notes that any activities beyond those set forth within Resolution R12289 and the ordinance of approval may constitute an amendment to the conditional use approval.

Staff is recommending approval of the petition subject to the conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that he had no problem with the conditional use.

Commissioner Sweetser stated that she felt essentially the same way.

Commissioner Olbrysh motioned to approve PC 08-27 subject to the seven conditions outlined in the staff report. The motion was seconded by Commissioner Sweetser.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, recommends to the Corporate Authorities **approval** of the zoning actions associated with PC 08-27 for the subject property, subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.

3. Curbing per ordinance shall be provided between landscaped and paved areas.

4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.

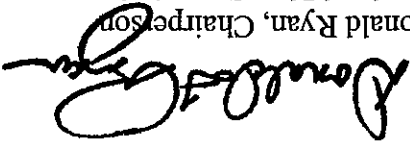
5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.

6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carrano Meats (and/or its assigns) contracted to be serviced by "Joeshayne" which are currently parked on the premises as part of the business may be maintained.

7. Petitioner may remove fuel storage tanks.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairman
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission
FROM: Department of Community Development
PREPARED BY: Stuart Moynihan Associate Planner

TITLE

PC 08-27; 591 S. Main Street: The petitioner requests conditional use approval to allow for automobile repair in the B2 General Neighborhood Shopping District.

GENERAL INFORMATION

Petitioner: The Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Property Owner: Chicago Title Land Trust
TR B7991139154
181 W. Madison Street No. 17 Fl.
Chicago, IL 60602

Relationship of Petitioner: Party to a 1989 agreement

PROPERTY INFORMATION

Existing Land Use: Automobile repair facility

Size of Property: Approximately 17,889 square feet

Comprehensive Plan: Recommends Neighborhood Commercial

Existing Zoning: B2 General Neighborhood Shopping District

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; developed as Single-Family Residences.

South: B2 General Neighborhood Shopping District; developed as office spaces.

East: R2 Single-Family Residence District; developed as Single-Family Residences.

West: B2 General Neighborhood Shopping District; developed as a White Hen, a dry cleaners, and a fast food restaurant.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on September 5, 2008 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards.
3. Site plan detailing parking lot improvements approved August 9, 1995.
4. Resolution R12289 dated April 20, 1989 between the Village of Lombard and the owner of the subject property (Attachment A).

DESCRIPTION

The subject property is located at the northeast corner of Main Street and Madison Street. The property is developed with an automobile repair building approximately 2,180 square feet in size. This public hearing is intended to address an agreement entered into April 20, 1989 between JoeShayne Automotive and the Village of Lombard. The agreement stated that the Village would grant a conditional use for automotive repair in consideration of JoeShayne agreeing to, among other things, a dedication to the Village of approximately one hundred (100) square feet located at the northeast corner of Main Street and Madison Street. However, the agreed upon conditional use was never approved by the Village through a public hearing process. The Village of Lombard is acting as petitioner in order to fulfill this obligation. This petition is intended to memorialize the representations in the 1989 agreement.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works has not offered any comments at this point in time.

PRIVATE ENGINEERING SERVICES

From an engineering or construction perspective, PES has no comments.

