

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

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 19, 2004 (B of T) Date: December 2, 2004

TITLE: PC 04-35: 610 S. Main Street

SUBMITTED BY: Department of Community Development *DLH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting 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. (DISTRICT #6)

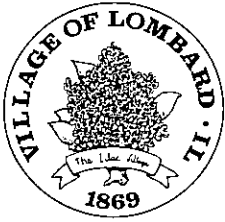
The Plan Commission recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *William T. Lichter* \_\_\_\_\_ Date *11/22/04*

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

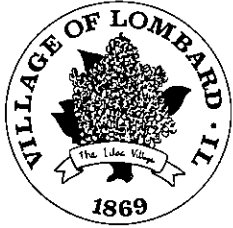
**FROM:** David A. Hulseberg, AICP, Director of Community Development *DAH*

**DATE:** December 2, 2004

**SUBJECT:** **PC 04-35: 610 S. Main Street**

Attached please find the following items for Village Board consideration as part of the December 2, 2004 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 04-35;
3. An Ordinance approving a conditional use amendment to Ordinance 4021, providing for an additional fuel dispenser; and
4. Plans associated with the petition.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148  
630/620-5700 FAX: 630/620-8222  
TDD: 630/620-5812  
www.villageoflombard.org

December 2, 2004

**Village President**  
William J. Mueller

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

**Trustees**

Tyler L. Williams, Dist. 1  
Richard J. Tross, Dist. 2  
Karen S. Koenig, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

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

Dear President and Trustees:

**Village Manager**  
William T. Lichter

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.

"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."

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

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 the 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**

A handwritten signature in black ink, appearing to read "Donald Ryan", written in a cursive style.

Donald Ryan, Chairperson  
Lombard Plan Commission

att-

c. Petitioner  
Lombard Plan Commission



1. Petition for Public Hearing.
2. Response to the Standards for Conditional Uses
3. Plat of Survey, prepared by L.S.C.I., undated.
4. Site Plan, prepared by Petroleum Equipment General Contractors, dated October 11, 2004.
5. Vehicle Movement Plan, prepared by Arc Design Resources, dated October 8, 2004

## **DESCRIPTION**

The subject property is located at the southwest corner of Main and Madison Streets. As the Plan Commission may recall, the petitioner/property owner submitted a request in July 2003 in conjunction with a request for the expansion of a conditional use and signage variations. At that time, the request was for the addition of two fuel islands for a total of eight dispensers on the subject property, modifications to the canopy and the building elevations. The petitioner withdrew the petition before final action was taken by the Village Board. The property owner then proceeded to remodel the existing station and convenience mart within the provisions of the Village's Zoning and Sign Ordinances. This remodeling also included the installation of new underground tanks, installation of a new fueling center canopy and drainage improvements.

The petitioner now wishes to resurrect his plans to expand the existing gasoline sales from two service islands to three service islands for a total of six fuel pumps. The alteration will consist of the addition of one fuel island with one fuel dispenser, which is proposed to be located immediately south of the existing dispensers.

## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **Public Works Engineering**

The Engineering Division of the Public Works Department has reviewed the variation request and has no comments or changes at this time.

### **Private Engineering Services**

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

### **Building and Fire**

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

Owner may want to locate the pump in such a manner as to not obstruct outgoing traffic attempting to exit at the south end of the dispensing stations.

## Planning

### Site History

The site was granted a conditional use approval in 1995 for the expansion of a gasoline service station. The petitioner obtained approval for a conditional use for outdoor display and sales, along with requested variations for a freestanding sign and gas station canopy signage in 2003. The petitioner also obtained a conditional use for the existing automobile service business, which was reduced from six service bays to three service bays in order to accommodate a new convenience store use within the existing building. The petitioner withdrew his request to install two additional fuel dispensers on the subject property prior to the Village Board's actions on the petition.

The petitioner now proposes to install one additional island and dispenser at the subject location. The dispenser will contain Citgo graphics on the panel doors and overhead valences. No alterations are proposed for the canopy, overhead lighting, or signage components of the property. The existing underground storage tanks will be used to facilitate the additional fuel dispenser.

The petitioner is requesting the approval of the additional dispenser in order to provide an additional fueling area for customers. The petitioner has noted to staff that during the p.m. peak hour period, the existing dispensers have a greater occurrence of being full. Customers will be forced to wait in queue or will leave the site and go to another station. The petitioner is requesting approval of the existing fueling location so that waiting times for fueling positions will be reduced or eliminated.

The petitioner has addressed a number of concerns that were addressed during the previous petition before the Plan Commission, as follows:

- 1) The petitioner has addressed previous drainage concerns by installing an asphalt curbing and pitching the pavement toward the right of way.
- 2) The petitioner has instituted measures to reduce noise emitted from an air intake unit located on top of the building.
- 3) The petitioner has limited the business hours of operation as directed by the Plan Commission during the previous petition.

