

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: February 22, 2016 (B of T) Date: March 3, 2016
TITLE: PC 16-05: Mesa Electronics, 130 E. St. Charles Road
SUBMITTED BY: Department of Community Development *HN*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Pursuant to Section 155.502 (F)(3), the petitioner requests that the Village grant:

1. Approve a conditional use for a planned development with the following companion deviations;
2. A deviation to Section 155.205 (A)(2)(c) to allow for a fence of six (6) feet in height in a front yard, where four (4) feet is permitted; and
3. A deviation to Section 155.205 (A)(2)(e) to allow for an open construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted.

The Plan Commission recommended approval of this petition by a vote of 5-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: March 3, 2016

SUBJECT: **PC 16-05; Mesa Electronics, Inc. – 130 E. St. Charles Road**

Please find the following items for Village Board consideration as part of the March 3, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-05; and
3. An Ordinance granting approval of a conditional use for a planned development for the subject property with a companion deviation from Section 155.205 (A)(2)(c) to allow for a fence of six (6) feet in height in a front yard, where four (4) feet is permitted; and a deviation to Section 155.205 (A)(2)(e) to allow for an open construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the March 3, 2016 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

March 3, 2016

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bob Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"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."

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

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 16-05: Mesa Electronics, 130 E. St. Charles Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Pursuant to Section 155.502 (F)(3), the petitioner requests that the Village grant:

1. approve a conditional use for a planned development with the following companion deviations;
2. a deviation to Section 155.205 (A)(2)(c) to allow for a fence of six (6) feet in height in a front yard, where four (4) feet is permitted; and
3. a deviation to Section 155.205 (A)(2)(e) to allow for an open construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 15, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development and the petitioner, Andrew Howell.

Acting Chairperson Flint read the Plan Commissions procedures and asked if anyone other than the petitioner intended to cross examine, and, hearing none, he proceeded with the petition.

Mr. Howell said he is with Mesa Electronics. When the property was purchased the building and site was improved, which led to the fence variance being requested. They believe the variance would increase security and improve the look of the area.

Acting Chairperson Flint asked if any person would like to speak in

favor or against this petition, or for public comment. Hearing none, Acting Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner is requesting approval for a six (6) foot open style fence in the front yard and clear line of sight triangle. The property is also being considered for a conditional use for a planned development, pursuant to the Zoning Ordinance. The subject property is currently improved with a one story building and parking lot. As, the property to the north is residential a fence can provide a separation barrier from the two land uses. The Downtown Revitalization Guidebook, adopted as part of the Comprehensive Plan, mentions fencing. It says, "A screening fence along the rear (north) side of the site would provide a buffer between the grocery store and adjacent residential uses." While the original building remains, and is not a grocery store, the Guidebook does note that fencing is important. The petitioner removed an old legal non-conforming chain link fence, of six (6) feet in height, and replaced it with a six (6) foot wrought iron style fence. When they later applied for a permit it was found that the fence did not meet Code as it exceeded height requirements for a front/corner side yard and the clear line of sight area. The attached picture shows the existing wrought iron style fence that is the subject of the petition. Staff noted the two (2) trash dumpsters that are against the fence. Per Code, trash dumpsters are not allowed in the front yard or the clear line of sight area. Also, they must be screened with a solid fence. Staff has noted this to the petitioner in order to have the site Code compliant. This is also noted in the conditions of approval.

Acting Chairperson Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Olbrysh asked what is the nature of the business. Mr. Howell said they are primarily business to business for electronics. They work with many hospitals, hotels, restaurants, and commercial office spaces. They also have a retail storefront that is consumer facing. The businesses all face St. Charles Road.

Commissioner Cooper clarified that the photo is from Garfield Street. Ms. Ganser said yes. Commissioner Cooper asked if the fence will extent along St. Charles Road. Ms. Ganser said it will continue along north where the parking lot abuts the apartment building.