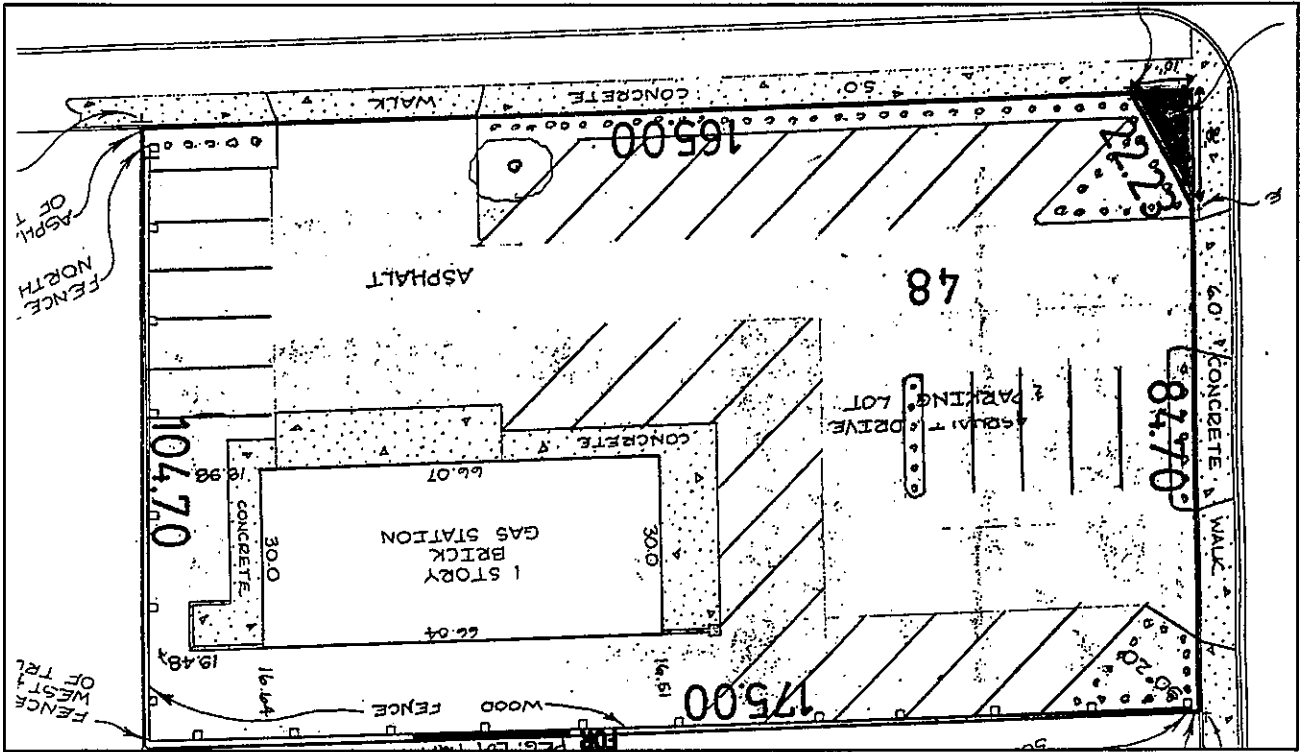
BUILDING AND FIRE

Upon review of the above referenced request, the Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

The business operator, Joeshayne Meloun, was issued a Certificate of Occupancy on January 14, 1987 to operate an automobile service station at 591 S. Main Street. At that time, the Zoning Ordinance required that all automobile service stations provide gasoline pumping services. Joeshayne Automotive originally provided this service. However, Mr. Meloun desired to remove the underground fuel tanks on the property to avoid the possibility of environmental effects from future leakages. In order for Mr. Meloun to continue servicing automobiles without providing gasoline pumping services, a change in use to automobile repair was necessary.

On April 20, 1989, Joeshayne Automotive and the Village entered into an agreement which would grant a conditional use for an automotive repair business on the subject property (see Attachment A). As part of that agreement, Mr. Meloun agreed to deed a triangle approximately one hundred (100) square feet in size at the southwest corner of this property to the Village as part of a road widening and modernization program (see below).



The conditional use was to be granted subject to the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel tanks.

Status: A permit for a site and landscape improvement plan was issued on August 9, 1995 (see above site plan).

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
Status: The gas price sign and pole have been removed and the freestanding sign has been relocated.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
Status: Curbing has been provided per ordinance.

4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.
Status: A six (6) foot high solid wood fence is in place along the north and east property lines.
5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.

6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Cartano Meats (and/or its assigns) contracted to be serviced by "Joeshayne" which are currently parked on the premises as part of the business may be maintained.
Status: Mr. Meloun states that only those vehicles awaiting repair are stored on the property and that the repair shop no longer services Cartano Meats trucks.
7. Petitioner may remove fuel storage tanks.

Status: On August 15, 1989, a permit was issued to allow Best Environmental, Inc. of Channahon, IL to remove the fuel storage tanks. A document provided by Best Environmental lists Joeshayne Automotive as a closed account indicating that these tanks were removed.

The agreement called for a conditional use to be granted. However, a conditional use may only be granted through a public hearing process. A public hearing was never held concerning the automobile repair shop. Nevertheless, Joeshayne Automotive has been performing automotive service and repairs for more than twenty years. The Code Enforcement Division reports that in the

past ten years the only issues on the property were the existence of portable sign and the sale of a recreational vehicle from the parking lot. Both issues were resolved at Code Enforcement's request.

