

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

BRITISH PETROLEUM GAS STATION – 540-550 W. NORTH AVENUE

OCTOBER 21, 2013

Title

PC 13-18

Petitioner

Parent Petroleum, Inc.
c/o Dan Soltis
381 E. St. Charles Rd.
Carol Stream, IL 60188

Property Owner

Walter Maior
733 N. 7th Ave.
Addison, IL 60101

Property Location

540-550 W. North Ave.
(03-31-301-029)

Zoning

B4 Corridor Commercial

Existing Land Use

Fast-Food Restaurant and
Vacant Gas Station /
Convenience Store

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use to allow for
the re-establishment of a gas
station within the B4 Corridor
Commercial Zoning District.

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The petitioner, Parent Petroleum, Inc., had sub-leased the subject property for gasoline sales and convenience mart uses. However, the sub-lessee abandoned the store and the property owner has been involved in legal proceedings to re-establish their ability to re-utilize the establishment. The gas station was last operational in early 2012. The petitioner is not proposing any substantial alterations or site improvements as part of this request.

APPROVAL(S) REQUIRED

The gas station has not operated for a period of over twelve (12) months. Therefore, per Section 155.103 (F)(12) of the Lombard Zoning Ordinance the previously existing conditional use is expired. However, Section 155.305 allows the owner of any use which is subject to elimination to apply to the Plan Commission for the re-establishment of said conditional use.

EXISTING CONDITIONS

The subject property is currently improved with an operational McDonald's fast-food restaurant with drive-through, parking lot, landscaping, trash enclosure, and gasoline pumps with overhead canopy. The site abuts an industrial building to the north, a Burger King fast-food restaurant with drive-through and vacant commercial lots to the south, a hotel to the east, and another gas station / convenience mart to the west. Access to the site is available via

PROJECT STATS

Lot & Bulk

Parcel Size: 1.00 acres
43,555 sq. ft.
Building Area: 3,970 sq. ft.
Canopy Area: 1,620 sq. ft.
Lot Coverage: Approx. 83%

Setbacks

Front 65 feet
Corner Side 45 feet
Interior Side 42 feet
Rear 54 feet

Parking Spaces

Supply: 28, 3 accessible
Demand: Approved as part of
Annex. Agreement

Submittals

- 1. Letter of Authorization from Property Owner, dated September 23, 2013 and submitted September 30, 2013;
- 2. Petition for Public Hearing;
- 3. Response to Standards for a Conditional Use; and
- 4. ALTA/ACSM Land Title Survey, prepared by Design Surveys, dated December 10, 2009 and submitted September 30, 2013.

North Avenue (IL Route 64), Rohlwing Road (IL Route 53), and cross access connections with the auto body shop to the north and the hotel to the east.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

1. Comprehensive Plan Compatibility

The proposed gasoline station is consistent with the Comprehensive Plan's recommendation of community commercial uses for the site. The Comprehensive Plan specifically states that the northeast corner of the intersection of Rohlwing Road and North Avenue, "is recommended to be redeveloped on a coordinated basis integrating the McDonald's and Amoco (subject site)."

2. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R1	Auto Body Shop
South	B2	Fast-Food Restaurant and Two (2) Vacant Parcels
East	B4	Hotel
West	B4	Gas Station

3. Zoning and Sign Ordinance Compatibility

As the petitioner is not proposing any alterations to the site, the proposal conforms to all other Village Zoning and Sign Ordinance regulations.

SITE HISTORY

PC 94-12:

On June 16, 1994 the Village Board granted approval of PC 94-12 and Ordinance No. 3880 granted a conditional use to provide for gasoline sales and a restaurant with a drive-through on the subject property.

FINDINGS & RECOMMENDATIONS

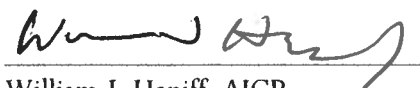
As the petitioner has indicated their intention to operate the business in a similar manner as it was prior to its closing and that the site was specifically designed for such use, staff finds that allowing for the gas station to re-open is consistent with the surrounding context, the Village of Lombard Comprehensive Plan and Zoning Ordinance, and is in the best interest of the Village.

