

May 15, 2023

Title

PC 23-10

Petitioner

Sebil Joseph
643 Jarvis Avenue
Des Plaines IL 60018

Property Owner

Same

Property Location

938 E St Charles Road
PIN: 06-04-311-044
Trustee District 4

Zoning

B4

Existing Land Use

Existing gas station and convenience store

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use and variances

Prepared By

Jennifer Ganser, AICP
Assistant Director



PROJECT DESCRIPTION

The petitioner proposes to expand the convenience store and add a canopy over existing gas pumps. Gas stations are a conditional use in the B4 zoning district; therefore, an expansion of a gas station requires a conditional use. Two variances are also requested related to the existing lot area the front yard setback.

Existing Conditions

The property is an existing gas station with convenience store.

PROJECT STATS

Lot & Bulk

Parcel Size: 0.50 acres

Submittals

1. Petition for a public hearing;
2. Response to Standards;
3. Plat of Survey, prepared by United Survey Service, LLC dated August 13, 2022;
4. Site plan and drawings, prepared by Proyeckt Studio, LLC, dated April 5, 2023; and
5. Letter from neighbor.

Approvals Required

The petitioner requests that the Village take the following actions on the subject property, located within the B4 Corridor Commercial District:

1. Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station/convenience store building, with the following variations,
2. Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D), and
3. For the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1).

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Private Engineering Services (PES):

PES has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-Family Home
South	B4	Vacant Land
East	Villa Park	Foremost Liquors
West	B4	Cat Guardians (animal shelter)

The subject property is located on Westmore-Meyers and St. Charles Road, among a mix of single-family residential and commercial uses. The property has been a gas station since 1961. Additional landscaping will be added to the north, as the property borders single-family residential. There is lighting on the property now for the gas pumps and the parking spaces. Lighting will be directed away from residential and cast downward. A six-foot fence is proposed at the north and west property line. The HVAC unit and dumpster would also be screened with a six-foot wood fence.

2. Comprehensive Plan Compatibility

The Comprehensive Plan recommends Community Commercial uses for this location. A gas station and convenience store are an appropriate use within this designation.

3. Zoning Compatibility

Three pieces of zoning relief are requested for the property.

Approve of a conditional use pursuant to Section 155.416(C)(11) of the Village of Lombard Code of Ordinances for an expansion to an existing gas station / convenience store building

As noted, the property has been a gas station since 1961. An expansion of a conditional use requires a new conditional use to be granted. The new convenience store would be 1,000 square feet in total; the addition is 325 square feet. The building would remain one-story in height. Staff is supportive of the request to expand the convenience store and add a canopy.

Variance to the minimum lot area of 21,286 square feet, where 40,000 square feet is required pursuant to Section 155.416(D)

The lot size is fixed at 21,286 square feet and has been since the gas station was built. The convenience store expansion will meet setbacks, open space, and other bulk requirements. Three parking spaces will be added for the convenience store, which meets Code. Staff is supportive of the request.

For the proposed canopy expansion, a variance to the front yard setback of 3 feet 3 inches, where 30 feet is required pursuant to Section 155.416(F)(1)

The front yard setback in the B4 district is 30', however, the gas pumps are located in the front yard and therefore a setback variance is required. Staff made the same interpretation at 610 S. Main Street when that gas station added a canopy over existing pumps and zoning relief was granted. Traffic circulation and curb cuts will not change. Staff is supportive of the request.

4. Site History

PC 93-11: approved a conditional use to allow for the construction of a canopy over existing gas pumps
1961: gas station constructed

5. Neighbor Comments

Staff received a letter from a resident north of the gas station. The resident has concerns with drainage. Staff notes the convenience store addition is 325 square feet. The majority of the green space north of the gas station will remain. Should the petition be approved, permits will be required and will be reviewed by the Village's private development engineer.

FINDINGS & RECOMMENDATIONS

Staff finds that the proposed use 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 requested conditional use and variances and finds that the proposed use **complies** 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-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 23-10:

Based on the submitted petition and the testimony presented, the proposed conditional use and variances does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use and variances is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 23-10, subject to the following conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. A plat of consolidation, making the property a lot of record, shall be submitted to the Village recorded at DuPage County;
4. The fence shall be maintained in good conditions at all times;
5. This approval shall be subject to the commencement time provisions as set forth within Section 155.103(F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner



April 5, 2023

The Village of Lombard
Community Development and Building Dept.
255 E Wilson
Lombard, IL. 60148-3969

Re: Response to Standards for Proposed Commercial Building Remodeling
938 E St Charles Rd
Lombard, IL. 60148

Dear Concerned:

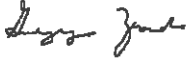
The following are our responses to the seven village standards for conditional use.