Compatibility with the Comprehensive Plan

The Comprehensive Plan calls for this area to be developed with Neighborhood Commercial uses. The agreement for a conditional use predates the Comprehensive Plan adopted in January 1998.

Compatibility with the Surrounding Land Uses

The property is primarily surrounded by a gas station, convenience shopping and services, offices, and residential properties. Staff finds the proposed use to be compatible with the surrounding land uses. The use of the subject property as an automobile repair shop is not anticipated to be of a noxious, noisy, or hazardous nature as to be a particular nuisance to surrounding residential properties.

Compatibility with the Zoning Ordinance

As no changes to the building or site are proposed at this time, the conditional use itself is the only zoning issue under consideration. Staff also notes that any activities beyond those set forth within Resolution R12289 and the ordinance of approval may constitute an amendment to the conditional use approval.

FINDINGS AND RECOMMENDATIONS

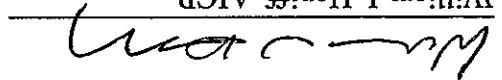
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it will meet the standards for conditional uses, subject to the conditions of approval as set forth in 1989. As such, the IDRC recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested relief **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities approval of PC 08-27, subject to the conditions set forth in the Resolution R12289, as follows:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning (said plan was approved August 9, 1995) prior to the issuance of the permit to remove said fuel tanks.

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.
5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.
6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Cartano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.
7. Petitioner may remove fuel storage tanks.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP

Acting Director of Community Development

WJH

c: Petitioner

THIS AGREEMENT ENTERED INTO THIS 20th DAY OF APRIL, 1989 BY AND BETWEEN JOESHAYNE AUTOMOTIVE, INC., AN ILLINOIS CORPORATION (HEREINAFTER REFERRED TO "JOESHAYNE") AND THE VILLAGE OF LOMBARD, A MUNICIPAL CORPORATION OF THE STATE OF ILLINOIS (HEREINAFTER REFERRED TO AS THE "VILLAGE").

WHEREAS, JOESHAYNE maintains a motor vehicle service facility at the property commonly known as 591 S. Main Street, Lombard, Illinois; and

WHEREAS, the VILLAGE has a requirement that all motor vehicle service facilities actively operate and provide gasoline pumping service for customers; and

WHEREAS, JOESHAYNE desires to remove the gasoline tanks and cease operating any gasoline pumping business at his motor vehicle service facility due to the fact that they provide a potential environmental hazard due to possible leaks in the future; and

WHEREAS, prior to this Agreement and as part of a road widening and modernization program, the VILLAGE has requested, and JOESHAYNE has agreed, to deed to the VILLAGE approximately 100 square feet located at the Northeast corner of Main Street and Madison Street (the corner at which 591 S. Main St., Lombard, Illinois is located);

WHEREAS, JOESHAYNE is concerned that if the VILLAGE permits him to remove the gasoline tanks presently maintained on the premises and he does not thereafter put new gasoline tanks in and resume providing gasoline pumping service to the public, that the VILLAGE will find him in violation of its ordinances requiring the pumping of gasoline by motor vehicle service facilities and will either fine him or disallow his use of the subject property as a motor vehicle service facility.

NOW, THEREFORE, in consideration of JOESHAYNE agreeing to deed to the VILLAGE the approximate 100 square feet located at the Northeast corner of Main Street and Madison Street, Lombard, Illinois and for other good and valuable consideration, it is hereby agreed by and between the parties hereto as follows:

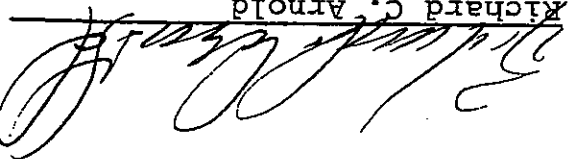
1. The premises hereinabove are incorporated herein by reference.

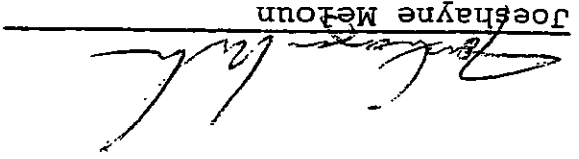
2. That the VILLAGE hereby grants a conditional use to "JOESHAYNE" subject to the normal conditions of the Lombard Zoning Ordinance, as attached hereto and marked Exhibit "A". Said conditional use allows the property to be used for purposes of an automotive repair business rather than an automotive service business.