The previous petition had fourteen conditions as amended by the Plan Commission. Those recommendations are attached for reference as Attachment "A".

#### Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends that the property be used for neighborhood commercial uses. The existing gas station/convenience store is intended to serve the local shopping needs of the adjacent neighborhood. Therefore, the request complies with this recommendation.

#### Compatibility with the Surrounding Land Uses

South and west of the subject property are established single family residential areas. To ensure that the additional fueling island does not create a negative impact on the residential neighbor to the south, the petitioner has agreed to not extend the existing canopy to the south, toward the petitioner's property. Moreover, the petitioner does not intend to modify the canopy to include any text graphics or lighted signage.

In order to ensure that the site remains compatible with surrounding uses, staff recommends that the unloading of fuel trucks on the property be restricted to after 7:00 p.m. and not prior to 7:00 a.m. As this site has operated as a gasoline sales/automobile repair establishment for a number of years, staff does not feel the proposed change will have a substantial additional impact on the surrounding area.

#### Compatibility with the Sign Ordinance

The petitioner is not proposing to erect any new signage as part of this request. However, Code Enforcement staff has previously issued notices for illegal signage placed in conjunction with the automotive repair business located on the subject property. The tenant has utilized temporary banners to serve as the primary signage for the business. The permits associated with the temporary signage expire at the end of this year. Staff recommends that the business secure and appropriately places permanent wall signage that consists of materials and construction as outlined by Code.

#### Compatibility with the Zoning Ordinance

##### ***Conditional Use***

The conditional use amendment relates specifically to the increase in the number of fuel pumps. Section 155.103 (F)(13) of the Lombard Zoning Ordinance reads as follows:

##### ***(13) Modification or Intensification***

*Any modification or intensification of a conditional use which alters the essential character or operation of the use in a way not intended at the time the conditional use was granted shall require a new conditional use permit. Such conditional use permit*

*shall be applied for prior to any modification of the use or property. The Director of Community Development shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Director of Community Development with all the necessary information related to the conditional use to render this determination.*

Staff has previously represented to the petitioner that the additional fuel island constitutes a modification to the subject property. Additionally, when reviewed in the context of the use and operations of the property, adding an additional dispenser would constitute an increase in intensity as the increase would be a fifty percent increase in the number of fuel pumps on the subject property. Staff also notes that the character, or the attributes or features that make up and distinguish the gasoline sales land use can change as the number of pumps increases on the property.

As far as the original conditional use approval is concerned, referencing condition #4 within Ordinance 4021 and 4022, states that “the canopy shall comply with the site plan date stamped March 21, 1995 and prepared by L.S.C.I., Inc.”. This condition ties the development activity proposed on the site to the submitted site plan. In further review of the petitioner’s request at that time, the purpose of constructing the gasoline canopy was to cover the two existing pumps, as they were located on the property at the time of the public hearing. Nothing within the 1995 testimony or exhibits referenced the intention of providing for additional pumps on the premises and the testimony was specific to the proposed canopy over the existing pumps and its impacts on the neighborhood. As the additional pump was not depicted on the original plans that were approved by the Board, staff makes the interpretation that the additional pump island constitutes a major change to the initial approval.

### **Traffic**

Staff asked Kenig, Lindgren, O'Hara, Aboona, Inc. to determine the anticipated increase in the number of trips that will be generated by the proposed change in use as part of the 2003 petition (attached). It should be noted that the report reflects the number of trips generated for a gasoline service station with convenience mart and eight fueling positions. The subject property would include six fueling positions if the petition were approved.

Staff spoke with the traffic consultant regarding the difference in the number of trips based on a total of six fueling positions. The average number of pass-by trips for six (6) fueling positions traffic study estimates that an additional 363 pass-by trips will be made daily to the gas station. Staff believes that this is reasonable given that the nature of the use will not generate destination trips to or from the site.

	AM	PM	DAILY
4 Fueling Positions	40	54	651
6 Fueling Positions	60	80	1014
Difference	+20	+26	+363

***Landscaping/Screening***

While the petition only calls for the addition of one fuel dispenser, staff believes that the site should be brought as closely into compliance as possible. Staff recommends that the petitioner submit a landscaping plan that will provide additional landscaping without impacting vehicular traffic movement on the site. Staff recognizes the constraints of the proposed site layout, therefore staff recommends that the petitioner also explore opportunities for additional landscaping in the public parkway areas as well.