- 1) The proposed conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
The expansion of the building and new canopy on the property will not be detrimental to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any detrimental effects.
- 2) The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair property values within the neighborhood in which it is to be located.
The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects.
- 3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The expansion of the building and new canopy on the property will not impede development, evidence of this is supported by the fact that the building and canopy will both be located a great distance from neighboring properties.
- 4) That the adequate public utilities, access roads, drainage and / or facilities have been or will be provided.
The expansion of the building and new canopy on the property have been and / or will be provided with these necessary improvements not only maintain reasonable conditions for the surrounding properties, but also so that this business can operate effectively.
- 5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
The existing vehicular circulation to and from the public streets will not be altered. Therefore the circulation design, which is already adequate, will not cause traffic congestion.
- 6) That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan or the Village of Lombard
The expansion of the building and new canopy complement the Village's Comprehensive Plan

7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which is it located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission,
The expansion of the building and new canopy will conform to the applicable regulations of the district.

Thank you for your time with these matters. Please contact me if you have any questions.

Regards,



Gregory P Ziomek, A.L.A., N.C.A.R.B., L.E.E.D.-G.A.
Project Architect

cc: File
GZ:lg



PROYEKT STUDIO, LLC
Architecture / Engineering
2810 RFD, Long Grove IL. 60047
PHONE (773) 796-5992 / GZIOMEK@SBCGLOBAL.NET

April 14, 2023

The Village of Lombard
Community Development and Building Dept.
255 E Wilson
Lombard, IL. 60148-3969

Re: Response to Variation Standards for Proposed Commercial Building Remodeling
938 E St Charles Rd
Lombard, IL. 60148

Dear Concerned:

The following are our responses to the seven village standards for variations.

A variance is requested for the lot size being less than the required 40,000 sq ft and for the proposed canopy to be over the front yard setback.

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.

The size of the lot is fixed and therefore, the owner has no means by which to increase the size of the lot to fulfill the 40,000 square foot requirement. The location of the proposed canopy cannot be adjusted to be within the setback because of the spatial constraints between the proposed canopy and the existing structures would not allow an alternate location.

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 zoning classification.

Other properties within this zoning classification do not all have this area size. The other properties are also not gas stations with such space issues between the existing structures and street that would prevent the erection of a canopy.

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

The variations are based upon a need by the owner to beautify his property and provide a wider range of products to the neighborhood by increasing the size of the store.

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.

This ordinance is creating the minimum required size of the property as well as the setback for the canopy. No current or previous owner has created these two conditions.

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.

The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects.

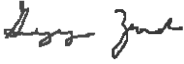
6) The granting of the variation will not alter the essential character of the neighborhood

The gas station has been operating for many years with the current non-conforming lot size, therefore there would not be a change to the context of the neighborhood.

7)The proposed variation will not impair and 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 dimmish or impair property values within the neighborhood. The expansion of the building on the property will not be injurious to the public, evidence of this is supported by the fact that the building has been in service for many years as a gas station without creating any injurious effects. The existing vehicular circulation to and from the public streets will not be altered. Therefore the circulation design, which is already adequate, will not cause traffic congestion.