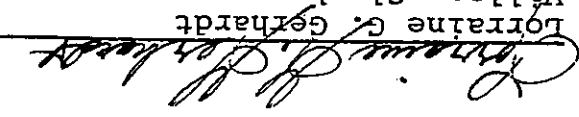
IN WITNESS WHEREOF, the VILLAGE and JOESHAYNE have signed this Agreement the day and year first written above.

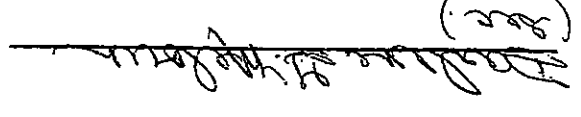
VILLAGE OF LOMBARD

JOESHAYNE'S AUTOMOTIVE, INC.


Richard C. Arnold
Village President
ATTEST:


Joeshayne Meloun
President
ATTEST:


Lorraine G. Gerhardt
Village Clerk
Seal:


Joeshayne Meloun
President
Seal:

A conditional use is granted to "Joeshayne" subject to the following conditions:

EXHIBIT A

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning prior to the issuance of the permit to remove said fuel storage tanks.
2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.
3. Curbing per ordinance shall be provided between landscaped and paved areas.
4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to review and approval of the Director of Planning.
5. A screen trash receptacle shall be maintained subject to the review and approval of the Director of Planning.
6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Carfano Meats (and/or its assigns) contracted to be serviced by "Joeshayne" which are currently parked on the premises as part of the business may be maintained.
7. Petitioner may remove fuel storage tanks.

RECEIVED
AUG 03 1989
PLANNING

Thomas J. Riggs
Acting Village Attorney

APPROVAL AS TO FORM:

Lorraine G. Gerhardt
Village Clerk

ATTEST:

Richard C. Arnold
Village President

Richard C. Arnold

Approved this 20th day of April, 1989

Absent: NONE

Nays: TROSS

Ayes: TULLY, FRANCIS, KUFRIN, KRISCH, VAZQUEZ

Adopted this 20th day of April, 1989

Section 2: That the Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Section 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said agreement as attached hereto.

ILLINOIS as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY,

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such agreement.

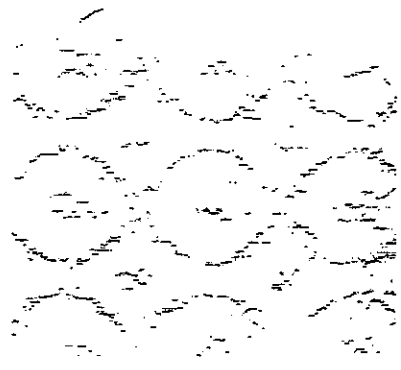
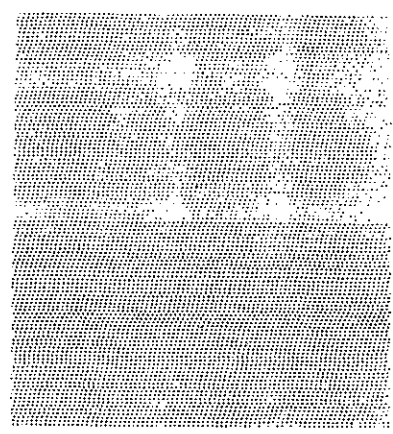
WHEREAS, the Corporate Authorities of the Village of Lombard have received an agreement between the Village of Lombard and Josephayne's Automotive, Inc., as attached hereto and marked Exhibit "A"; and

A RESOLUTION AUTHORIZING SIGNATURE OF PRESIDENT AND CLERK ON AN AGREEMENT

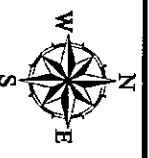
RESOLUTION
122
R 89

Conditional Use 5918 Main St

JEFF



591 S. Main St.



- Active Cases
- Parcel Addresses
- Centerline
- JURIS
- RIVER
- +--+ RXR
- ===== TOLLWAY
- - - TRAIL
- - - Boundary Agreement
- Parcels
- Trustee Boundaries

24 ft



Response to Standards for Conditional Uses

1. The conditional use will not be detrimental to the public health, safety, morals, comfort, or general welfare as evidenced by the history of the business operations without significant incidents.
2. As the business has already been in operation for more than twenty years, the conditional use would not adversely affect neighboring properties.
3. The conditional use will not impede development on surrounding properties.
4. Adequate public facilities are in place.
5. Ingress and egress points have been in the same locations for more than twenty years without congestion problems.
6. The conditional use does not conflict with the objectives of the Comprehensive Plan.
7. The conditional use will conform to all other applicable regulations.