The Inter-Department Review Committee has reviewed the standards for the requested conditional use permit to re-establish a gas station and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditionals 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 13-18:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit 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 13-18, subject to the following conditions:

1. That the petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate and any other requisite licenses before gas sales resume;
2. That this relief is limited to the operation of a gas station only and any physical site improvements or alterations require approval through the Village and any appropriate governmental agency;
3. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the gas station is not operating by said date, this relief shall be deemed null and void.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner



PARENT PETROLEUM

37 W. 370 ROUTE 38
ST. CHARLES, IL 60175-1588
FAX: (630) 584-2576
TEL: (630) 584-2505

October 1, 2013

Village of Lombard
Community Development
255 E. Wilson Avenue
Lombard, IL 60148-3926
Attention: Matthew Panfil

Subject:: Conditional Use Request- STANDARDS- 550 West North Ave.

To Whom It May Concern:

Please see the below responses to the Village of Lombard Standards for our Conditional Use request.

1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public, safety, morals, comfort, or general welfare;

We will operate in compliance with all applicable State , Federal and local laws, statutes, codes, regulations, ordinances, EPA regulations, State Fire Marshal regulations and Village of Lombard regulations. The site was originally opened in 4th Quarter 1995, and operated until early 2012.

2) That 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 and impair property values within the neighborhood in which it is to be located;

The site originally opened in 1995, and has operated in the same capacity, and does not affect property in the immediate vicinity. In its current closed status, the site is more likely to be detrimental than it will be in an operating status.

3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the of the surrounding property for uses permitted in the district;

We will not interfere with surrounding property, or other property in that respect.

4) That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

Utilities are already in place and they will be utilized in the same manner that they have been, since the site opened in 1995.



PARENT PETROLEUM

37 W. 370 ROUTE 38
ST. CHARLES, IL 60175-1588
FAX: (630) 584-2576
TEL: (630) 584-2505

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 street;

No access points will be modified as a result of this Conditional Use.

6) That the proposed conditional use is not contrary to the objective of the current Comprehensive Plan for the Village of Lombard;

We are reopening the site, which we assume would be in conjunction with the objective of the Village's Comprehensive Plan, as opposed to its current closed status.

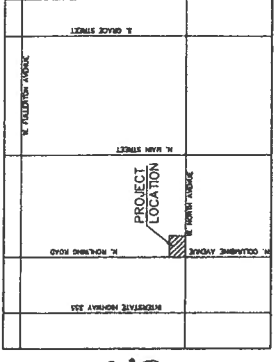
7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

We will operate in compliance with all applicable Municipal and local laws, statutes, codes, regulations and ordinances.

Thank You,

Sincerely,

Dan Soltis



VICINITY MAP:
NOT TO SCALE

UTILITY NOTE:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED BY THE SURVEYOR THROUGH EXISTING RECORDS, SURVEYOR MAPS AND GUARANTEE THAT THE UNDERGROUND UTILITIES ARE SHOWN AS LOCATED IN THE SURVEY AREA. OTHER UTILITIES NOT SHOWN ARE THE RESPONSIBILITY OF THE SUBMITTER. THE EXACT LOCATION INDICATED ALTHOUGH HE DOES NOT TAKE RESPONSIBILITY FOR THE ACCURACY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

CALL J.U.L.I.E.
FOR EXCAVATING
BEFORE EXCAVATING

DESIGN SURVEYS, LLC
707 N. MAIN STREET
EUROPA, KANSAS 68025
TEL: (316) 232-2789
FAX: (316) 886-4430

PREPARED FOR:
"ALTA/AGSM LAND TITLE SURVEY"
THE MATTHEWS COMPANY
National ALTA Survey Management

1729 Woodward Street, Suite 115, Pleasant Hill, CA 97058
Tel: (714) 437-7760 Fax: (714) 441-3247
www.themattcomp.com

NO.	DATE	REVISION	BY	APP'D.
1	10/13/09	REVISION	JMT	JWE

BP PRODUCTS NORTH AMERICA INC.
550 WEST NORTH AVENUE
LOMBARD, ILLINOIS
SCALE: 1" = 30'
DATE: 10/13/09
CHECKED: /
APPROVED:
DRAWN BY: JMT
SEAL 10774
DRAWN BY:

DESIGN SURVEYS: 09-1543 J.N.: 33984

PROPERTY ADDRESS:
550 WEST NORTH AVENUE, LOMBARD, ILLINOIS

LAND AREA:
14.671 SQUARE FEET OR 1.00 ACRES, MORE OR LESS.