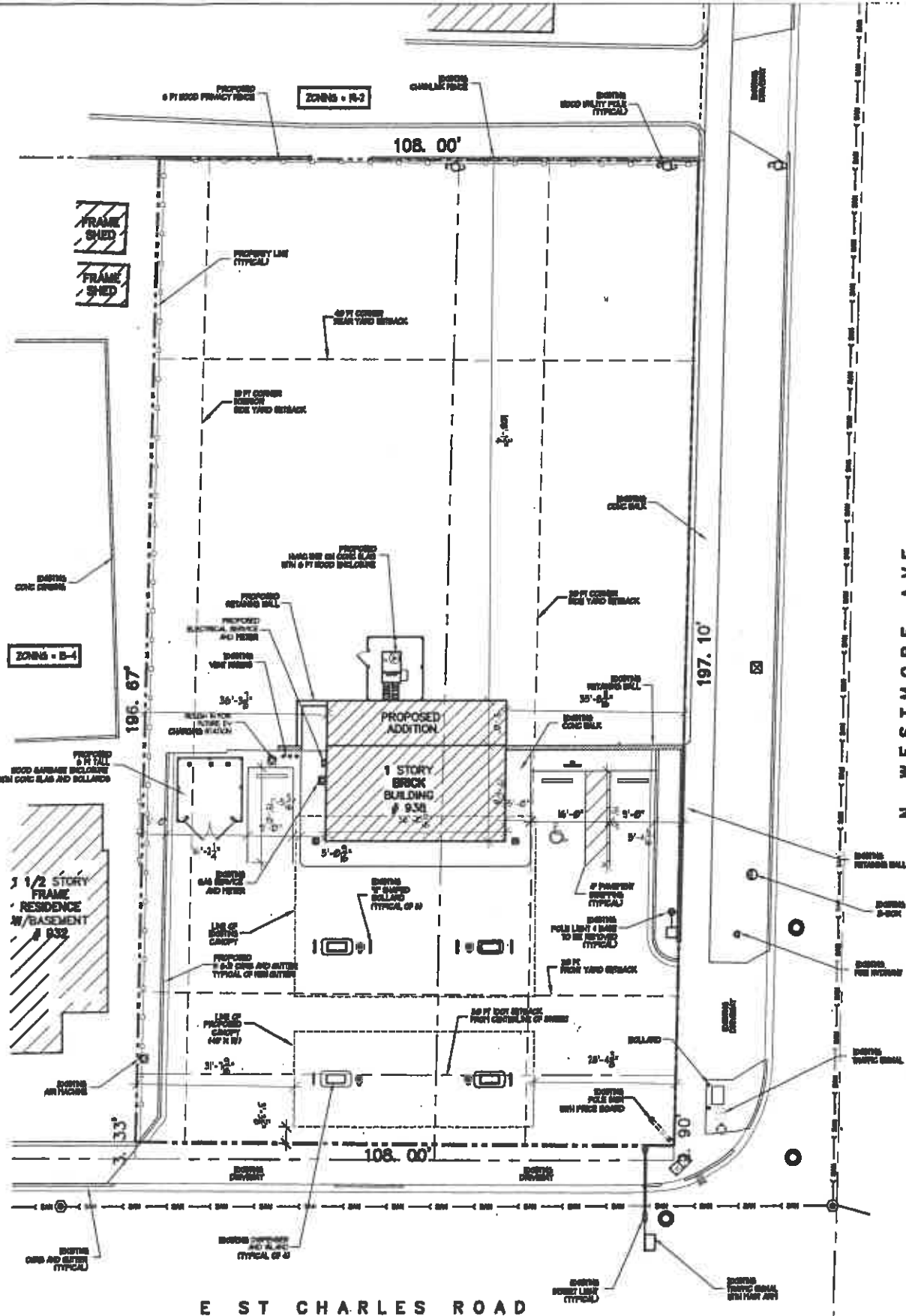
Thank you for your time with these matters. Please contact me if you have any questions.

Regards,



Gregory P Ziomek, A.L.A., N.C.A.R.B., L.E.E.D.-G.A.
Project Architect

cc: File
GZ:lg



SITE PLAN
 SCALE: 1" = 30'-0"