On a motion by Commissioner Burke, and a second by Commissioner Mrofcza, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 16-05, subject to the following four (4) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Express Fence, dated October 15, 2015;
2. The petitioner shall apply for a receive a building permit for the fence;
3. In the event that the existing fence is damaged or destroyed to fifty-percent (50%) of its value, any new fence shall meet all Village Code requirements; and
4. The trash dumpsters shall be moved outside of the front yard and clear line of sight area and shall be screened with a solid fence.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Mesa Electronics, Inc. – 130 E. St. Charles Road

February 15, 2016

Title

PC 16-05

Petitioner

Mesa Electronics, Inc.
130 E. St. Charles Road
Lombard IL 60148

Property Owner

Same

Property Location

130 E. St. Charles Road
06-08-104-011
Trustee District #4

Zoning

B2, General Neighborhood
Shopping District

Existing Land Use

Office/retail

Comprehensive Plan

Community Commercial

Approval Sought

Approval of a planned
development and a fence
variation.

Prepared By

Jennifer Ganser
Assistant Director



PROJECT DESCRIPTION

The petitioner is requesting approval for a six (6) foot open style fence in the front yard and clear line of sight triangle. The property is also being considered for a conditional use for a planned development, pursuant to the Zoning Ordinance.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant:

1. Approve a conditional use for a planned development with the following companion deviations;
2. A deviation to Section 155.205 (A)(2)(c) to allow for a fence of six (6) feet in height in a front yard, where four (4) feet is permitted; and
3. A deviation to Section 155.205 (A)(2)(e) to allow for an open construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted.

EXISTING CONDITIONS

The subject property is currently improved with a one story building and parking lot. Three businesses are located in the building. The front yard is along Garfield Street.

PROJECT STATS

Lot & Bulk

Parcel Size 0.31 acres

Submittals

1. Petition for Public Hearing;
2. Response to Standards;
3. Downtown Revitalization Guidebook, page 30;
4. Letter from State Farm Insurance, dated January 11, 2016;
5. Express Fence Inc. contract, dated October 15, 2015;
6. Site Plan; and
7. Clear line of sight graphic, prepared by Village Staff.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Fire Department:

The Fire Department has no issues or concerns.

Private Engineering Services (PES):

PES has no concerns, as the fence is still an open style fence.

Public Works:

The Department of Public Works has no comments.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R6	Multi-family residential
South	B5PD	Metra parking lot
East	B2	Commercial
West	B5	Commercial

Staff finds the existing land use (retail and office) is consistent with the zoning and land use of the surrounding properties. The property was developed without a transitional landscape yard or adequate space to add one. The property to the north is residential. A fence can provide a separation barrier from the two land uses in lieu of the landscaping.

2. Comprehensive Plan Compatibility

The site and requests are consistent with the Comprehensive Plan designation of Community Commercial.

The Downtown Revitalization Guidebook, adopted as part of the Comprehensive Plan, calls out this site for redevelopment. It says, "A screening fence along the rear (north) side of the site would provide a buffer between the grocery store and adjacent residential uses." While the original building remains, and is not a grocery store, the Guidebook does note that fencing is important. In the future, Mesa Electronics hopes to extend their new fence along the northern property line at six (6) feet tall to provide a separation barrier from the residential use, much like the current legal non-conforming chain link fence.

3. Zoning Ordinance Compatibility

Section 155.502 of the Zoning Ordinance encourages the use of planned developments that provide for a more efficient use of the site. Staff is supportive of the planned development request as it establishes a framework for review and consideration of subsequent activities or structures that could be developed in the future.

The petitioner removed an old legal non-conforming chain link fence, of six (6) feet in height, and replaced it with a six (6) foot wrought iron style fence. When they later applied for a permit it was found that the fence did not meet Code as it exceeded height requirements for a front/corner side yard and the clear line of sight area. The clear line of sight area is a triangular-shaped area adjacent to intersecting access drives maintained to preserve clear visibility at the intersection. Staff finds that the height and location of the fence will not impair public safety. The taller fence provides for additional safety for Mesa Electronics. Though the property is zoned B2, to the west and south is B5 zoning. Chain link fencing is prohibited in the B5, and the petitioner did remove an old chain link fence before the new fence went up.

In the future, Mesa Electronics has plans to extend the six (6) foot wrought iron style fence on the north side of their parking lot. This would replace the remainder of the chain link fence.

The below picture shows the existing wrought iron style fence that is the subject of the petition. Staff noted the two (2) trash dumpsters that are against the fence. Per Code, trash dumpsters are not allowed in the front yard or the clear line of sight area. Also, they must be screened with a solid fence. Staff has noted this to the petitioner in order to have the site Code compliant. This is also noted in the conditions of approval.



FINDINGS & RECOMMENDATIONS

Staff finds that the planned development with associated variance is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the planned development and variance and finds that they **comply** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-

Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 16-05.

Based on the submitted petition and the testimony presented, the proposed request for a planned development and associated variance does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 16-05, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Express Fence, dated October 15, 2015;
2. The petitioner shall apply for a receive a building permit for the fence;
3. In the event that the existing fence is damaged or destroyed to fifty-percent (50%) of its value, any new fence shall meet all Village Code requirements; and
4. The trash dumpsters shall be moved outside of the front yard and clear line of sight area and shall be screened with a solid fence.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development
c. Petitioner

**STANDARDS FOR VARIATIONS
of the Lombard Zoning Ordinance and Lombard Sign Ordinance**

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Mesa Electronics, Inc requests a variance allowing a 6" fence and gate to be erected along the western facing commercial property line, due to a safety and security hardship that will adversely effect daily business operations by impeding the safety and security of Mesa Electronics, its employees, tenants, and affiliates.

Firstly, the petitioned variance will provide safety and security for Mesa Electronics', its employees, tenants, and affiliates - due to the high volume of ongoing shipping and receiving operations and the high dollar value of the goods in transit.

Secondly- the reason for the proposed variance is to provide privacy, isolate disturbances, and protect the current visual ascetic integrity of the neighboring residential apartment complex, located at 19 N. Garfield.

Mesa Electronics' equally important need for this fence and gate is to ensure harmony and peaceful coexistence with the neighbors. The proposed fence's 6 foot height is requested in order to provide both an aesthetically appealing barrier and to increase commercial safety and security. These concerns are due to the contiguous proximity of the 19 N. Garfield residential properties.

It is the absolute intent of Mesa Electronics to create a fence that specifically blends in with not only the existing landscape and vegetation, but is also in complete harmony with the neighboring fence types and appearances.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

Mesa Electronics', its tenants and affiliates utilize a shipping and receiving bay, accessible by way of the rear parking lot, that is subject to a unique operational influx of shipping arrivals and departures that are sensitive in nature due the value and volume of goods in transit. Unlike other business in the area, the large amount of shipping traffic creates a safety and security concern for Mesa Electronics employees, its tenants and affiliates that will be mitigated by a 6" fence.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

Yes, The purpose of the variation is not based primarily upon a desire to increase financial gain.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

Yes, the hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Correct, The granting of the requested variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

Correct, the granting of the variation will not alter the essential character of the neighborhood; and, it is the absolute intent of Mesa Electronics to create a fence that specifically blends in with not only the existing landscape and vegetation, but is also in complete harmony with the neighboring fence types and appearances.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Correct, The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

FIGURE 2.4

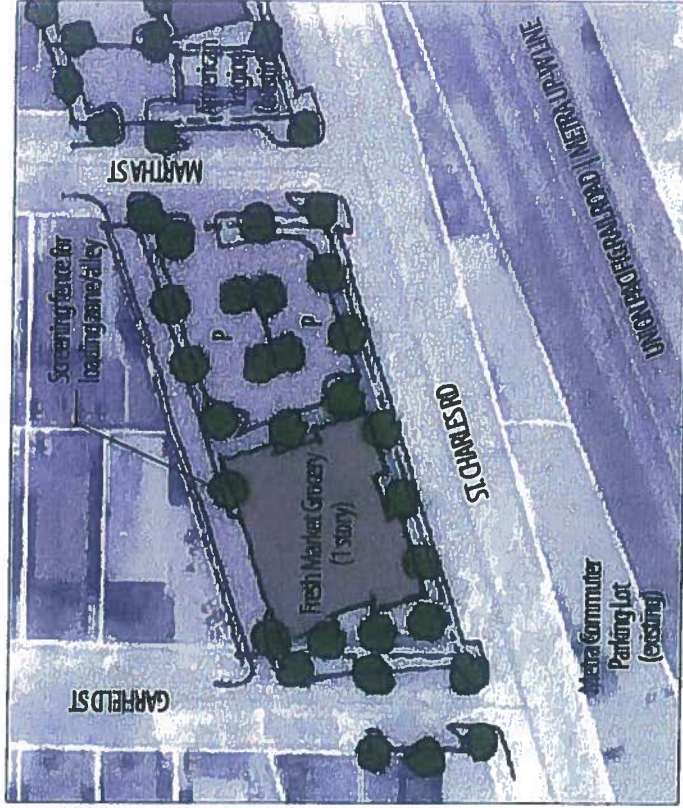
Site E1: Garfield/Martha Site

Description of Approach

This site presently includes the former DuPage Heating & Air Conditioning site, as well as three vacant lots. To provide a local food market option for Downtown Lombard, a fresh market grocery is proposed for this site. Given the dimensions of the site, some of the parking would be provided on-site, while the remainder would be offered by on-street parking spaces. Loading for the grocery would occur at the rear. A screening fence along the rear (north) side of the site would provide a buffer between the grocery store and adjacent residential uses. The Metra commuter parking lot is located to the south across St. Charles Road.

Site Data

Site Area	38,293 sq ft (0.88 acres)
Parcels	4 parcels
Commercial	Fresh market grocery 15,000 sq ft (entire building)
Existing Uses	Former DuPage Heating & Air Conditioning site Three vacant lots





January 11, 2016

To Whom It May Concern:

Replacing a 4 foot fence with a 6 foot fence will mitigate possible future losses due to burglary and weather related incidents.

Should you have any questions, please contact our office at 630-834-8272.

Thank you,

A handwritten signature in black ink that reads "Olivia Kelley". The signature is written in a cursive style with a large, flowing "y" at the end.

Olivia Kelley

State Farm Insurance

EXPRESS

FENCE INC.

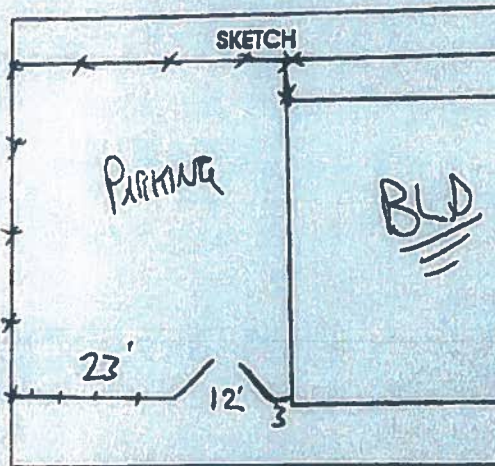
EXPERIENCE THE DIFFERENCE

P.O. Box 454 • Downers Grove, IL 60515
 630.290.6292 • 630.663.8816
 email: expressfenceinc@hotmail.com

Sold To AT HEWITT MESA / MESA ELECTRONICS
 Address 130 E ST CHARLES RD
 Location LOMBARD
 Underground Cable JULIE Number _____

Date 10-5-15
 Lead Source H-AM
 Phone (630) 880-9443
 email _____
 Total Height 6 FT H.
 Post Spaced 6 FT
 Style Fence BLACK IRON

Quantity	INSTALL 5 BLACK IRON.
	SECTIONS 72" HIGH WITH
	FINIALS ON TOP. ALSO
	INSTALL 1 DOUBLE GATE
	IRON MATERIAL BLACK COLOR
	FINIALS ON TOP.
	ALL POSTS SET IN CONCRETE
	\$9860=-



Material _____
 Tax _____
 Total \$9860=-
 Down Payment _____
 BALANCE DUE _____

CONTRACT CONDITIONS
 More or less material other than the amount contracted for will be debited or credited at the current rate.

ACCEPTANCE
 The above proposal when accepted by the Company at its main office, becomes a contract between two parties and is not subject to cancellation. If the contract is cancelled, a 25% charge of the total contract price will be charged. Fence material will retain ownership with Express Fence, Inc., until paid in full. If balance is not paid within 60 days, Express Fence, Inc., has the right to repossess the materials.

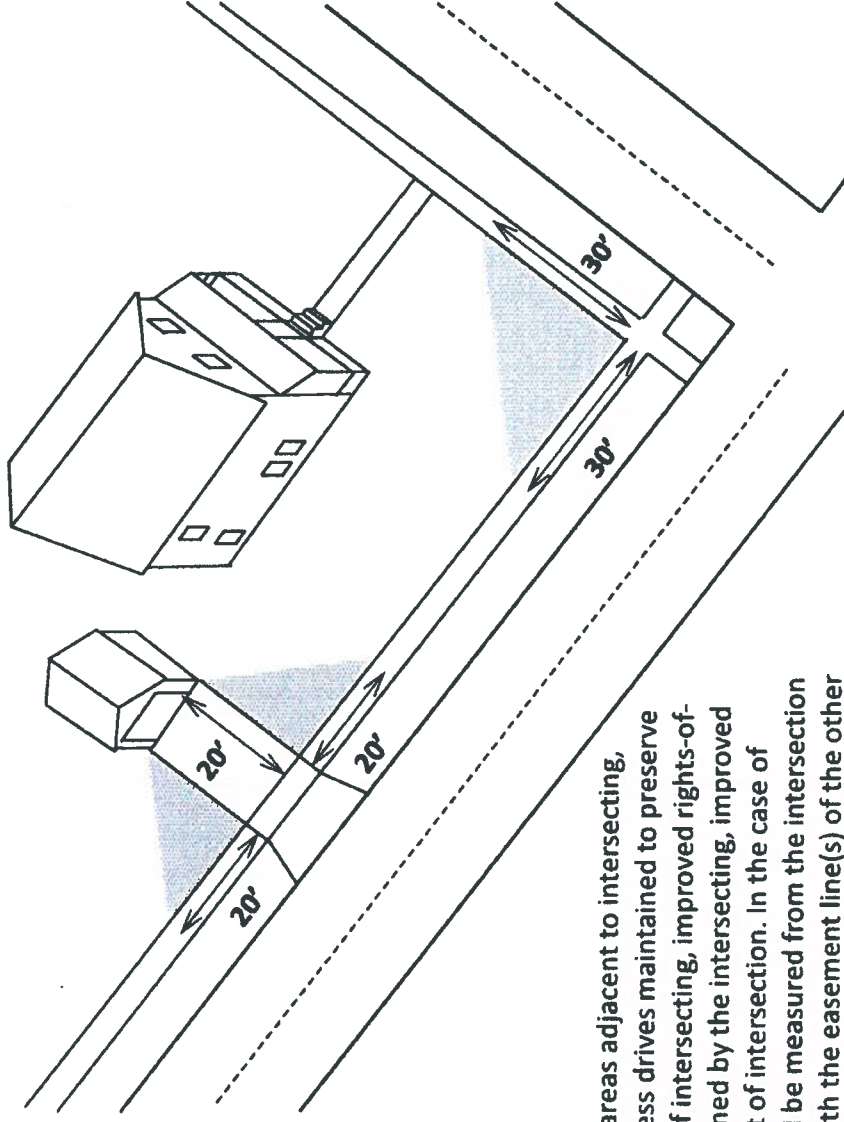
Accepted by:

X _____ X
 Customer Signature Date

For EXPRESS FENCE Date

Appendix 4

Clear Line of Sight Area



Clear line of sight areas are triangular-shaped areas adjacent to intersecting, improved rights-of-way, private streets, or access drives maintained to preserve clear visibility at the intersection. In the case of intersecting, improved rights-of-way, the clear line of sight area is the area formed by the intersecting, improved rights-of-way lines 30 feet away from the point of intersection. In the case of private streets, the clear line of sight area shall be measured from the intersection of the easement line(s) of the private street with the easement line(s) of the other private street, the improved right-of-way, or edge(s) of pavement of a private driveway or access drive. In the case of private residential driveways intersecting with improved rights-of-way or streets, the clear line of sight area is the area formed by the intersection of the edge of pavement of such private drive with the improved rights-of-way or street, 20 feet away from the point of intersection.

Nowakowski, Tamara

From: Ganser, Jennifer
Sent: Friday, February 19, 2016 9:36 AM
To: Nowakowski, Tamara
Subject: FW: waiver of first

PC 16-05

From: Andrew Howell [<mailto:ahowell@mesaelectronics.com>]
Sent: Friday, February 19, 2016 9:33 AM
To: Ganser, Jennifer
Subject: Re: waiver of first

Good morning Jennifer,

Mesa Electronics, Inc would like to request a waiver of the first in order to expediate fence construction.

Kind Regards,

Andrew

Andrew Howell'
Sr. Account Manager
Mesa Electronics Inc.

130 E. Saint Charles Rd.
Lombard, IL 60148
630-613-9938 (office)
630-715-7894 (cell)
630-613-9245 (fax)
ahowell@mesaelectronics.com
www.mesaelectronics.com

On Feb 19, 2016, at 9:29 AM, Ganser, Jennifer wrote:

Andrew,

I will need your request via email if you are still interested.

Jennifer

Jennifer Ganser

Assistant Director of
Community Development
Village of Lombard
255 E Wilson Ave. Lombard, IL 60148

<image001.png>

Phone: (630) 620-5717

Fax: (630) 620-2374

Email: ganserj@villageoflombard.org

Web: www.villageoflombard.org

Follow

us: <image002.png> <image003.png> <image004.png>

ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL OF A CONDITIONAL USE TO ESTABLISH THE SUBJECT PROPERTY AS A PLANNED DEVELOPMENT WITH COMPANION DEVIATIONS FOR A FENCE LOCATED IN THE B2 ZONING DISTRICT

(PC 16-05: Mesa Electronics, 130 E. St. Charles Road)

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 requests approval for a conditional use for a planned development for the subject property located within the B2 General Neighborhood Shopping District, and a deviation to Section 155.205 (A)(2)(c) to allow for a fence of six (6) feet in height in a front yard, where four (4) feet is permitted and a deviation to Section 155.205 (A)(2)(e) to allow for an open construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted.; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on February 15, 2016 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 deviation described herein; 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:

Ordinance No. _____

Re: PC 16-05

Page 2

SECTION 1: That a conditional use is hereby granted for the Subject Property, as described in Section 4 below, pursuant to Title 15, Chapter 155, Section 155.502(F)(3) of the Zoning Ordinance to establish the subject property as a Planned Development; and

SECTION 2: That the deviations are hereby granted from Section 155.205 (A)(2)(c) and Section 155.205 (A)(2)(e) for the fence to be six (6) feet in height where four (4) feet is permitted, and for an open style construction fence of six (6) feet in height in the clear line of sight area, where two (2) feet is permitted; and

SECTION 3: This ordinance is limited and restricted to the property generally located at 130 E. St. Charles Road, Lombard, Illinois, and legally described as follows:

LOT 7 AND 8, BLOCK 19 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 5 AND PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS.

PIN 06-08-104-011

SECTION 4: The deviations set forth in SECTION 2 above shall be granted subject to compliance with the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request from Express Fence, dated October 15, 2015;
2. The petitioner shall apply for a receive a building permit for the fence;
3. In the event that the existing fence is damaged or destroyed to fifty-percent (50%) of its value, any new fence shall meet all Village Code requirements; and
4. The trash dumpsters shall be moved outside of the front yard and clear line of sight area and shall be screened with a solid fence.

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

Passed on first reading this _____ day of _____, 2016.

First reading waived by action of the Board of Trustees this _____ day of _____, 2016.

Ordinance No. _____

Re: PC 16-05

Page 3

Passed on second reading this _____ day of _____, 2016.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2016.

Sharon Kuderna, Village Clerk