REFERENCE PLAT:
LOT 1 IN GAMER'S ASSESSMENT PLAT OF A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPLICATE COUNTY, ILLINOIS, AS DOCUMENTED AUGUST 13, 1994 AS DOCUMENT NUMBER IN DUPLICATE COUNTY, ILLINOIS

ENCUMBRANCE:
THERE APPEARS TO BE NO ENCUMBRANCES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.

NOTES:
1. CITY OF LOMBARD, ILLINOIS ZONING REGULATIONS, THIS PROPERTY IS ZONED "B-4" - CORRIDOR COMMERCIAL DISTRICT.
2. "B-4" ZONING REQUIREMENTS:
3. SETBACKS:
4. SIDEYARDS:
5. SIGNAGE REQUIREMENTS: THE SPACE FOR EACH SIGN, PLUS TWO SPACES FOR EACH SERVICE BUS STOP, SHALL BE NOT LESS THAN 30 FEET.
6. THE SUBJECT PROPERTY IS LOCATED IN AN AREA LABELED ZONE "X" (AREAS DESIGNATED TO BE OUTSIDE PLANNED) AS DETERMINED BY FINAL FLOOD INSURANCE RATE MAP NUMBER 170A-02000N, EFFECTIVE DATE DECEMBER 16, 2004.

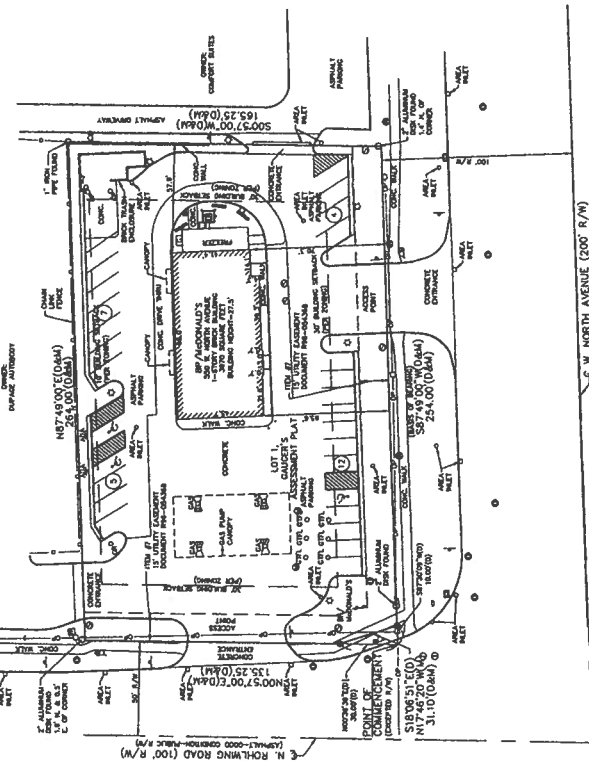
7. THE BASIS OF BEARING USED FOR THIS SURVEY WAS 287.6300" ON THE SOUTH LINE OF THE SUBJECT PROPERTY. WHEN THE CORNER ZONING THE SUBJECT PROPERTY ALLOWED FOR A GAS STATION.
8. ALL UTILITIES APPEAR TO ENTER THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY OR VIA A UTILITY EASEMENT.
9. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR DRIVEWAY CONSTRUCTION OR REPAIRS.
10. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OF BUILDING ADDITIONS WITHIN RECENT MONTHS.
11. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OF BUILDING ADDITIONS WITHIN RECENT MONTHS.
12. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR DRIVEWAY CONSTRUCTION OR REPAIRS.
13. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OF BUILDING ADDITIONS WITHIN RECENT MONTHS.

DESCRIPTION:
THE ASSUMED PART OF A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1994 AS DOCUMENT NUMBER IN DUPLICATE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 1 TAKEN FOR HIGHWAY IN CASE NO. BE20088 IN THE COUNTY OF DUPLICATE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 30 MINUTES 30 SECONDS BY METERS 131.10 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, 30.00 FEET; THENCE SOUTH 18 DEGREES 40 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE, 100.00 FEET TO THE POINT OF BEGINNING.

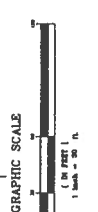
SURVEY REFERENCE:
P.LAT. 11011-008
EFFECTIVE DATE: OCTOBER 3, 2009
FIRST AMERICAN TITLE INSURANCE COMPANY

COVENANT NOT TO COMPLETE MADE BY AND BETWEEN WALTER AND LIDA MAJOR AND IVAN AND MARIA MAJOR AND MACDONALD'S COMPANY, INCORPORATED IN ILLINOIS (MAJORS) AND FIRST AMERICAN TITLE INSURANCE COMPANY (MAJORS). THE MAJORS AND FIRST AMERICAN TITLE INSURANCE COMPANY (MAJORS) HAVE AGREED TO THE FOLLOWING CONDITIONS HEREBY (AFFECTS THE SUBJECT PROPERTY AND IS SUBJECT TO THE TERMS AND CONDITIONS HEREOF):
1. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
2. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
3. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
4. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
5. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
6. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
7. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
8. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
9. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
10. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.

STATEWORKS CERTIFICATE:
STATEWORKS CERTIFICATE: MARRIS W.A., PARSON PETROLEUM INC., AN ILLINOIS CORPORATION, HAS ASSOCIATES LIMITED PARTNERSHIP, AN ILLINOIS LIMITED PARTNERSHIP, PARENT PETROLEUM RETAIL, INC., AN ILLINOIS CORPORATION AND FIRST AMERICAN TITLE INSURANCE COMPANY.
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH ILLINOIS LAWS AND REGULATIONS AND THAT THE SURVEYOR HAS BEEN LICENSED BY THE BOARD OF SURVEYORS AND MAP EXAMINERS OF THE STATE OF ILLINOIS. THE SURVEYOR HAS BEEN LICENSED IN THE COUNTY OF LOMBARD, ILLINOIS, AS DOCUMENTED AUGUST 13, 1994 AS DOCUMENT NUMBER IN DUPLICATE COUNTY, ILLINOIS.
THE SURVEY WAS MADE AND IS ACCURATE IN ACCORDANCE WITH THE PROVISIONS RELATING THEREIN CONTAINED IN THE GRANT RECORDED JULY 27, 1994 AS DOCUMENT NUMBER IN DUPLICATE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
1. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
2. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
3. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
4. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
5. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
6. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
7. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
8. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
9. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.
10. TO MAINTAIN THE MAJORS' SIGNAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREBY.



- LEGEND:
 • 1/4" X 2" RED BINDER W/CAP SET (SEE DOCUMENT #)
 ○ MONUMENT FOUND
 ⊕ GATE POST
 □ ELECTRIC METER
 ⊕ WATER LINE VALVE
 ○ POWER POLE
 ○ LIGHT POLE
 ○ SANITARY SEWER MANHOLE
 ○ ELECTRIC FOOTSTALL
 ○ ELECTRIC FOOTSTALL
 ○ HANGAR PARKING SIGN
 ○ STORM SEWER MANHOLE
 ○ STREET/TRAFFIC SIGN
 ○ BOLLARD
 ○ FIRE HYDRANT
 ○ TELEPHONE MANHOLE
 ○ WATER MANHOLE
 ○ DIRT ANCHOR
 ○ OVERHEAD POWER LINE
 ○ HANGAR PARKING SIGN
 ○ GAS TANK FILLER
 ○ MONITORING WELL
 ○ GAS LINE RISER
 ○ HANDICAPPED PARKING STALL
 ○ WATER SPOUT
 ○ SANITARY SEWER MANHOLE
 ○ BUSINESS SIGN
 ○ MENU BOARD
 ○ SPEAKER BOX
 ○ DESCRIBED
 (M) MEASURED



ROBERT W. JONES
ILLINOIS LS-035-033774
COMMISSION DATE: 11/20/2010

