

**ORDINANCE NO. 1901-19**

**AN ORDINANCE GRANTING APPROVAL FOR A SPECIAL USE PERMIT  
FOR 1200 W. BRYN MAWR AVENUE (Tony's Finer Foods)**

WHEREAS, Frank Ingraffia of Tony's Finer Foods Enterprises, Inc. (herein "Petitioner") has filed a petition requesting a special use permit for 1200 W. Bryn Mawr Avenue, Itasca, Illinois (hereinafter "Subject Property") in the M-Limited Manufacturing District; and

WHEREAS, Petitioners seek a special use permit pursuant to Section 11.03(2)(g) of the Itasca Zoning Ordinance to allow for the storage of third-party vehicles; and

WHEREAS, Petitioner has submitted an application, attached hereto as Exhibit A, for the special use permit, and a public hearing was held by the Itasca Plan Commission on November 28, 2018, pursuant to public notice as required by law, with respect to Petitioner's application; and

WHEREAS, the Plan Commission made the following findings of facts with respect to the amended special use permit:

1. The approval of the special use is in the public interest and not solely for the interest of the applicant.
2. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. Such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
4. The proposed use will comply with the regulations and conditions specified in the Zoning Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

WHEREAS, the Itasca Plan Commission voted to recommend that the Village authorities grant the special use permit and approve the variance, subject to the following conditions:

1. Permit documents must be in substantial compliance with Plan Commission/Village Board submittal.
2. The project must comply with all Village Ordinances, Building Codes, and the DuPage County Stormwater Ordinance.
3. The Special Use is for the current property owner only. Should IG Investments LLC transfer the property or Tony's Finer Foods/Tony's Fresh Market cease to

operate at this location, the special use will become null and void and subsequent owners would need to reapply for special use consideration.

4. Third party parking is limited to the areas shown on the site plan prepared by the applicant and as described in the cover letter from Frank Ingrassia dated October 5, 2018. The Special Use is limited to 40 third-party vehicles on the site. Petitioner may increase the number of third-party vehicles to 50 vehicles only with a new site plan and approval of the Village's Community Developer Director or her designee.
5. Ample backing, turning, parking, and drive aisle areas must be maintained.
6. The parking lot must be maintained in good condition. Parking spaces and drive aisles should be clearly delineated, potholes and debris must be removed.
7. Sleeping on the premises or in vehicles is prohibited.
8. Operational hours are limited to 6:00am- 8pm Monday through Friday and Saturday 8am- 12noon.
9. The number of vehicles with engines operating at one time shall not exceed four.
10. There shall be no motor vehicle maintenance or engine work on the lot.
11. No vehicle fueling may occur on site. No tanker trailers shall be permitted.
12. No parking or standing of trucks is permitted on public streets; the weight of trucks using public streets is regulated by the Village of Itasca Municipal Code.
13. Semi trailers are limited to the Design Vehicle Dimensions established by the Illinois Department of Transportation.

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 make the following findings of fact:

1. The approval of the special use is in the public interest and not solely for the interest of the applicant.
2. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. Such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.

4. The proposed use will comply with the regulations and conditions specified in the Zoning Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

SECTION TWO: The corporate authorities hereby grant Petitioner a special use permit to allow for the storage of third-party vehicles in the M Limited Manufacturing District, subject to the conditions listed in Section Three below; and

SECTION THREE: The special use approved in Section Two is subject to the following conditions:

1. Permit documents must be in substantial compliance with Plan Commission/Village Board submittal.
2. The project must comply with all Village Ordinances, Building Codes, and the DuPage County Stormwater Ordinance.
3. The Special Use is for the current property owner only. Should IG Investments LLC transfer the property or Tony's Finer Foods/Tony's Fresh Market cease to operate at this location, the special use will become null and void and subsequent owners would need to reapply for special use consideration.
4. Third party parking is limited to the areas shown on the site plan prepared by the applicant and as described in the cover letter from Frank Ingrassia dated October 5, 2018. The Special Use is limited to 40 third-party vehicles on the site. Petitioner may increase the number of third-party vehicles to 50 vehicles only with a new site plan and approval of the Village's Community Developer Director or her designee.
5. Ample backing, turning, parking, and drive aisle areas must be maintained.
6. The parking lot must be maintained in good condition. Parking spaces and drive aisles should be clearly delineated, potholes and debris must be removed.
7. Sleeping on the premises or in vehicles is prohibited.
8. Operational hours are limited to 6:00am- 8pm Monday through Friday and Saturday 8am- 12noon.
9. The number of vehicles with engines operating at one time shall not exceed four.
10. There shall be no motor vehicle maintenance or engine work on the lot.
11. No vehicle fueling may occur on site. No tanker trailers shall be permitted.

12. No parking or standing of trucks is permitted on public streets; the weight of trucks using public streets is regulated by the Village of Itasca Municipal Code.
13. Semi-trailers are limited to the Design Vehicle Dimensions established by the Illinois Department of Transportation.
14. The Special Use expires on \_\_\_\_\_, 20\_\_.

SECTION FOUR: All other aspects of the Subject Property are to be in compliance with all Village ordinances, including, but not limited to, the Itasca Zoning Ordinance, unless otherwise modified by ordinance.

SECTION FIVE: 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 SIX: 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 SEVEN: 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: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this \_\_\_\_ day of February, 2019.

APPROVED:

\_\_\_\_\_  
Village President Jeffery J. Pruyn

ATTEST:

\_\_\_\_\_  
Village Clerk Jody Conidi