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.414 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 08-27; 591 S. Main Street)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property as defined below is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 414 (C) of the Lombard Village Code to provide for Automobile Repair; and

WHEREAS, a public hearings on the foregoing application were conducted by the Village of Lombard Plan Commission on September 15, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein, subject to conditions; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 414 (C) of the Lombard Village Code to provide for Automobile Repair, subject to the conditions set forth in Section 3 below.

SECTION 2: That this Ordinance is limited and restricted to the property located at 591 S. Main Street, Lombard, Illinois and legally described as follows:

PARCEL 1: PART OF LOT 48 IN MORNINGSIDE PARK SUBDIVISION IN THE SOUTH WEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SOUTH MAIN STREET WITH THE NORTH LINE OF EAST MADISON STREET; THENCE NORTHERLY ALONG THE EAST LINE OF SOUTH MAIN STREET, 104.7 FEET; THENCE EASTERLY AND PARALLEL WITH THE EAST MADISON STREET 90 FEET; THENCE SOUTHERLY AND PARALLEL WITH SOUTH MAIN STREET, 104.70 FEET TO THE NORTHERLY LINE OF EAST MADISON STREET; THENCE WESTERLY ALONG THE NORTHERLY LINE OF EAST MADISON STREET 90 FEET TO THE PLACE OF BEGINNING. (EXCEPT FOR THE FOLLOWING DESCRIBED TRACT, AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 48 OF MORNINGSIDE PARK SUBDIVISION, THENCE EAST 10.0 FEET ALONG THE SOUTH LINE OF LOT 48; THENCE NORTH AT AN ANGLE OF 63.0 DEGREES WEST, A DISTANCE OF 22.23 FEET TO THE WEST LINE OF LOT 48; THENCE SOUTH ALONG THE WEST LINE OF LOT 48 A DISTANCE OF 20.0 FEET, TO THE POINT OF BEGINNING.)

PARCEL 2: PART OF LOT 48 IN MORNINGSIDE PARK SUBDIVISION IN THE SOUTH WEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SOUTH MAIN STREET WITH THE NORTHERLY LINE OF EAST MADISON STREET; THENCE EASTERLY ALONG THE NORTHERLY LINE OF EAST MADISON STREET, 90 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH SOUTH MAIN STREET, 104.7 FEET; THENCE EASTERLY AND PARALLEL WITH THE EAST MADISON STREET 85 FEET; THENCE SOUTHERLY AND PARALLEL WITH SOUTH MAIN STREET, 104.7 FEET TO THE NORTHERLY LINE OF EAST MADISON STREET; THENCE WESTERLY ALONG THE NORTHERLY LINE OF EAST MADISON STREET, 85 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-317-022, 06-08-317-016; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Sections 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. The subject site and landscape improvement plan including striping for parking shall be reviewed and approved by the Director of Planning (said plan was approved August 9, 1995) prior to the issuance of the permit to remove said fuel tanks.

2. The existing gas price sign and pole shall be removed concurrent with the relocation of the existing free standing identification sign.

3. Curbing per ordinance shall be provided between landscaped and paved areas.

4. A solid wood six (6) foot fence shall be installed along the north and east property lines subject to the review and approval of the Director of Planning.

5. A screened trash receptacle shall be maintained subject to the review and approval of the Director of Planning.

6. No outside storage shall be permitted except the temporary (generally not to exceed three (3) days) vehicles awaiting repair. Three (3) vehicles owned by Cartano Meats (and/or its assigns) contracted to be serviced by "JoeShayne" which are currently parked on the premises as part of the business may be maintained.

7. Petitioner may remove fuel storage tanks.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008, pursuant to a roll call vote as follows:

Ayes: _____
Nays: _____
Absent: _____

Approved by me this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet from this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk