

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

Resolution or Ordinance (Blue) \_\_\_\_\_  
Recommendations of Boards, Commissions & Committees (Green) \_\_\_\_\_  
Waiver of First Requested  
Other Business (Pink) \_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, AICP, Village Manager

DATE: May 27, 2008 (BOT) Date: June 5, 2008

TITLE: PC 08-16: 951 N. Ridge Ave.

SUBMITTED BY: Department of Community Development *WVA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests the following approvals related to conditional uses:

1. The petitioner requests conditional use approval from Section 155.420 (C) (13) to allow for an existing Landscape Contractor's Storage Yard in the I Limited Industrial District.
2. The petitioner requests approval from Section 155.420 (C) (39) for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District.

The Plan Commission recommended approval of this petition with conditions.

Please place this item on the June 5, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_  
Date \_\_\_\_\_

Finance Director X \_\_\_\_\_  
Date \_\_\_\_\_

Village Manager X *David A. Hulseberg*  
Date *5/29/08*

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.

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  2. The petitioner requests approval from Section 155.420 (C) (39) for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District.
- (DISTRICT #1)

The Plan Commission recommended approval of this petition with conditions.  
Please place this item on the June 5, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>David A. Hulseberg</i>	Date	<i>5/29/08</i>

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, AICP, Village Manager

**FROM:** William Heniff, AICP, Acting Director of Community Development *WTH*

**DATE:** June 5, 2008

**SUBJECT:** PC 08-16: 951 N. Ridge Ave.

Attached please find the following items for Village Board consideration as part of the June 5, 2008 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 08-16;
3. An Ordinance granting approval of a conditional use for Food Manufacturing, Packaging, and Processing; and
4. Plans associated with the petition.

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





**VILLAGE OF LOMBARD**

255 E. Wilson Avenue  
Lombard, IL 60148-3931  
(630) 620-5700 FAX: (630) 620-8222  
TDD: (630) 620-5811  
www.villageoflombard.org

June 5, 2008

Mr. William J. Mueller,

Village President, and

Board of Trustees

Village of Lombard

**Subject: PC 08-16; 951 N. Ridge Ave.**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests the following approvals related to conditional uses:

1. The petitioner requests conditional use approval from Section 155.420 (C) (13) to allow for an existing Landscape Contractor's Storage Yard in the I Limited Industrial District.
2. The petitioner requests approval from Section 155.420 (C) (39) for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 19, 2008.

Bruce Church, 951 N. Ridge Ave., Lombard, of Balanced Environments presented the petition. Mr. Church described the first petition for a conditional use. In 1983, Mr. Church's father, Denny Church, bought and developed the subject property as a landscape contractor's storage yard. Later, it was leased to another landscaping company and was continually used as a landscape contractor's storage yard. In 2008, Bruce Church reassumed the lease at the subject property and continued operation as a landscape contractor's storage yard. Therefore, the use is legal non-conforming. Mr. Church described the second petition for a conditional use. He stated that there was an existing diesel fuel tank on subject property. The tank was recently removed by the previous tenant.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition to the petition.

Chairperson Ryan then requested the staff report.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."  
"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Stuart Moylham, 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, addressed as 951 North Ridge Avenue, is currently being used as a Landscape Contractor's Storage Yard. An asphalt and concrete repair business, Hard Surface Solutions, is also located on the property.

The property has been in use as contractor's yard beginning in or before 1983 and is, therefore, considered a legal non-conforming use. Approval of the petitioner's first request would address this legal non-conformity. As a Contractor's Storage Yard in the I Limited Industrial District is a conditional use, Village Board approval is required.

The petitioner also requests approval to allow the construction of two above ground diesel fuel tanks on the property. Within the past two years, an above ground fuel tank of a similar nature was removed from the property. As accessory structures on the same property as a conditional use in the I Limited Industrial District are considered conditional uses themselves, Village Board approval is required.

With regard to the Fire Department, the Fire Marshall will be conducting a full review of the permit.

As part of the conditional use review process, staff has reviewed the current conditions on the property as they relate to parking and landscaping requirements.

The property currently has forty-nine (49) spaces, meeting the total number required. However, the property only has one Accessible Parking Space where two are required.

Balanced Environments currently stores its dumpsters within the contractor's yard area itself. However, this does not meet the dumpster screening provisions of Section 155.710 of the Zoning Ordinance. The petitioner would need to install a solid wood fence at a height of not less than six (6) feet and not more than eight (8) feet to meet this requirement.

Within the contractor's storage yard, there is a large unpaved area that is currently covered with gravel. Staff believes it desirable to have this area paved as vehicles will be parked there overnight.

The approval of the requested conditional use would not have significant effects on surrounding properties as the current business already operates as a legal non-conforming use. The proposed diesel fuel tanks have been reviewed by both the Village of Lombard's Fire Department and the Office of the State Fire Marshal. The tanks are not anticipated to be a danger or nuisance to surrounding properties.

The Comprehensive Plan recommends Light Industrial uses at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

The subject business is industrial in nature and is surrounded exclusively by other industrial uses. The proposed use is compatible with surrounding land uses.

Staff has reviewed the petition and finds that petition does meet the Standards for Conditional Uses set forth in the Zoning Ordinance. Staff is recommending approval subject to the five (5) conditions in the staff report.

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

Commissioner Olbrysh asked what the capacity of the tanks would be.

Bruce Church answered that the tanks would be two thousand five hundred (2500) gallons each.

Commissioner Olbrysh asked why the tanks were being placed above ground.

Bruce Church stated that this way the tanks could be easily visually inspected. Also, the tanks would be electronically monitored for fuel being taken out.

Commissioner Olbrysh asked why the concrete structure around the tanks was necessary and if there should be a top as well.

Bruce Church stated that normally a top is not needed for these kinds of tanks. Also, the concrete is an extra safety precaution as the tanks are double-walled.

Commissioner Sweetser motioned to approve PC 08-16 subject to the conditions outlined in the staff report. The motion was seconded by Commissioner Olbrysh.

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 08-16 for the subject property, subject to the following conditions:

1. The subject property shall be developed and operated in conformance with the site plan prepared by Bruce Church, dated April 15, 2008.

2. The tanks shall meet the following provisions:

a. The tanks shall be double walled.

b. A Spill Prevention Control and Containment plan shall be provided to the Fire Marshall for review.

c. The tanks shall be placed within a containment pad designed to retain twice the volume of the tanks.

d. The petitioner shall obtain permit for above ground storage from the Office of the State Fire Marshal.



- e. The petitioner will need permits from the Village to install the tank(s) and any electrical work, etc.
- f. The fuel tanks shall be exclusively used in conjunction with the business establishment located on the subject property and shall not be used for general fueling purposes.

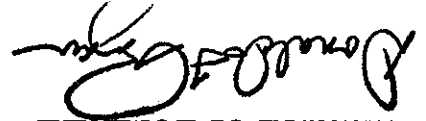
3. All dumpsters or other outside waste containers associated with the business use shall be effectively screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner shall apply for a permit for the fence and screening improvements.

4. The petitioner shall create one additional Accessible Parking Space on the subject property. The Accessible Parking Space shall be located at close to the front entrance of the business as possible.

5. The petitioner shall apply for a permit to pave the large gravel area located within the contractor's storage yard. The permit shall also address any requisite Stormwater detention requirements.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson  
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

**HEARING DATE:** May 19, 2008

**TITLE**

**PC 08-16; 951 N. Ridge Ave.:** The petitioner requests the following approvals related to conditional uses:

1. The petitioner requests conditional use approval from Section 155.420 (C) (13) to allow for an existing Landscape Contractor's Storage Yard in the I Limited Industrial District.
2. The petitioner requests approval from Section 155.420 (C) (39) for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District.

**GENERAL INFORMATION**

**Petitioner:** Balanced Environments, Inc.  
Bruce Church  
17950 W. Route 173  
Old Mill Creek, IL 60083

**Status of Petitioner:**

Tenant

**Property Owner:**

Denny R. Church  
7519 Channahon Ct.  
Fox Lake, IL 60020

**PROPERTY INFORMATION**

**Existing Land Use:** Landscape Contractor's Storage Yard

**Size of Property:** Approximately 1.5 acres

**Comprehensive Plan:** Light Industrial

Existing Zoning: I – Limited Industrial District

Surrounding Zoning and Land Use:

North: I – Limited Industrial District; developed as a warehousing and manufacturing.

South: I – Limited Industrial District; developed as a light manufacturing operation.

East: I – Limited Industrial District; developed as warehousing, offices, light machinery production, printing, and laboratory testing.

West: I – Limited Industrial District; developed as offices, light machinery production, printing, various manufacturing operations, and warehousing.

## ANALYSIS

## SUBMITTALS

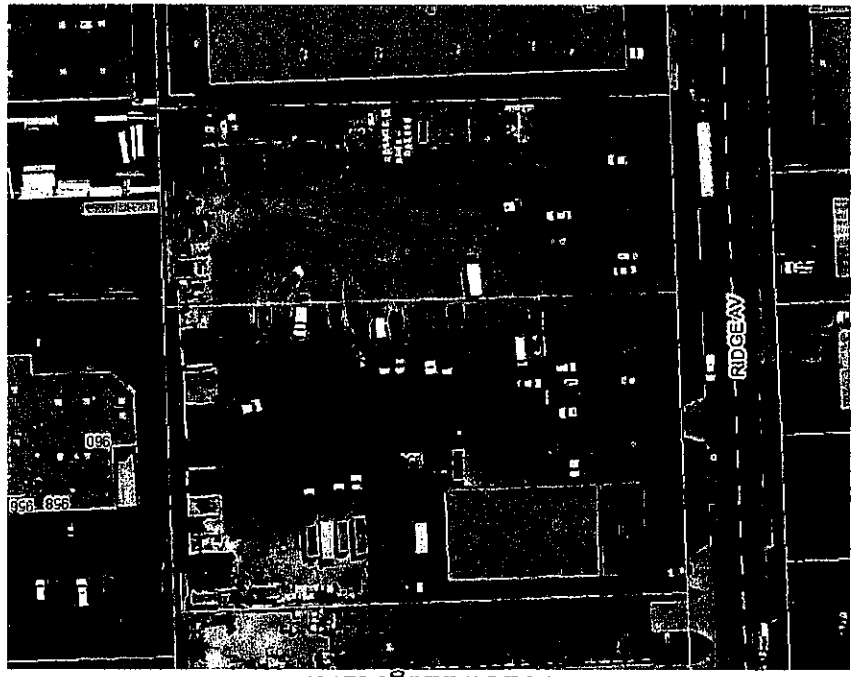
This report is based on the following documents filed with the Department of Community Development on April 16, 2008:

1. Petition for Public Hearing with a response to Standards for Conditional Uses.
2. Plat of Survey, prepared by Mackie Consultants, Inc., undated.
3. Site Plan, submitted by Bruce Church, dated April 15, 2008.
4. Fuel tank specifications, submitted by Bruce Church, dated April 22, 2008.

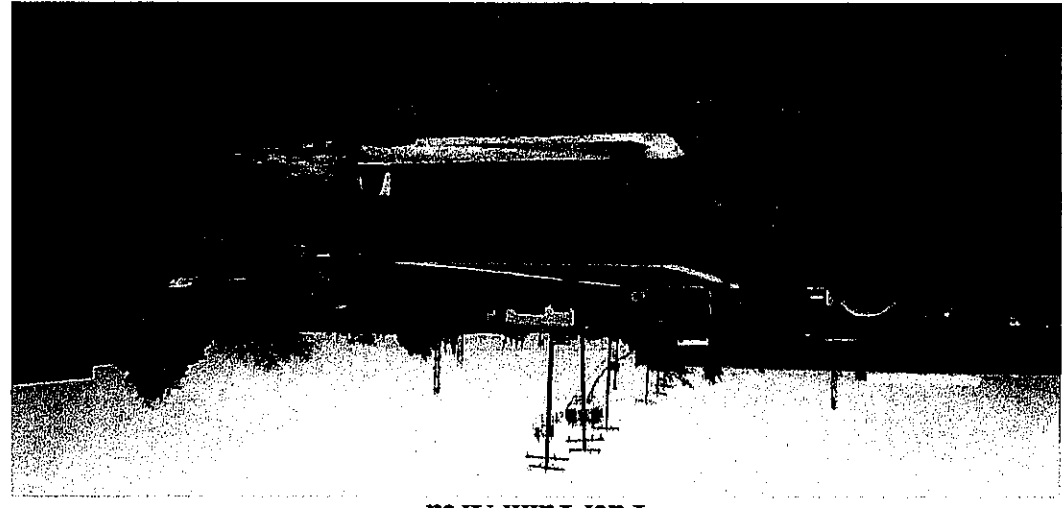
## DESCRIPTION

The subject property is located within the North Avenue Industrial Park, which contains a mix of warehousing, office, light manufacturing and light industrial uses. The subject property, addressed as 951 North Ridge Avenue, is currently being used as a Landscape Contractor's Storage Yard. An asphalt and concrete repair business, Hard Surface Solutions, is also located on the property. Both businesses are owned by the petitioner.

The property has been in use as contractor's yard beginning in or before 1983 and is, therefore, considered a legal non-conforming use. Approval of the petitioner's first request would address this legal non-conformity. As a Contractor's Storage Yard in the I Limited Industrial District is a conditional use, Village Board approval is required.



The petitioner also requests approval to allow the construction of two above ground diesel fuel tanks on the property. Within the past two years, an above ground fuel tank of a similar nature was removed from the property. The fuel tanks will be used by both Balanced Environments and Hard Surface Solutions. As accessory structures on the same property as a conditional use in the I Limited Industrial District are considered conditional uses themselves, Village Board approval is required.



Fuel Tank Area

## INTER-DEPARTMENTAL REVIEW COMMENTS

### PUBLIC WORKS

Public Works has no comments at this time.

### PRIVATE ENGINEERING

Subject to the Fire Marshal's review and requirements, the Private Engineering Division of Community Development offers the following comments on the above petition:

1. The tanks shall be double walled.
2. A Spill Prevention Control and Containment plan shall be provided to the Fire Marshal for review.
3. The tanks shall be placed within a containment pad designed to retain twice the volume of the tanks.
4. Any area to be paved shall meet current Village standards for the pavement section.
5. Stormwater detention is required for the new additional impervious area.

### FIRE AND BUILDING

The Fire Department has the following comments:

1. Petitioner shall obtain permit for above ground storage from the Office of the State Fire Marshal.
2. Additionally, the petitioner will need permits from the Village to install the tank(s) and any electrical work etc.

### PLANNING

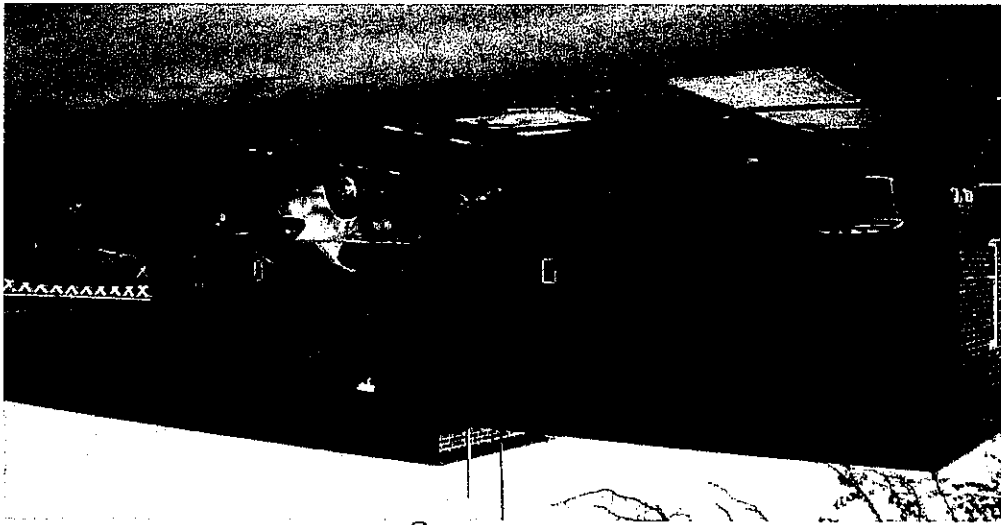
#### Compliance with the Zoning Ordinance

Contractors, architects, and engineers equipment and material storage yards are listed as conditional uses within the I Limited Industrial District. As part of the conditional use review process, staff has reviewed the current conditions on the property as they relate to parking and landscaping requirements.

The petitioner also has plans to construct permanent accessory structures, two above ground diesel fuel tanks, on the property. Accessory structures on the same property as a conditional use in the I Limited Industrial District are considered conditional uses themselves. Therefore, Village Board approval of a second conditional use is required.

The Zoning Ordinance requires one (1) parking space per one and a half (1.5) employees in the I Limited Industrial District. Together Balanced Environments and Hard Surface Solutions employ up to fifty (50) individuals on a given workday at 951 N. Ridge Ave. Therefore, the Zoning Ordinance requires forty-five parking spaces. The property currently has forty-nine (49) spaces, meeting the requirement. However, the property only has one Accessible Parking Space.

The Zoning Ordinance requires that there be two Accessible Parking Spaces for a property with twenty-one (21) to fifty (50) total parking spaces.



Accessible Parking Area

Operations within the indoor office use include sales and administrative functions associated with the two occupying businesses. The petitioner has indicated that the associated outdoor storage for these facilities will include trucks, dump trucks, trailers, various tractors, and asphalt rollers and pavers. Many of these vehicles will not be present during business hours as they will be used for onsite work. Also to be stored outdoors will be small engine machinery, various tools, organic landscaping materials, soil and stone materials, and lumber. Also noted, indoor storage will include machinery undergoing repair, tools and parts associated with repair and maintenance, and office equipment and furniture.

Balanced Environments currently stores its dumpsters within the contractor's yard area itself. However, this does not meet the dumpster screening provisions of Section 155.710 of the Zoning Ordinance. The petitioner would need to install a solid wood fence at a height of not less than six (6) feet and not more than eight (8) feet to meet this requirement.

Within the contractor's storage yard, there is a large unpaved area that is currently covered with gravel. Staff believes it desirable to have this area paved as vehicles will be parked there overnight.

Large Gravel Parking Area



The approval of the requested conditional use would not have significant effects on surrounding properties as the current business already operates as a legal non-conforming use. The proposed diesel fuel tanks have been reviewed by both the Village of Lombard's Fire Department and the Office of the State Fire Marshal. The tanks are not anticipated to be a danger or nuisance to surrounding properties.

**Compatibility with the Comprehensive Plan**

The Comprehensive Plan recommends Light Industrial uses at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

**Compatibility with Surrounding Land Uses**

The subject property has been in use as a Landscape Contractor's Storage Yard beginning in or before 1983. The business operations do not have a history of conflict with surrounding businesses. The subject business is industrial in nature and is surrounded exclusively by other industrial uses. The proposed use is compatible with surrounding land uses.

**FINDINGS AND RECOMMENDATIONS**

Staff has reviewed the petition and finds that petition does meet the Standards for Conditional Uses set forth in the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion to **approve** PC 08-16:

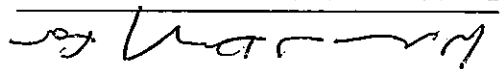
Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and therefore the Plan

Commission and recommend to the Corporate Authorities **approval** of PC 08-16, subject to the following conditions:

1. The subject property shall be developed and operated in conformance with the site plan prepared by Bruce Church, dated April 15, 2008.
2. The tanks shall meet the following provisions:
  - a. The tanks shall be double walled.
  - b. A Spill Prevention Control and Containment plan shall be provided to the Fire Marshall for review.
  - c. The tanks shall be placed within a containment pad designed to retain twice the volume of the tanks.
  - d. The petitioner shall obtain permit for above ground storage from the Office of the State Fire Marshal.
  - e. The petitioner will need permits from the Village to install the tank(s) and any electrical work, etc.
  - f. The fuel tanks shall be exclusively used in conjunction with the business establishment located on the subject property and shall not be used for general fueling purposes.
3. All dumpsters or other outside waste containers associated with the business use shall be effectively screened per the provisions of Section 155.710 of the Zoning Ordinance. The petitioner shall apply for a permit for the fence and screening improvements.
4. The petitioner shall create one additional Accessible Parking Space on the subject property. The Accessible Parking Space shall be located at close to the front entrance of the business as possible.
5. The petitioner shall apply for a permit to pave the large gravel area located within the contractor's storage yard. The permit shall also address any requisite Stormwater detention requirements.



Inter-Departmental Review Group Report Approved By:



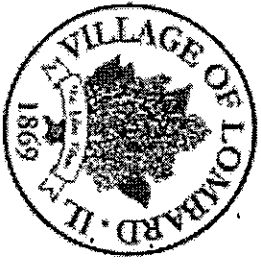
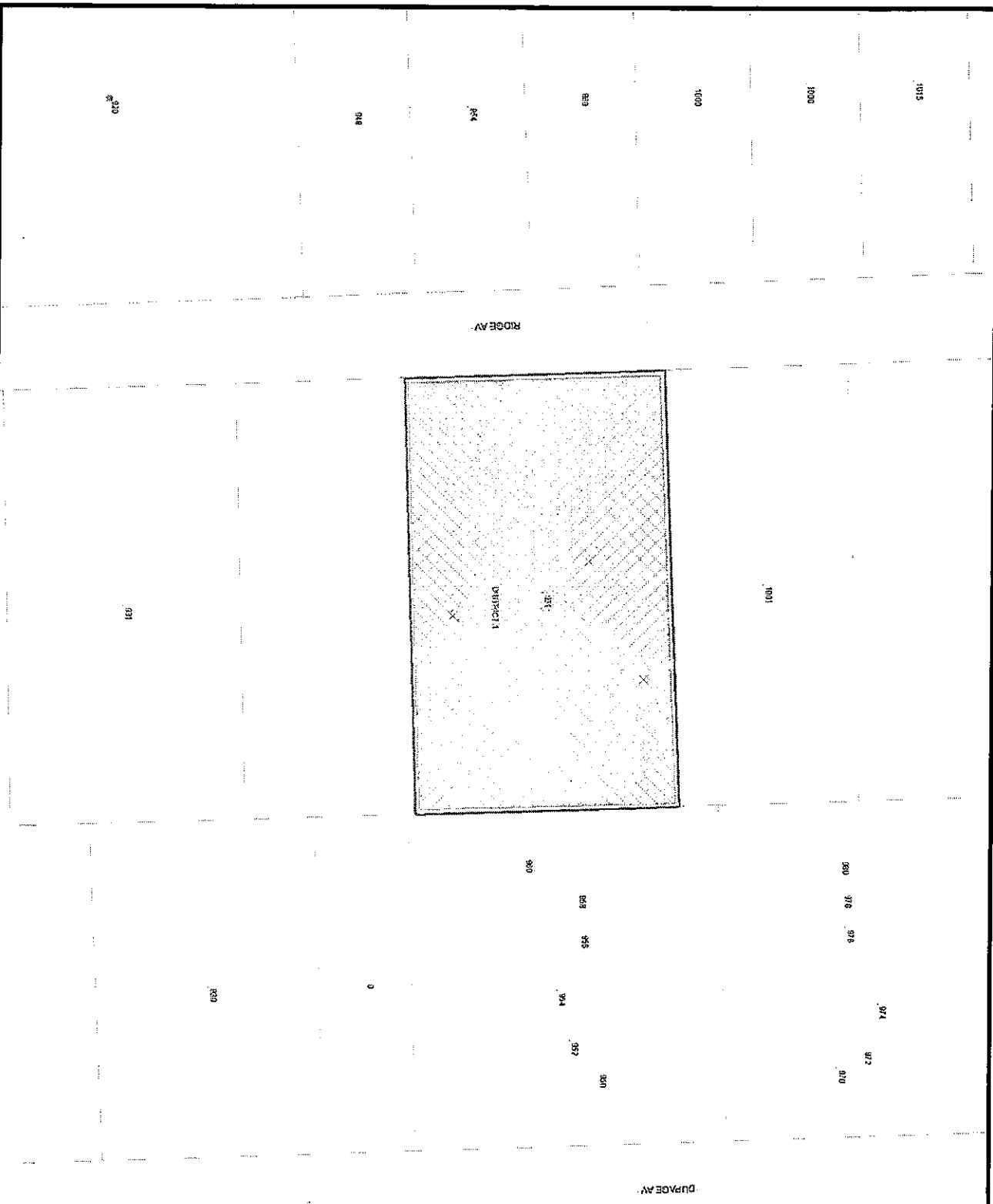
David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:SWM

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# 951 N. Ridge Ave.



\* Active Cases

Address Points

Centerline

JURIS

--- RIVER

-+ RXR

— TOLLWAY

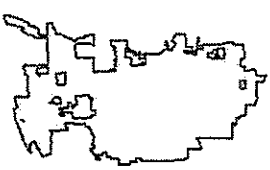
- - - TRAIL

--- Boundary Agreement

Parcels

□ Trustee Boundaries

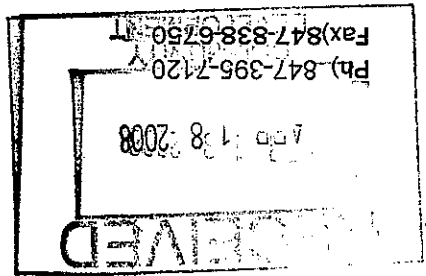
108 ft







17950 West Route 173, Suite B  
Old Mill Creek, IL 60083



Wednesday, April 16, 2008

Mr. Stewart Moynihan  
Village of Lombard  
255 E. Wilson Ave.  
Lombard, IL 60148

Dear Mr. Moynihan:

Enclosed is our petition for the installation of diesel fuel tanks at our yard located at 951 N. Ridge Ave. In addition to the documents attached, below is a response to the standards required for conditional uses (I believe we are a non-conforming conditional use status so I simply addressed the conditional use standards).

Narrative: My father, Denny Church, is the owner of the property which was purchased and developed in 1983 for the purpose of running a contractor's yard, primarily performing the operations of landscape contracting under the name D.R. Church Landscape Co., Inc. When this company merged with TruGreen LandCare in 1999, the tenant's name changed but ownership and use of the property did not. When TruGreen LandCare ceased operations in late 2007, Balanced Environmental and Hard Surface Solutions (both owned by Denny's son, Bruce Church) assumed the lease of the property in March of 2008.

Sometime between when D.R. Church Landscape Co., Inc. merged with TruGreen LandCare and March 1, 2008, TruGreen LandCare had the existing fuel tank removed from the above ground location it occupied for many years under Church Landscape's purview. It is our belief that the tank was leased by a petroleum company and it simply picked it back up when it knew that TruGreen LandCare was ceasing operations.

The tanks we are proposing to be installed would be owned by Balanced Environmental, Inc. and Hard Surface Solutions jointly, not the petroleum company.

### RESPONSE TO STANDARDS

The tanks will not be detrimental to or endanger the public safety, morals, comfort or the general welfare. The tank that was previously in the same location as the location we are proposing to install the new tanks was used in quiet enjoyment the entire time it was there. The new tanks will be per State Fire Marshall Codes and additionally will reside in a fully diked tank enclosure. There shall also be a monitoring system installed with keyed access so that any discrepancies between the amount of fuel entering the system and the amount of fuel being pumped will be quickly identified. There shall also be no unauthorized pumping of fuel without a programmed



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Old Mill Creek, IL 60083

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key. The key will identify the date and time, quantity of fuel, and person responsible for dispensing. There will be a super high level of control on the tank usage.

The tanks will not be injurious, nor will they impair or otherwise affect the value of the properties in the immediate vicinity. The pumps are quiet and will only dispense fuel into vehicles, equipment, or State Fire Marshal approved containers. Should the use of the property ever change, the tanks can be easily removed in a few days after being emptied. The property around the existing yard has been industrial and warehouse for a long time and is completely developed.

The permit will not impeded the surrounding development as it is fully developed at this time.

Full access to the site will be provided as required by the Fire Marshall of the Village of Lombard and all proper setbacks as established by the State Fire Marshall shall be observed.

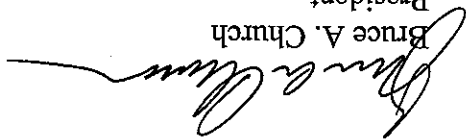
Public ingress and egress will not be affected by the tank installation.

I do not believe this permit is contrary to the objectives of the Comprehensive Plan of Lombard.

The planned tank installation shall conform to the rules of the State Fire Marshall and the Fire Marshall of the Village of Lombard and other such restrictions as the Planning Commission shall deem appropriate.

Thank you for your consideration of this request.

Sincerely,

  
Bruce A. Church  
President

Enc.

**AN ORDINANCE GRANTING A CONDITIONAL USES  
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C)  
OF THE LOMBARD ZONING ORDINANCE**

(PC 08-16; 951 N. Ridge Ave.)

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 I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 420 (C) of the Lombard Village Code to provide for a Landscape Contractor's Storage Yard; and

WHEREAS, said application also requests approval of a conditional use pursuant to Title 15, Chapter 155, Section 420 (C) of the Lombard Village Code to provide for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use in the I Limited Industrial District; and

WHEREAS, a public hearing on the foregoing application were conducted by the Village of Lombard Plan Commission on May 19, 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 uses 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 the following conditional uses, variations and deviations as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

- a. A conditional use, pursuant to Title 15, Chapter 155, Section 420 (C) (13) of the Lombard Village Code to provide for a Landscape Contractor's Storage Yard.

- b. A conditional use, pursuant to Title 15, Chapter 155, Section 420 (C) (39) of the Lombard Village Code to provide for the construction of accessory structures (two above ground diesel fuel tanks) associated with a conditional use.

SECTION 2: That this Ordinance is limited and restricted to the property located at 951 N. Ridge Ave., Lombard, Illinois and legally described as follows:

LOT 3 AND THE NORTH 73.28 FEET OF LOT 4 OF LOMBARD BUSINESS CENTER FIRST RESUBDIVISION OF LOT 1 IN LOMBARD BUSINESS CENTER UNIT FOUR, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED DECEMBER 22, 1977, AS DOCUMENT R77-118164, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 03-31-403-016; (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 property shall be developed and operated in conformance with the site plan prepared by Bruce Church, dated April 15, 2008.
- 2. The tanks shall meet the following provisions:
  - a. The tanks shall be double walled.
  - b. A Spill Prevention Control and Containment plan shall be provided to the Fire Marshall for review.

c. The tanks shall be placed within a containment pad designed to retain twice the volume of the tanks.

d. The petitioner shall obtain permit for above ground storage from the Office of the State Fire Marshal.

e. The petitioner will need permits from the Village to install the tank(s) and any electrical work, etc.

f. The fuel tanks shall be exclusively used in conjunction with the business establishment located on the subject property and shall not be used for general fueling purposes.

3. All dumpsters or other outside waste containers associated with the business use shall be effectively screened per the provisions of Section 15.710 of the Zoning Ordinance. The petitioner shall apply for a permit for the fence and screening improvements.

4. The petitioner shall create one additional Accessible Parking Space on the subject property. The Accessible Parking Space shall be located at close to the front entrance of the business as possible.

5. The petitioner shall apply for a permit to pave the large gravel area located within the contractor's storage yard. The permit shall also address any requisite Stormwater detention requirements.

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