**FINDINGS AND RECOMMENDATIONS**

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission, and therefore, I recommend to the Corporate Authorities **approval** of the requests associated with PC 04-35, subject to the following 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 after 7:00 p.m. nor before 7:00 a.m.

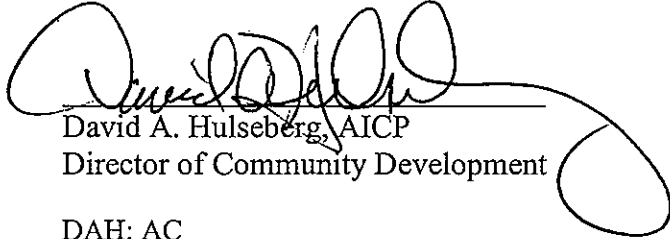
Lombard Plan Commission

Re: PC 04-35

Page 7

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.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH: AC

H:\CD\WORDUSER\PCCASES\2004\PC 04-35\Report 04-35.doc



**ATTACHMENT A**

**Recommendation of Lombard Plan Commission relative to PC 03-07, July 21, 2003**

A MOTION WAS MADE BY COMMISSIONER SWEETSER AND SECONDED BY COMMISSIONER OLBRYSH TO RECOMMEND TO THE CORPORATE AUTHORITIES APPROVAL OF PC 03-07 SUBJECT TO THE FOLLOWING AMENDED CONDITIONS:

1. The property shall be developed in accordance with the original site plan prepared by DPS, dated February 3, 2003 and revised March 13, 2003, with an amendment to show the existing two-pump configuration on the subject property.
2. That the signage shall be consistent with the sign materials prepared by DPS Companies and reflecting the KUX Graphic Systems signage as depicted in their submittal dated January 2002.
3. Other than the signage included as part of this petition, no additional signage shall be located on the subject property without receiving approval from the Village Board.
4. The "Citgo" gas station canopy signage shall not be illuminated.
5. The petitioner shall meet all codes and ordinances of the Village of Lombard.
6. At least four feet of walkway shall be maintained at all times.
7. Sales and display areas must not impact vehicular traffic, including automobiles, tanker trucks and Fire Department apparatus.
8. Outdoor sales and display of merchandise may only occur at the locations depicted on the submitted site plan.
9. That the business establishment shall not be open to the public between the hours of 12:00 a.m. and 4:30 a.m.
10. That the petitioner shall supply the Village with a photometric plan for the existing canopy.
11. That the petitioner shall submit a drainage plan to the Village for review and approval. Said drainage plan shall divert existing stormwater run-off onto neighboring residential properties and toward Madison Avenue, with said plan being subject to approval by the Director of Community Development.

Lombard Plan Commission

Re: PC 04-35

Page 9

12. That the petitioner shall provide a revised landscape plan which increases the amount of perimeter parking lot landscaping on the subject property, with said plan being subject to the Department of Community Development.
13. That the petitioner shall keep and maintain a solid fence of at least 6 feet in height along the southern and western property lines and in conformance with Village Code.
14. That fuel truck unloading shall not occur on the subject property after 7:00 p.m. nor before 7:00 a.m.

THE ROLL CALL VOTE WAS 5-0 AS FOLLOWS:

Ayes: Burke, Flint, Olbrysh, Sweetser, and Zorn

Nays: None



**DPS COMPANIES**

951 South Seventh Street, Rochelle, IL 61068 (815) 561-0440 (815) 561-9610 (fax)

**Facsimile Cover Sheet**

To: Ms. Jennifer Backensto, Village of Lombard (630) 620-5759 (Office)  
(630) 629-2374 (Fax)

Date: November 12, 2004

From: Patrick Zuroske, Project Developer (815) 561-0440, ext. 123 (office)  
(815) 761-7936 (cellular)  
(815) 561-5610 (fax)

Re: CUP Amendment: Additional Letters  
Installation of a 3<sup>rd</sup> Dispenser  
Kraupanithi, Inc. (D/B/A, Lombard Citgo)  
610 S. Main Street, Lombard, IL  
(DPS Project # 11238)

**Total Pages: 3 (Including Cover Sheet)**

---

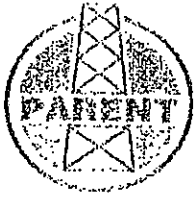
Dear Ms. Backensto:

Attached are copies of letters from Mr. Peter Zakos, the adjacent landowner to the south, and from Parent Petroleum regarding the CUP Amendment for the above-referenced facility. We are requesting that these letters be included in the final package of information supplied to the Planning Commission, or any interested members of the community.

We look forward to meeting with the Planning Commission on Monday, November 15, 2004.

Please contact me with any questions that you may have. I can be reached at our office at (815) 561-0440, extension 123, or via my cellular phone at (815) 761-7936.

