

December 2, 2004

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 04-35; 610 S. Main Street

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Kraupanithi, Inc., requests that the Village approve an amendment to Ordinance 4021 (which granted approval of the expansion of a conditional use) to include the addition of one fuel dispenser system on the subject property located within the B2 Corridor Commercial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on November 15, 2004. Patrick Zuroske, project developer for DPS Companies, presented the petition. He thanked staff and the commissioners for this forum. Mr. Zuroske stated that the request is for an amendment to the conditional use for the addition of a third fuel dispenser. He clarified that the station currently has two dispensers with one fueling position on either side for a total of four fueling positions. He stated that the request for the additional dispenser would increase the number of fueling positions to six.

Mr. Zuroske stated that the petitioner redeveloped the site in 2003. He referenced before and after photos of the site. He noted that the petitioner wanted to create a new upscale image while maintaining a neighborhood model. He referred to the staff report that discussed the previously requested relief. Mr. Zuroske stated that they have had extensive discussions with staff and the community regarding the facility and property. He stated that the petitioner decided to move forward to upgrade the site within the permitted parameters. He stated that the petitioner worked to incorporate the improvements, previously suggested by the Plan Commission, into the overall development. Mr. Zuroske stated that the Village of Lombard Chamber of Commerce identified the site as runner up for the most improved property in 2003. He stated that they worked within the parameters of the code and voluntarily complied with twelve of the fourteen recommendations of PC 03-07.

The petitioner installed asphalt curbing at their own expense to mitigate previous drainage issues. The landscaping improvements were not undertaken due to financial constraints. He also noted that the rooftop air intake unit created an unusual noise to neighbors and they worked diligently to repair the problem quickly. He also noted that other equipment was moved from the south side of the property to another side to minimize the noise. They pledged to be good neighbors and they stressed that this will continue.

Mr. Zuroske stated that there were concerns in their previous submittal regarding lighting and signage. He stated that all lighting has been completed within the lighting requirements and this request does not include any additional lighting or signage. He mentioned the problems with signage for the automobile service tenant. He stated that all signage not in compliance with the ordinance had been removed to date. He stated that they would work with the tenant to come up with an appropriate signage plan.

Mr. Zuroske stated that the 1995 conditional use approval was issued for the installation of the canopy. He stated that the 2003 redevelopment included the removal of the canopy and it was repositioned further north and west to mitigate any lighting issues as well as create better vehicular traffic movement. He stated that the petitioner had made a significant investment and the facility operation should include another dispenser. He noted the letter submitted by Parent Petroleum regarding the need for an additional pump to ensure their continued investment. He stated that an increase in dispensing volume was needed to cover costs and remain competitive.

Mr. Zuroske noted that the staff report assessed the potential for traffic generation. It was the judgement of the Village's traffic consultant that 363 pass by trips would be created. At this level, staff and the petitioner believe that the third dispenser will not create additional trips to or from the site. He stated that they believe that the facility has not created additional traffic, but rather captures the traffic passing by.

He referred to another display and explained that the engineer utilized the traffic software, Autoturn, to illustrate movement with the third dispenser. He stated that traffic could move safely around the site. He stated that data suggests that convenience is the single most important factor for a consumer to purchase gasoline. He stated that this does not create a scenario that would affect the convenience of the consumer.

He concluded by requesting a positive recommendation to the Village Board.

Chairperson Ryan then opened the meeting for public comment. No one in the audience spoke in favor of the petition. Joe Grimes, 25 E. Madison Street, spoke against the petition. He stated that living around the corner from the facility, he had rarely seen all four fueling positions in use. He stated that he has never seen a person waiting at pumps. Therefore, he wanted to know what warrants the additional pump. He stated that Citgo performs studies on size of tanks, time of

delivery, traffic and pumping ratios. He stated that the information should be provided and the actual numbers analyzed.

Mr. Grimes asked where the additional demand was going to come from. He stated that gas stations are usually not destination trips. He stated that there are no new large developments coming and the facility would only reshuffle customers from other facilities along Main or St. Charles. Mr. Grimes stated that a neighborhood location should not have excessive pumps. He stated that the petitioner originally came in asking for more pumps, but decided that four pumps were fine and the site turned out phenomenal. He stated that the petitioner might come back asking for items in the previous petition until it had been given piecemeal back to where he started. He requested that the commissioners vote no.

Patrick Zuroske rebutted. Mr. Zuroske stated that they appreciate the passion of the neighbor. He stated that they have an open door policy and have not received any complaints from the neighbors. He pointed out that if they were to perform an extensive marketing study there probably would not have been a station in Lombard. He stated that he believes Mr. Patel, the managing partner, believes in the Village of Lombard and has invested personal dollars to expand the business and make it successful. He stated that they feel Lombard is a business friendly community. He stated that they have an ownership group who is committed and want to continue to invest those dollars into the future. Mr. Zuroske stated that he could not promise that there would not be any other changes proposed for the site in the future, however they are solely looking at the dispenser issue at this time. He stated that they want this location to maintain a neighborhood image and there are differences between the dynamics and traffic patterns generated at a North Avenue location.

Chairperson Ryan then requested the staff report.

Angela Clark, Planner I, presented the staff report. Ms. Clark stated that the site was previously granted conditional use approval for the gasoline service station, outdoor displays, and the automobile service station. She stated that the petitioner now proposes to install one additional island and dispenser at the subject location. She noted that no additional alterations were proposed for the site. Ms. Clark stated that the petitioner had addressed several of the concerns previously noted by the Plan Commission. She stated that staff believes the proposed use is compatible with the Comprehensive Plan and surrounding land uses. Ms. Clark stated that in order to ensure that compatibility was maintained, staff recommended that the unloading of fuel trucks not be allowed between 7:00 p.m. and 7:00 a.m.

Ms. Clark noted that no additional signage was requested with the petition, however Code Enforcement staff had issued a number of notices for illegal signage relating to the automobile service tenant located on the subject property. She stated that staff recommended that the petitioner work with the tenant to secure appropriate signage at this time. Ms. Clark stated that staff had spoken with the traffic consultant regarding the additional pump. She stated that an

additional 363 passby trips would be made near the gas station. She stated that staff believed that the numbers were adequate. Ms. Clark noted that staff recommended that the petitioner submit a landscaping plan. She stated that staff believed additional landscaping opportunities were available within the public right-of-way given the tight layout of the site. She also noted that while a fence was already present on the site, it was included as a condition to ensure that a mechanism was in place for its replacement in the event that it was removed or damaged.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Chairperson Ryan clarified that the staff report indicated the unloading of delivery trucks should not be permitted between 7:00 p.m. and 7:00 a.m.

Commissioner Olbrysh complimented the petitioner on the improvements. He referred to the before and after pictures. He asked if Citgo had any uncovered dispensers within a five-mile radius of the subject location. Mr. Zuroske stated that they do not. He stated that if the four pumps beneath the canopy were in use on a rainy day, people would probably proceed to another station. Commissioner Olbrysh asked Mr. Zuroske to point to where the additional dispenser should be. He asked if the spacing would be an equal distance of about twenty-two feet. Mr. Zuroske replied yes.

Mr. Zuroske commented on the fuel delivery. He stated that they have voluntarily complied with the recommended hours. He stated that there might be occasions when they may need delivery outside of those times to keep pumps open. He stated that they have done a good job staying within those time frames, but once or twice a year they might need a drop after 7:00 p.m.. Mr. Zuroske stated that the unloading of a fuel truck is a fairly quiet operation and asked if they may have some exceptions from time to time.

Chairperson Ryan stated that if the condition is placed on the approval it must be met. He stated that some of the restrictions are there to ensure that the property continues to be a good neighbor.

Mr. Zuroske asked if it were possible to base the times on hours of operation. Robert Verchota, attorney for the petitioner, stated that there had been no complaints regarding refueling in the past. He stated that he didn't quite understand the reason for the restrictions. He asked Mr. Patel to address the process for refueling and stated that many times it is not in his control when they show up. He stated that the unloading of fuel trucks is safer when there are not customers. He asked the Plan Commission to consider not making it an absolute restriction.

Mr. Patel explained the fuel delivery process. He stated that there is typically a twelve to eighteen hour window for delivery. He stated that if the supply falls below a certain level the tanks automatically shut off. He stated that they are requesting that normal deliveries be between 7:00 a.m. to 7:00 p.m. with the possibility that an emergency load will have to come in outside of

those hours. He stated that they typically like to be there when the fuel is delivered so they can do manual readings.

Commissioner Flint referenced the layout. He noted the turning radius and stated that the third pump is an equal distance from the other two. He stated that he was concerned about the turning radius when a car is improperly parked near the third dispenser. He stated that people would be blocked in. Mr. Zuroske stated that consumer's parking positions are often inconsistent. He stated that it is possible the vehicle could move up further and fuel. He stated that they would have people fueling from the other position as well. Mr. Zuroske stated that the model takes into account the largest passenger vehicle with the exception of a truck and it could potentially be tight. He stated that they are somewhat restricted given the site. He stated that in the design they look at probability and possibilities of that happening. They are confident that they will maintain a good drive aisle in that location.

Commissioner Burke asked staff what was the background regarding the fueling time provisions. William Heniff, Senior Planner, stated that the provision was picked up from the last petition in response to concerns from the neighbors. The concern was that it would create a noise as trucks traveled to and from the site. He stated that the condition was one of the Plan Commission's original conditions, but the petition was withdrawn before it went to the Board. Mr. Heniff stated that if the Plan Commission would like to modify the condition it was within their purview.

Mr. Zuroske stated that it was unlikely deliveries would come past 10:00 p.m. He stated that they have yet to see deliveries past that time or even between 7:00 p.m. and 10:00 p.m. He asked that the Commissioners use the language of normal business hours for flexibility.

Commissioner Sweetser stated that the provision was added as a result of public testimony. She stated that if there were occasions where it had already been exceeded and there were no complaints within the last year and one half as a result of those occurrences, then she did not object to accommodating that.

Commissioner Burke stated that it was an issue of balancing noise from the neighbors. He stated that the 7:00 a.m. to 7:00 p.m. causes more of a problem during rush hour with Main Street traffic and having a fuel truck move around the street. He asked if that was an issue. Mr. Heniff stated that if that were the case, the provision could be struck in its entirety of use the business hours of 6:00 a.m. to 10:00 p.m.

Chairperson Ryan stated that it should be held to hours or eliminate the condition completely. He stated that every shipment outside of those hours could be justified as a special circumstance.

Commissioner Olbrysh asked what were the operating hours. Mr. Patel stated from 6:00 a.m. to 10:00 p.m. and 7:00 a.m. to 10:00 p.m. on Sundays.

Commissioner Sweetser asked if the reason for not expanding the canopy was for financial considerations. Mr. Heniff stated that the expansion of the canopy caused concerns for the neighbor regarding lighting and the close proximity to the house.

Commissioner Melarkey stated that he was still concerned regarding traffic flow on the site. He asked if the petitioner planned to put some type of protector to avoid damage to the pump. He stated that the other two pumps have circular concrete items around it while the third does not. Mr. Zuroske stated that they would put two small concrete bollards on the ends to protect the dispenser. Commissioner Melarkey asked for the dimensions. Mr. Zuroske stated that when you park at that location, there is a little bit more room than what is shown. He passed around a photograph of what it would look like.

Mr. Zuroske asked to address the canopy issues. He stated that they are serious about being neighborhood friendly. He stated that they get a lot of business from people who live adjacent to the site and they are serious about having people in the area shopping there.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed variations comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 6 to 0, recommended to the Corporate Authorities, **approval** of the following relief associated with PC 04-35, subject to the following amended conditions:

1. The property shall be developed in substantial compliance with the site plans and building elevations prepared by Petroleum Equipment General Contractors, dated October 11, 2004.
2. The petitioner shall meet all codes and ordinances of the Village of Lombard.
3. That the petitioner shall submit a landscape plan which increases the amount of perimeter parking lot landscaping and right of way landscaping on the subject property, with said plan being subject to the approval of the Department of Community Development.
4. That the petitioner shall keep and maintain a solid fence of at least six (6) feet in height along the southern and western property lines in conformance with Village Code.
5. That fuel truck unloading shall not occur on the subject property between 10:00 p.m. and 7:00 a.m.

6. That the petitioner will secure a permanent wall sign consisting of appropriate materials and construction as defined by Village Code for the automotive repair business.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission

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