

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


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 24, 2007 (BOT) Date: May 3, 2007

TITLE: PC 07-16: 434 East North Avenue

SUBMITTED BY: Department of Community Development


BACKGROUND/POLICY IMPLICATIONS:

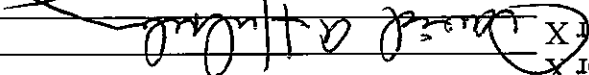
Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment within the B4 Corridor Commercial Shopping District. (DISTRICT #4)

The Plan Commission recommended approval of this petition with one condition.

The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X  _____
Date _____
Date 4/25/07 _____
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: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development
DATE: May 3, 2007
SUBJECT: PC 07-16: 434 E. North Avenue

Attached are the following items for Village Board consideration as part of the May 3, 2007 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 07-16;
3. An Ordinance granting approval of a conditional use for a motor vehicle sales establishment; and
4. Plans associated with the petition.

The petitioner is requesting a waiver of first reading. Please find their written request attached. Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Avenue

Lombard, IL 60148-3926

(630) 620-5700 FAX: (630) 620-8222

TDD: (630) 620-5812

www.villageoflombard.org

May 3, 2007

Mr. William J. Mueller,

Village President, and

Board of Trustees

Village of Lombard

Subject: PC 07-16: 434 E. North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a conditional use, pursuant to Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment within the B4 Corridor Commercial Shopping District. After due notice and as required by law, the Plan Commission conducted a public hearing for this petition April 16, 2007.

John Zemenak, attorney for the petitioner, presented the petition. He mentioned that the petitioner would be selling pre-owned higher-end foreign cars and sports cars. He noted that there would be no service or repair of motor vehicles at the facility. He stated that the existing building is structurally sound and they are only proposing minor aesthetic improvements to the building. He mentioned that there would be eight (8) to ten (10) vehicles in the inside display area and the price for those vehicles would start at \$40,000. He also mentioned that there would be thirty (30) to (40) vehicles in the outside display area. He noted that there would be seventeen (17) visitor parking spaces provided including one (1) accessible space as required by code.

Mr. Zemenak stated that the existing building is non-conforming with regard to the front and corner side yard setbacks. He noted that the overhead door is located in the rear of the building and is not visible from North Avenue. He mentioned that the only access to the property is from the side street, La Londe Avenue, which helps facilitate traffic and safety. He stated that the Fire Department would be able to access the building on three (3) sides in the event of a fire.

Mr. Zemenak noted that there is a six-foot (6') fence along the northern and eastern property lines that provides screening for the residential properties to the north. He stated that there are seven (7) existing light poles in the parking lot. He mentioned that they are performing a photometric study and will provide

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

Village President
William J. Mueller
Village Clerk
Brigitte O'Brien
Trustees
Greg Alan Cron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebbly, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6
Village Manager
William T. Lichter

appropriate shielding if necessary to meet the parking lot lighting requirements. He stated that the hours of operation will be 10:00 AM to 7:00 PM, Monday through Friday and 9:00 to 6:00 PM on Saturdays. He noted that the parking lot lights would be on a timer and would turn-off at approximately 10:00 PM. He also noted that there would also be a motion detector that would briefly turn the lights on in the event someone trespasses onto the property after hours.

Mr. Zemanek stated that the property is within the B4 Corridor Commercial District and the proposed use is consistent with the zoning designation and the Comprehensive Plan. He noted that the petitioners agree to all of the conditions of approval. He stated that they are aware that a plat of consolidation will be required for the property.

Chairperson Ryan then opened the meeting for public comment.

Don Stob, a resident at 2N055 La Londe Avenue provided comments regarding the petition. He stated that he had some questions about the lighting, but Mr. Zemanek already answered them. He noted that La Londe Avenue is an old narrow street that dead ends at the industrial area to the north. He stated that when the property was previously used as a billiard hall, the customers would turn right when leaving the property and drive through the residential neighborhood. He noted that he doesn't want that to happen again with this business.

Mr. Zemanek responded that the parking lot lighting will meet all Village requirements. He also noted that the sales staff can direct customers not to use the residential streets when test driving the vehicles. He mentioned that with the type of cars they will be selling, most customers will want to test drive the car at higher speeds and will likely use North Avenue. He also stated that the petitioners would agree to a condition that a no right turn sign be placed at the ingress/egress to the property.

