

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.

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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

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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.
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.

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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