Sincerely,  
Patrick M. Zuroske  
Project Developer



RE: 610 S. Main Street  
Lombard, Illinois

**PARENT PETROLEUM**

37 W. 370 ROUTE 30  
ST. CHARLES, IL 60175 1588  
FAX: (630) 584 2576  
TEL: (630) 584-2505

Dear Mr. Patel:

November 12, 2004

In response to your increasing concern regarding the long-term viability of your business without the installation of additional dispensing capacity, I would submit to you that your concerns are well-founded. We have conducted our feasibility analysis for the above referenced location. Following are our conclusions, which are based upon:

- Traffic Counts (current and projected)
- Demographic Profile (five mile radius)
- Population Growth Projections (ten mile radius)
- Competition (fuel, QSR, car wash, convenience stores)
- Adjacent Activity Generators (including projections)
- Subject Facility Design (ingress/egress, fueling positions, store size, parking)
- Operator History (volume versus margin orientation)

Based upon our analysis, we advise against continuing to invest in this facility without the benefit of at least one additional dispenser. Our reasoning is two-fold: due to the heavy fixed cost of the underground petroleum delivery system, the only way to achieve an acceptable ROI is to be able to spread those costs over a high volume of units sold which in this case equates to gallons of fuel. In today's market, we generally consider *four* dispensers to be inadequate, given the typical station-building budget. If you were to conduct a survey of new sites being developed, *six* dispensers is about the average number, with eight to twelve a common configuration, given adequate traffic volume and space at the site.

Oil companies traditionally spend millions of dollars each year conducting research regarding consumer behavior and motivation toward the purchase of gasoline. The number one consideration for the past ten years running has been "convenience", which to the consumer represents ease of entry into a fueling position and the speed of transaction. With only two dispensers, it is physically impossible to offer consumers either of these two benefits.

In today's highly competitive gasoline market, the key to ensuring long-term profitability and survival is the incorporation of adequate dispensing capacity, which will enable the subject site to compete with the state-of-the-art competition that now exists in our market. To continue to invest in this facility without the addition of a side-fueling island, in our opinion, will continue to produce a negative cash flow situation. Given that you have the space and resources necessary to add a side island, it seems ludicrous that you would not be allowed to proceed given that your immediate competition enjoys that same benefit.

Very truly yours,

Mark Potaczek  
Vice President  
Fuels Marketing & Development

William J. Mueller, President  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148

RE: Main and Madison Citgo -- Improvement Application  
(Andy Patel -- Kraupanathi, Inc.)

Dear Mr. Mueller:

Andy Patel has advised me that he will be asking the Village of Lombard to approve the addition of one fuel pump to the south of the existing pumps and canopy on the property at the southwest corner of Main and Madison.

As a neighbor, I am pleased with the improvements that have been made and the manner in which the business is being run by Mr. Patel. I would like to see Andy succeed in this business and understand that the addition of this one additional pump should be very beneficial to the business.

Please accept this letter as my written confirmation that I have no objection to this proposed improvement and hope that the Village will see fit to grant Mr. Patel permission to proceed.

Thank you for your consideration.

*Peter D. Zakos 11/5/04*

*618 S. MAIN ST*

*Lombard, IL 60148-3342*

PETER DEAN ZAKOS  
618 SOUTH MAIN STREET  
LOMBARD, IL 60148-3342  
630-620-1088

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING  
AN AMENDMENT TO ORDINANCE 4021  
FOR THE EXPANSION OF A CONDITIONAL USE IN THE B2 GENERAL  
NEIGHBORHOOD SHOPPING DISTRICT

(PC 04-35; 610 S. Main Street)

(See also Ordinance \_\_\_\_\_)

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 is zoned B2 General Neighborhood Shopping District; and,

WHEREAS, companion Ordinance 4021 granted approval for the expansion of a conditional use; and

WHEREAS, said application requests an amendment to Ordinance 4021 to include the addition of one fuel dispenser on the subject property; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on November 15, 2004 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 expansion of the conditional use, subject to the conditions outlined in Section 2 below; 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 the ordinance is limited and restricted to the property generally located at 610 S. Main Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN BLOCK 1 IN GREEN VALLEY, A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 25, 1944, IN BOOK 25 OF PLATS AS DOCUMENT NUMBER 465288, AND THAT PART OF MADISON STREET AS VACATED BY DOCUMENT R70-6437, IN THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-18-203-032

SECTION 2: That an amendment to Ordinance 4021 to include the addition of one fuel dispenser be hereby granted for the Subject Property, subject to compliance with the following 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.



Ordinance No. \_\_\_\_\_  
Re: PC 04-35  
Page 3

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.

SECTION 3: 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 \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk