

ORDINANCE NO. 1970-21

AN ORDINANCE AMENDING ORDINANCE 1963-20 TO CLARIFY THE CONDITIONS OF APPROVAL FOR A PLANNED DEVELOPMENT BY SPECIAL USE WITH EXCEPTIONS AND CLASS I SITE PLAN REVIEW (BSTP MIDWEST, LLC)

WHEREAS, BSTP Midwest, LLC (hereinafter referred to as “Petitioner”) filed a Petition requesting approval for (1) a planned development by special use to allow for the construction of a gas station with certain exceptions; and (2) a Class I Site Plan for the property located on the southeast corner of Route 53 (Rohlwing Road) and Devon Avenue, west of I-290 and north of IL-390, in the Village of Itasca (hereinafter “Subject Property”); and

WHEREAS, a public hearing was held by the Itasca Plan Commission on November 19, 2020, on Petitioner’s application, pursuant to public notice as required by law, with respect to Petitioner’s application, the Plan Commission made certain findings of facts with respect to the preliminary planned development by special use and recommended to the Village Board of Trustees that Petitioner’s requests be approved subject to nine conditions;

WHEREAS, the Village of Itasca Board accepted the findings of fact and recommendation of the Itasca Plan Commission concerning Petitioner’s application subject to nine conditions in Ordinance 1963-20, approved on December 15, 2020; and

WHEREAS, the Village Board wishes to amend condition # 4 of its approval in order to clarify to which lots the condition applies.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities hereby amend the conditions of its approval of Petitioner’s application for (1) a planned development by special use to allow for the construction of a gas station with certain exceptions (Exhibit A); and (2) a Class I Site Plan (Exhibit B) be approved for the Subject Property, as follows:

1. One additional ADA Parking Stall must be provided.
2. The project must comply with all Village Ordinances, Building Codes, Subdivision Regulations, Standards Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.
3. The project must comply with the approved Development Agreement (Ord. # 1889-18) governing this mixed-use industrial and commercial site.
4. The project must comply with all conditions of approval in Ord. # 1946-20 as it relates to Lot 1A and 1B, as shown on the Preliminary Plat of Subdivision, which granted the initial approval of the Planned Development by Special Use & Class I Site Plan Review. Ordinance #1963-20 and this Ordinance will govern Lot 2.
5. Any favorable recommendation is subject to final building permit approval.

6. The proposal is subject to adherence to previously issued review comments.
7. The phasing schedule and timeline of the proposed development be consistent with the approved Development Agreement.
8. If the project does not commence within three years of Village Board approval, the requests shall return to the Board for reauthorization. Furthermore, if for any reason BSTP Midwest, LLC is not able to complete this project, any future assignees will be required to obtain Village Board approval to amend the approvals for the new ownership entity.
9. No vehicle repair, storage or sales will be permitted on the subject property.

SECTION TWO: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

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

AYES: Trustee Aiani, Gavanes, Latoria, Lensner, Madaras

NAYS: None

ABSENT: Trustee Leahy


ABSTAIN: None

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 2nd day of February, 2021.

APPROVED:


 Village President Jeffery J. Pruyn

ATTEST:


 Village Clerk Jody Conidi