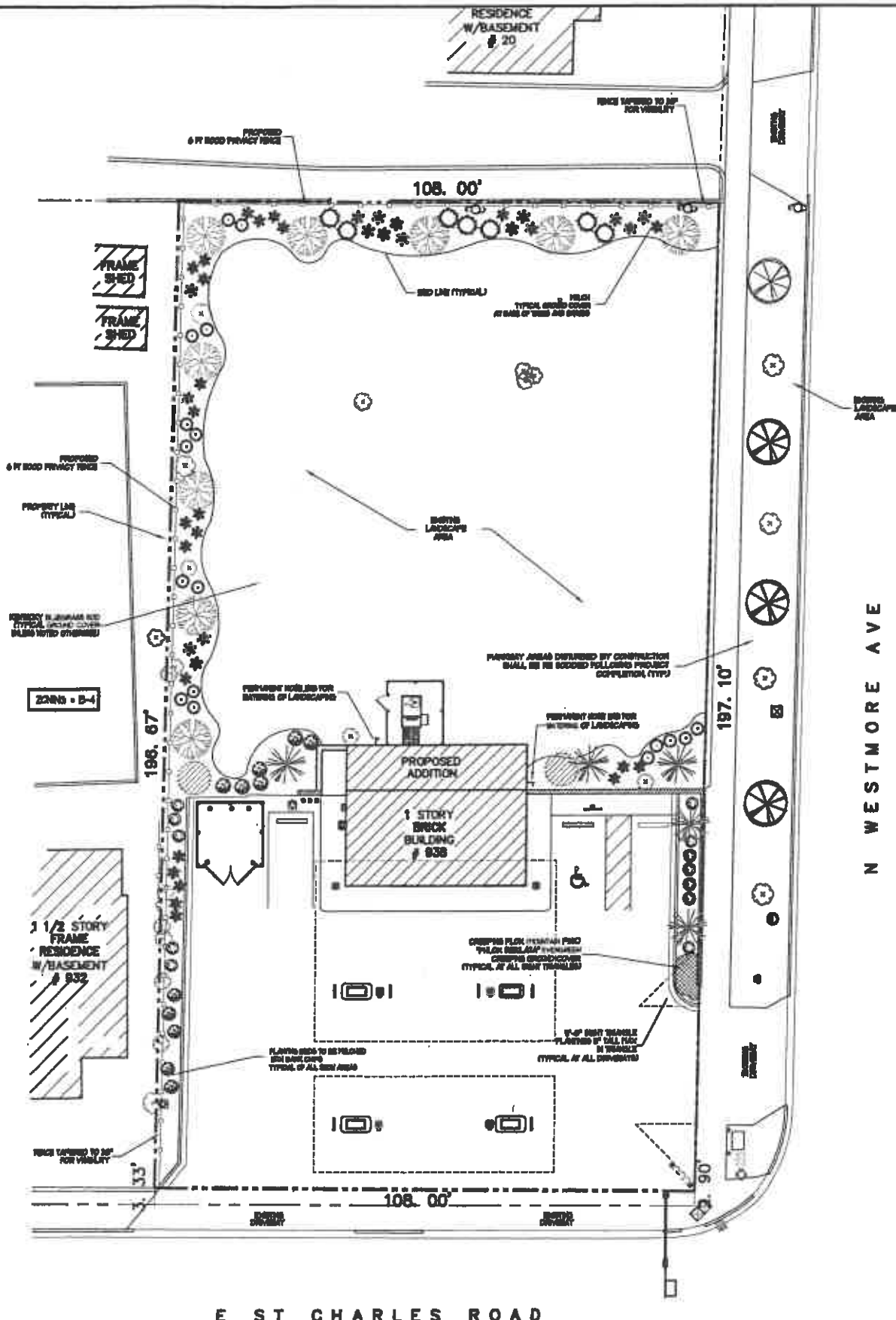
PROYEKT STUDIO, LLC.
 ARCHITECTURE, ENGINEERING

2810 RFD
 Long Grove, IL. 60047
 773-786-5992, GZIOMEK@SBCGLOBAL.NET

**PROPOSED MINI-MART REMODEL
 WITH ADDITION AND NEW CANOPY**

938 E ST. CHARLES ROAD
 LOMBARD IL. 60148

REVISIONS			DATE
NO.	DATE	DESCRIPTION	
			4/8/23
			JOB # 22072
			SHEET
			A-4
			OF 1 SHEETS



E ST CHARLES ROAD

LANDSCAPING PLAN
 SCALE: 1" = 18'-0"



PROYEKT STUDIO, LLC
 ARCHITECTURE, ENGINEERING

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**PROPOSED MINI-MART REMODEL
 WITH ADDITION AND NEW CANOPY**

938 E ST. CHARLES ROAD
 LOMBARD IL 60148

REVISIONS			DATE
NO.	DATE	DESCRIPTION	
			4/6/23
			JOB # 22072
			SHEET A-5
			OF 1 SHEETS

April 29, 2023

**Plan Commission
Lombard Village Hall
255 E. Wilson Avenue
Lombard, IL 60148**

Ref: Case No.: PC 23-10

Location of Subject Property: 938 E. St. Charles Road, Lombard, Illinois

PIN(s): 06-04-311-044

As a property owner living just four houses north of the proposed expansion of this gas station, my main concern is that any expansion or paving over of the grassy field located north of the gas station will add to the already disastrous flooding our street (as well as my house and the four houses north of me) endures every single spring and fall when we have heavy rains. That grassy field helps absorb water run-off from St. Charles Road.

The flooding in our street and neighborhood, as well as raw sewage back-up my neighbor endures in their basement, is due to an archaic combination sewage/storm water drainage system (and deteriorating water lines) that is decades old and needs to be replaced. We are in an area of Lombard that is ignored by the Village for maintenance of the road, sewers and sidewalks because it is shared by Villa Park across the street, while other parts of Lombard (and Villa Park) are receiving upgraded repaved streets, new curbs, sidewalks, sewer systems and water lines.

Until our flooding issues are solved by the Village of Lombard, the sewer system is upgraded into two separate systems (sewer and water) and updated to solve the flooding problem, any expansion of the property listed above into a grassy area that helps absorb water drainage from St. Charles Road may possibly add to this flooding problem. What is the Village going to do about analyzing this potential to make sure it isn't made worse by the expansion of said property?

Thank you for your consideration of my concerns.

**Melinda Derfler
36 N. Westmore Avenue
Lombard, IL 60148**