Chairperson Ryan then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report which is submitted to the public record. She stated that the petitioner wishes to open a "pre-owned" car dealership at the subject property. She noted that the petitioner will be utilizing the existing building, and will not be constructing any building additions. She mentioned that the building is approximately 5,015 square feet, most of which will be used as showroom space. She noted that no vehicle service or repairs will be performed in the building or on the property. She stated that the existing parking lot will be used for customer parking and as an outdoor display area. She noted that there will be no access onto North Avenue from the subject property, and the existing access drive on to La Londe Avenue will provide ingress and egress to and from the property.

Ms. Kulikowski noted that the Comprehensive Plan recommends Community Commercial at this location, and the proposed use complies with the recommendation of the Comprehensive Plan. She stated that the proposed use is compatible with the surrounding land uses. She noted that the properties to the east, south, and west are zoned B4 Corridor Commercial Shopping District. She

mentioned that the residential properties north of the site are screened by a six-foot (6') board on board fence.

Ms. Kulikowski stated that the property to the east of the subject property has been used as a motor vehicle sales establishment for a number of years. She noted that at one time a single motor vehicle sales establishment operated on both the subject property and the adjacent property to the east. She mentioned that when both properties were originally developed, motor vehicle sales was a permitted use in the B4 District, but in 1990, a Zoning Ordinance text amendment was adopted that changed the classification of motor vehicle sales, service, and repair in the B4 District from a permitted use to a conditional use. She stated that in 1992, the subject property changed uses to a billiards hall and the adjacent property to the west remained as a motor vehicle sales establishment. She noted that the adjacent property to east is a legal non-conforming conditional use as the use as a motor vehicle sales establishment has not ceased on the property for more than a year, and because of the previous change in use, the subject property no longer retains any legal non-conforming rights associated with the previous motor vehicle sales establishment. She mentioned that the property to the west received conditional use approvals for a motor vehicle sales establishment in 1999, 2000, and 2002 (PC 99-06, PC 00-46, and PC 02-27), but a car dealership never opened for business. She stated that none of the conditional use approvals was acted upon within twelve months, and the conditional use became null and void. She noted that the property to the west is currently used as a furniture store.

Ms. Kulikowski noted that the subject property is legal non-conforming with respect to lot size, lot width, front yard setback and corner side yard setback. She mentioned that the petition does not include any relief from the underlying bulk requirements. She also noted that the existing non-conforming building and pavement functionally prevents the petitioner from bringing the property into full compliance with the current landscaping requirements. She stated that reducing the paved area for perimeter and interior parking lot landscaping would significantly hinder the use of the property. She also mentioned that the configuration of the site does not allow for a transitional landscape yard, but there is an existing six-foot (6') board on board fence along the northern and eastern property lines. Ms. Kulikowski stated that there are currently, seven (7) light poles exist on the site, and that a photometric study is currently being performed on the property.

Ms. Kulikowski stated that the Village requires seventeen (17) visitor parking spaces with one (1) handicapped accessible parking space, which is provided on the plans. She mentioned that a twenty-four foot (24') drive aisle must be maintained for the parking space located on the east side of the building. She mentioned that all loading and unloading of vehicles will be done on the subject property. She noted that neither the subject property nor the adjacent property to the east has access onto North Avenue. The two properties comprise an entire block face. She stated that the access drive for the subject property is located off of La Londe Avenue, and the access drive for the adjacent property is located off of Fairfield Avenue. She mentioned that North Avenue is designated as a Strategic Regional Arterial, and as such access drives for properties on North Avenue is limited.

Mrs. Kulikowski mentioned that the subject property consists of two and one-half (2.5) of these lots, and that the petitioner will be required to submit a Plat of Consolidation to make the subject property a single lot of record. She also noted that the petitioner is not proposing any signage at this time. Any future signage must meet the full provisions of the Sign Ordinance.

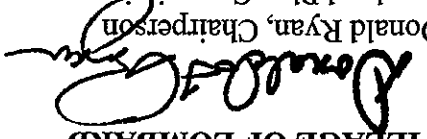
Chairperson Ryan opened the meeting for comments from the Plan Commission.

Commissioner Flint stated that the petitioner's business would be a great asset to Lombard. He also mentioned that he felt that a condition requiring a no right turn sign would be appropriate.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed conditional use does comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 07-16 subject to the following conditions:

1. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the three (3) lots and the vacated alley into a single lot of record.
2. The petitioner shall submit a final photometric plan that complies with the Zoning Ordinance.
3. A fence of no less than six feet (6') and no greater than eight feet (8') in height shall be maintained along the northern property line.
4. The proposed use shall operate on the property in substantial compliance with the site plan, prepared by Capital Design, LTD, and dated March 15, 2007.
5. The vehicle display/sales area shall be limited to the area depicted on the approved site plan. Moreover, all vehicles parked and/or displayed on the subject property shall be in operable condition.
6. That the petitioner shall erect a *no right turn* sign at the access drive for vehicles exiting the property.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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

TO: Lombard Plan Commission

FROM: Department of Community Development
PREPARED BY: Michelle Kulikowski, AICP
Planner I

TITLE

PC 07-16; 434 East North Avenue: The petitioner requests that the Village grant a conditional use, pursuant to Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment within the B4 Corridor Commercial Shopping District.

GENERAL INFORMATION

Petitioner/Property Owner: Chung and Mai Ngyu
d/b/a International Cars Center
1916 N. Harlem Ave. #2N
Elmwood Park, IL 60707

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial Shopping District

Existing Land Use: Vacant, One-Story Building (formerly Oscar's Billards)

Size of Property: Approximately 20,100 Square Feet / 0.5 Acres

Comprehensive Plan: Community Commercial

Surrounding Zoning and Land Use:

North: Property in Unincorporated DuPage County zoned R-4 Single-Family Residence District and developed as a single-family residences
South: B4 Corridor Commercial Shopping District; developed as restaurant sales establishment
East: B4 Corridor Commercial Shopping District; developed as a motor vehicle store
West: B4 Corridor Commercial Shopping District; developed as a furniture store

ANALYSIS

SUBMITTALS

This report is based on the following documents which were filed with the Department of Community Development on March 29, 2007:

1. Petition for Public Hearing.
2. Plat of Survey, prepared by Associated Surveying Group and dated December 13, 2006.
2. Site Plan, prepared by Capital Design, LTD, and dated March 15, 2007.

DESCRIPTION

The petitioner wishes to open a "pre-owned" car dealership at the above-referenced location. In doing so, the petitioner will be utilizing the existing building, and will not be constructing any building additions. Only minor cosmetic work is proposed. The building is approximately 5,015 square feet, most of which will be used as showroom space. No vehicle service or repairs will be performed in the building or on the property. The existing parking lot will be used for customer parking and as an outdoor display area. There will be no access onto North Avenue from the subject property. The existing access drive on to La Londe Avenue will provide ingress and egress to and from the property.

ENGINEERING

Private Engineering Services has no objection to the petition.

PUBLIC WORKS

The Public Works Department has no comments.

BUILDING AND FIRE

The Fire Department/Bureau of Inspectional Services has the following comments:

- The existing building is sprinklered as a light hazard use. The requested use of the space would require the system to be upgraded to a medium or heavy hazard system due to motor vehicles being stored in the building.

- The existing floor system construction would need to be evaluated by a structural engineer to determine if it can support the weight of any vehicles that would be brought into the building.
- If vehicles are to be brought into the building for display and/or preparation for sales to the public, a triple basin grease separator may have to be installed along with floor drains for cleaning/servicing of the vehicles.

- The basement cannot be utilized for any occupancy other than that for an ancillary use to the sales of vehicles. If offices for the sales personnel are to be provided in the basement, code compliant vertical transportation must be installed, proper means of emergency exiting needs to be addressed and all construction must meet current building code requirements.

- Along with the proper code compliant fire suppression, a code compliant fire alarm system must also be installed and properly monitored.

PLANNING

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Community Commercial at this location. The proposed use complies with the recommendation of the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, south, and west are zoned B4 Corridor Commercial Shopping District. Residential properties exist north of the site, and are screened by a six-foot (6') board on board fence. The North Avenue corridor is a high volume corridor with commercial and industrial sites on the north half of the street and residential sites on the south half of the street with intermittent areas of commercially zoned property.

The property to the west has been used as a motor vehicle sales establishment for a number of years. At one time, a single motor vehicle sales establishment operated on both the subject property and the adjacent property to the west. When both properties were originally developed, motor vehicle sales was a permitted use in the B4 District. In 1990, a Zoning Ordinance text amendment was adopted that changed the classification of motor vehicle sales, service, and repair in the B4 District from a permitted use to a conditional use. In 1992, subject property changed uses to a billiards hall and the adjacent property to the west remained as a motor vehicle sales establishment. The adjacent

property to west is a legal non-conforming conditional use as the use as a motor vehicle sales establishment has not ceased on the property for more than a year. Because of the previous change in use, the subject property no longer retains any legal non-conforming rights associated with the previous motor vehicle sales establishment. As such, a conditional use is needed for the proposed motor vehicle sales establishment.

The property to the west received conditional use approvals for a motor vehicle sales establishment in 1999, 2000, and 2002 (PC 99-06, PC 00-46, and PC 02-27). However, a car dealership never opened for business. Since none of the conditional use approvals was not acted upon within twelve months, the conditional use became null and void. The property to the west is currently used as a furniture store.

Compliance with the Zoning Ordinance

The subject property does not meet all of the bulk regulations for the B4 Corridor Commercial District. The property is legal non-conforming with respect to lot size, lot width, front yard setback and corner side yard setback. The petition does not include any relief from the underlying bulk requirements. The table below outlines the existing conditions relative to the bulk regulations for the B4 District.

| | | |
|--------------------|-----------------|-------------------------------|
| | Required | Existing |
| Min. Lot Size | 40,000 | 20,100 (legal non-conforming) |
| Min. Lot Width | 150' | 134' (legal non-conforming) |
| Front Yard | 30' | 4.28' (legal non-conforming) |
| Corner Side Yard | 30' | 2.15' (legal non-conforming) |
| Interior Side Yard | 10' | 82' |
| Rear Yard | 30' | 46' |

Landscaping

The existing non-conforming building and pavement functionally prevents the petitioner from bringing the property into full compliance with the current landscaping requirements. The Zoning Ordinance requires interior and perimeter parking lot landscaping. A five foot (5') perimeter exists along the southern edge of the parking lot, but there is not enough room to add perimeter landscaping along the northern and eastern side of the property as the paved area extends all the way to the northern and eastern property lines. Reducing the paved area for perimeter and interior parking lot landscaping would significantly hinder the use of the property.

Also, the configuration of the site does not allow for a transitional landscape yard. The only access drive to the subject property is located between the building and the rear property line adjacent to

the residences. However, there is an existing six-foot (6') board on board fence along the northern and eastern property lines. Staff recommends that a fence no less than six feet (6') in height and no greater than eight feet in height be maintained along the northern property line in order to create a visual buffer for the residential properties.

Lighting

Currently, seven (7) light poles exist on the site. The petitioners have indicated that a photometric study is currently being performed on the property. Staff notes that a final photometric plan must be submitted that complies with the Zoning Ordinance and be approved by staff.

Parking

The Village requires seventeen (17) visitor parking spaces with one (1) handicapped accessible parking space, which is provided on the plans. Staff notes that a twenty-four foot (24') drive aisle must be maintained for the parking space located on the east side of the building. Previously, several angled parking spaces were located within the La Londe Ave. right-of-way. These spaces were removed as part of IDOT's North Avenue Reconstruction project. The petitioner has indicated that all loading and unloading of vehicles will be done on the subject property.

Compliance with the Subdivision and Development Ordinance

The block where the subject property is located was originally platted as several lots approximately fifty-four feet (54'). The subject property consists of two and one-half (2.5) of these lots. The petitioner will be required to submit a Plat of Consolidation to make the subject property a single lot of record. This approval can be done administratively.

According to the Subdivision and Development Ordinance, sidewalks are to be installed along all surrounding public rights-of-way for the length of the property. A sidewalk was installed along North Avenue and as part of IDOT's North Avenue Reconstruction project. There is also a sidewalk along the west side of the building which is partly on private property and partly within the public right-of-way that connects to the sidewalk along North Avenue. Staff finds that the existing sidewalks meet the intent of the sidewalk provisions in the Subdivision and Development Ordinance.

Compliance with the Sign Ordinance

The petitioner is not proposing any signage at this time. Any future signage must meet the full provisions of the Sign Ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and find that it will meet the standards for conditional uses, subject to the conditions of approval.

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 07-16, subject to the following conditions:

1. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the three (3) lots and the vacated alley into a single lot of record.

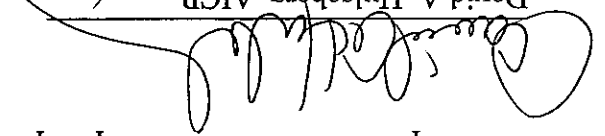
2. The petitioner shall submit a final photometric plan that complies with the Zoning Ordinance.

3. A fence of no less than six feet (6') and no greater than eight feet (8') in height shall be maintained along the northern property line.

4. The proposed use shall operate on the property in substantial compliance with the site plan, prepared by Capital Design, LTD. and dated March 15, 2007.

5. The vehicle display/sales area shall be limited to the area depicted on the approved site plan. Moreover, all vehicles parked and/or displayed on the subject property shall be in operable condition.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

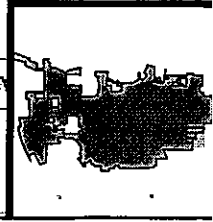
DAH:MK

at
c. Petitioner



PC 07-16: 434 E. North Ave.

1 in. = 250.0 feet

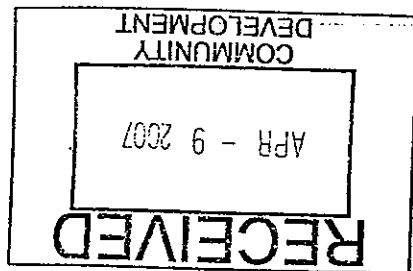


Charles C. Cole

I believe that parcel is for small
for the selling of motor vehicles.
There is already Lombard Auto Sales
next door why have another that
close.
The Lombard Auto Sales does not
now have customers use North Ave.
But let them use the local streets
to keep their cars.
There are already 4 other car sales
within 1/2 mile which in my
opinion is enough nearby

Re: Case PC 07-16

Dear Sirs



4-6-07

RATHE & WOODWARD, LLC

ATTORNEYS AT LAW

300 EAST ROOSEVELT ROAD

P.O. Box 786

WHEATON, ILLINOIS 60189

ESTABLISHED 1938

BERTRAM E. RATHE (1900-1972)
JOHN S. WOODWARD (1903-1990)

R. TERENCE KALINA
HENRY S. STILLWELL III
GARY L. TAYLOR
JOHN F. GARROW
RESE J. PECK
TRACY D. KASSON
MARK W. DANIEL
JOHN R. ZEMENAK
SCOTT E. FORTNER
KEVIN M. CARARA
TIMOTHY D. ELLIOTT
ARIGAL I. ORTMAN
EMILY L. ALB
TRACY MCGONIGLE

MAIN TELEPHONE (630) 668-8500
WRITER'S DIRECT TELEPHONE (630) 510-4913
TELEFAX (630) 668-9218
WRITER'S EMAIL izemenak@rathewoodward.com

Via Facsimile - (630) 629-2374
and First Class U.S. Mail
Michelle Kulkowski
Community Development Department
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148-3931

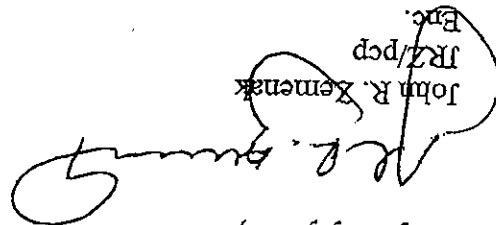
Re: Applicant: International Cars Center, Inc.
Property: 434 East North Avenue, Lombard
Request: Conditional Use for Used Automobile Dealership

SUMMARY OF REQUESTED ACTION

Dear Ms. Kulkowski:

On behalf of my client, I am requesting a waiver of the first reading of the ordinance for the above-referenced conditional use application. This item is set to appear on the Consent Agenda on May 3, 2007. Thank you for your consideration of this request and please contact me with any questions or comments in this regard.

Very truly yours,


John R. Zemenak
JRZ/pcp
Enc.

cc: International Cars Center, Inc.

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.418 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 07-16: 434 E. North Avenue)

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 B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use, pursuant to Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment; and

WHEREAS, a public hearings on the foregoing application were conducted by the Village of Lombard Plan Commission on April 16, 2007 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 Section 155.415 (C) of the Zoning Ordinance, to allow for a motor vehicles sales establishment, subject to the conditions set forth in Section 3 below.

SECTION 2: That this Ordinance is limited and restricted to the property located at 434 E. North Avenue, Lombard, Illinois and legally described as follows:

The West Half of Lot 10 and all of Lots 11 and 12, and the South Half of the vacated alley lying North and adjoining said West Half of Lot 10 and all of Lots 11 and 12 in Block 14 in North Avenue Manor, being a subdivision of part of the South Half of Section 32, Township 40 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded November 14, 1928, as Document Number 269443, in DuPage County, Illinois.

Parcel Number: 03-32-415-027; (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 petitioner shall submit for final approval a Plat of Consolidation to consolidate the three (3) lots and the vacated alley into a single lot of record.
2. The petitioner shall submit a final photometric plan that complies with the Zoning Ordinance.
3. A fence of no less than six feet (6') and no greater than eight feet (8') in height shall be maintained along the northern property line.
4. The proposed use shall operate on the property in substantial compliance with the site plan, prepared by Capital Design, LTD. and dated March 15, 2007.
5. The vehicle display/sales area shall be limited to the area depicted on the approved site plan. Moreover, all vehicles parked and/or displayed on the subject property shall be in operable condition.
6. That the petitioner shall erect a *no right turn* sign at the access drive for vehicles exiting the property.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2007.

Brigitte O'Brien, Village Clerk