

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: Timothy Sexton, Acting Village Manager  
DATE: October 29, 2013 (B of T) Date: November 7, 2013  
TITLE: PC 13-18: 540-550 W. North Avenue (BP/McDonald's)  
SUBMITTED BY: Department of Community Development *WAS*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve/re-establish a conditional use for an existing building (gas station) on the subject property located within the B4 Commercial Corridor District. (DISTRICT #1)

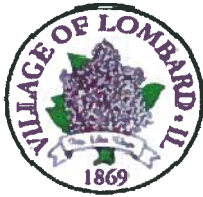
The Plan Commission unanimously recommended approval of the petition.

Please place this petition on the November 7, 2013 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *T. Sexton* \_\_\_\_\_ Date *10/29/13*

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:** Timothy Sexton, Acting Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** November 7, 2013

**SUBJECT:** PC 13-18: 540-550 W. North Avenue (BP/McDonald's)

Attached are the following items for consideration as part of the November 7, 2013 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-18;
3. Completed Standards for Conditional Uses; and
4. An Ordinance granting conditional use approval to allow for the re-establishment of a conditional use (gas station) on the subject property, subject to conditions.

The Plan Commission unanimously recommended approval of the petition. **Please place this petition on the November 7, 2013 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.**

Please let me know if you have any questions on the aforementioned materials.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

November 7, 2013

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

### Trustees

Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Acting Village Manager**  
Timothy Sexton

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

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

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: PC 13-18 – 540-550 W. North Avenue (BP/McDonald's)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve/re-establish a conditional use for an existing building (gas station) on the subject property located within the B4 Commercial Corridor District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 21, 2013.

Dan Soltis, representative for CIMA Developers, presented the petition on behalf of the petitioner, Parent Petroleum, Inc. The petitioner is requesting a conditional use to reopen the BP gas station located at 550 W. North Avenue. Mr. Soltis explained that a dealer was put in this location in December, 2011; however, the dealer abandoned the location in April, 2012. This resulted in legal issues to regain control of the property. CIMA Developers just received possession of this property last month and would like to reopen the gas station.

Chairperson Ryan opened the meeting for public comment, and hearing none, he asked for the staff report.

Matt Panfil, Senior Planner, presented the staff report, which was submitted to the public record in its entirety. Mr. Panfil reaffirmed that 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. The gas station has not operated for a period of over twelve (12) months. Therefore, per Section 155.103 (F)(12) of the Village of 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.

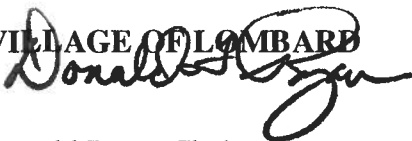
As the petitioner has indicated their intention to operate the business in a similar manner as it was prior to its closing and that the site was specifically designed for such use, staff finds that allowing for the gas station to re-open is consistent with the surrounding context, the Village of Lombard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

Chairperson Ryan asked for public comment, and hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Burke and a second by Commissioner Sweetser, the Plan Commission voted 6-0 that the Village Board **approve** the conditional use associated with PC 13-18, subject to the following four 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.

Respectfully,

VILLAGE OF LOMBARD  


Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

# 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. 7<sup>th</sup> 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**

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

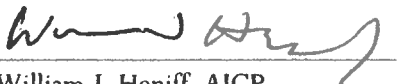
As the petitioner has indicated their intention to operate the business in a similar manner as it was prior to its closing and that the site was specifically designed for such use, staff finds that allowing for the gas station to re-open is consistent with the surrounding context, the Village of Lombard 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 4<sup>th</sup> 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.

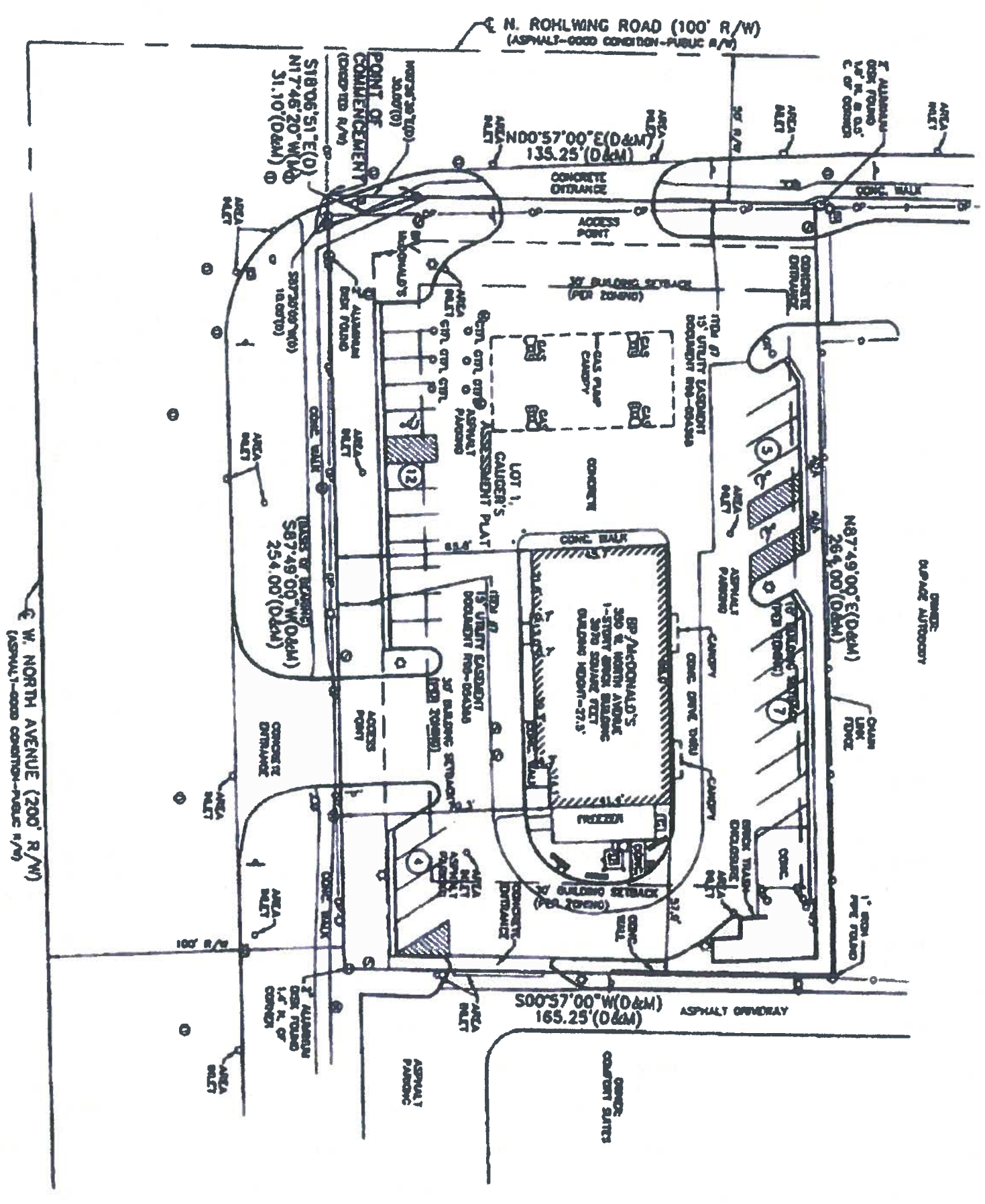
**We will operate in compliance with all applicable Municipal and local laws, statutes, codes, regulations and ordinances.**

Thank You,

Sincerely,

Dan Soltis





N. ROHLWING ROAD (100' R/W)  
(ASPHALT-GOOD CONDITION-PUBLIC R/W)

W. NORTH AVENUE (200' R/W)  
(ASPHALT-GOOD CONDITION-PUBLIC R/W)

POINT OF COMMENCEMENT  
(CORNER R/W)  
S1806.51'E(0)  
N1746.20'W(140)  
31.10'(D&M)

N00°57'00"E(D&M)  
135.25'(D&M)

N67.49°00'E(D&M)  
264.00'(D&M)

S00°57'00"W(D&M)  
165.25'(D&M)

S0730°00'W(160)  
18.00'(D&M)  
S87.49°00'W(D&M)  
254.00'(D&M)

LOT 1,  
CAUTIONER'S  
ASSESSMENT PLAT

BP McDONALD'S  
300 & NORTH AVENUE  
1-STORY BRICK BUILDING  
3070 SQUARE FEET  
BUILDING HEIGHT-27.0'

15' UTILITY EASEMENT  
BOUNDARY NON-CONVENS  
30' BUILDING SETBACK  
(PER TOWN)

15' UTILITY EASEMENT  
BOUNDARY NON-CONVENS

DRIVE:  
BUSINESS AUTOBODY

OWNER  
LINE  
FLOW

1' SIDE  
WALL  
FOOTING

ASPHALT DRIVEWAY

CONCRETE  
COURT SLATES

ASPHALT  
PARKING

15' UTILITY EASEMENT  
BOUNDARY NON-CONVENS  
30' BUILDING SETBACK  
(PER TOWN)

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**PARENT PETROLEUM**

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

October 28, 2013

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

**Subject: Case PC 13-18, Conditional Use Request- 550 West North Ave — Request for waiver of first reading**

To Whom It May Concern:

Please allow this letter to serve as Parent Petroleum, Inc's (Petitioner for Case PC 13-18) request for waiver of the first reading, and request that the Village Board of Trustees make a final vote for approval at the November 7, 2013 meeting.

We request this waiver to help accelerate the approval process, to assist in getting the site reopened.

Thank you for your consideration.

Sincerely,

Dan Soltis

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

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO  
TITLE 15, CHAPTER 155, SECTION 155.305 OF THE  
LOMBARD ZONING ORDINANCE**

(PC 13-18: 540-550 West North Avenue Roosevelt Road)

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 B4 Corridor Commercial; and,

WHEREAS, the Subject Property is improved with a gas station approved by the Village Board as a conditional use via Ordinance No. 3880 in 1994; and

WHEREAS, the Subject Property was operated as a gas station until a sub-lessee abandoned the gas station use; and

WHEREAS, legal delays in securing the right to take over the facility precluded the property owner from opening the facility within a one year time frame; and

WHEREAS, Section 155.305 states that the owner of any building, structure or use which is subject to elimination under the terms of this ordinance may apply to the Plan Commission for a conditional use to allow such building, structure or use to continue or be re-established; and

WHEREAS, the property owner has filed an application requesting a conditional use pursuant to Section 155.305 of the Zoning Ordinance to allow for the re-establishment of the use of the existing building for the subject property, in order to allow for the gas station use to be re-established; and

WHEREAS, the petition of the owner was subject to a public hearing before the Plan Commission on October 21, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard hereby adopt the findings and recommendations of the Plan Commission as set forth herein, and make same part hereof, subject to certain revisions as more fully set forth below.

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 a conditional use is hereby granted to allow for the re-establishment of the gas station use, on the property described in Section 2 below and subject to the conditions noted in Section 3 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 540-550 West North Avenue, Lombard, Illinois and legally described as follows:

LOT 1 IN GAUGER'S ASSESSMENT PLAT OF A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCRODING TO THE PLAT THEREOF RECORDED AUGUST 13, 1946 AS DOCUMENT 504356, IN DUPAGE COUNTY, ILLINOIS; EXCEPT THAT PART OF LOT 1 TAKEN FOR HIGHWAY IN CASE NO. 88ED066 IN THE CIRCUIT COURT OF DUPAGE COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 36 MINUTES 39 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, 30.00 FEET; THENCE SOUTH 18 DEGREES 06 MINUTES 51 SECONDS EAST, 31.10 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 87 DEGREES 30 MINUTES 09 SECONDS WEST ALONG SAID SOUTH LINE, 10.00 FEET TO THE POINT OF BEGINNING.

\ Parcel Number: 03-31-301-029

SECTION 3: This ordinance shall be granted subject to compliance with 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.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

Nays: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Keith Giagnorio, Village President

Ordinance No. \_\_\_\_\_  
Re: PC 13-18  
Page 4

ATTEST:

\_\_\_\_\_  
Janet Downer, Deputy Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Janet Downer, Deputy Village Clerk