

MINUTES OF THE PLAN COMMISSION
June 11, 2012

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:04 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Walter Oakley, David Semmelman, and Kurt Schultz.

Members absent: Dan Donahue.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and Matthew Rejc, Planning Intern.

Commissioner Oakley moved, seconded by Commissioner Semmelman, to approve the April 23, 2012, Plan Commission meeting minutes.

Motion carried 6 - 0.

Commissioner Semmelman moved, seconded by Commissioner Adams, to approve the May 14, 2012, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**PC 12-08 Corporate Design + Development Group, LLC, Applicant
704 N. Milwaukee Avenue**

Request is for a Text Amendment to Section 5 of the Libertyville Zoning Code relating to facade continuity for Gasoline Stations/Mini-Marts in C-1 Downtown Core Commercial District.

**PC 12-09 Corporate Design + Development Group, LLC, Applicant
704 N. Milwaukee Avenue**

Request is for a Special Use Permit for a Gasoline Station/Mini-Mart in order to construct a new mini-mart building and other site improvements for a Gasoline Station located in the C-1 Downtown Core Commercial District.

**PC 12-10 Corporate Design + Development Group, LLC, Applicant
704 N. Milwaukee Avenue**

Minutes of the June 11, 2012, Plan Commission Meeting
Page 2 of 8

Request is for a Site Plan Permit for a Gasoline Station/Mini-Mart in order to construct a new mini-mart building and other site improvements for a Gasoline Station located in the C-1 Downtown Core Commercial District.

(Chairman Moore recused himself from this item due to a business relationship with the applicant.)

Mr. John Spoden, Director of Community Development, stated that the petitioner wants to refurbish a canopy and remove and reconstruct a mini-mart. Mr. Spoden also stated that the petitioner needs a Special Use Permit and a Site Plan Permit. The petitioner also expressed a desire for a Text Amendment to Section 5 of the Zoning Code. Mr. Spoden stated that the Zoning Code requires properties to build to the front of the property line for properties that front Milwaukee Avenue in the C-1 District. He stated that the canopy for this property is counted as an accessory structure, while the mini-mart is considered the primary structure. Mr. Spoden stated that the petitioners are asking for a Text Amendment that excludes gas stations from this requirement. Mr. Spoden also stated that the petitioners are asking for adjustments to the signage requirements in the C-1 Downtown Core Commercial District.

Mr. Chris Kalischefski, President, Corporate Design Group, LLC, stated that he has included Appearance Review Commission recommendations for changes in the revised plan of the development. The petitioner stated that without the canopy for the facility, it has no functionality, and that the idea of a stand-alone mini-mart without a gas station has been proven to fail. The petitioner stated that patrons are drawn in by the pumps, which will be illuminated by LED lights in the proposed development for security, and that the pumps truly drive the property while the C-store is secondary. The petitioner stated that oil companies do research into designs for gas stations and they want this model because research supports its ability to succeed. The petitioner stated that the gas station in question is the only gas station in a C-1 Downtown Core Commercial District. The petitioner stated that they are going before the Commission to prevent the likely failure of the facility if they are forced to put the C-store in the front of the property, while he also mentioned that moving the store would necessitate moving the gasoline tanks, which is costly. The petitioner stated that the new design for the facility would mimic the architecture of the Village. The petitioner stated that the sign in the corner of the property will be moved away from the corner to protect the sight distance triangle between Newberry Avenue and Milwaukee Avenue. The petitioner stated that he is only asking for two of the three allowable signs on the canopy. The petitioner stated that significant funds are being put into the landscaping, while the trees at the front of the property will be kept in addition to the planters. The petitioner expressed a desire to remove a guardrail if it is on his property and within his power to do so. The petitioner stated that he will repave and restripe the pavement on his property, and then reinforced that from his perspective, the canopy is the primary part of the property.

Minutes of the June 11, 2012, Plan Commission Meeting
Page 3 of 8

Acting Chairman Cotey asked for audience input, and none was given. Acting Chairman Cotey then opened up discussion of the project to the Commission regarding the Text Amendment.

Commissioner Schultz asked the petitioner for his idea of the end goal of the construction project. The petitioner responded that the C-store needs refurbishing and that infrastructure is insufficient and needs to match Shell standards. The petitioner stated that with that many improvements taking place, they might as well bring the whole facility up to the architectural language of the downtown. Mr. John Graham, petitioner, stated that the current facility provides an underserving atmosphere to customers, and better facilities are needed, especially since the facility was never built to be a self-service gas station.

Commissioner Schultz stated that the plans are a vast improvement over the gas station as it currently exists, and he also stated that the ultimate question is whether or not the Village wants to support a gas station in that location at all.

Mr. Graham stated that even if it were financially sound to only operate a C-store and place it next to the street, it would necessitate the costs involved in switching the location of the C-store. Mr. Graham stated that it is almost impossible to access the facility from Newberry Avenue due to the change in elevation.

Commissioner Semmelman asked why the canopy is not considered the primary structure by the Village. Mr. David Pardys, Village Attorney, stated that the principal structure on the property is the mini-mart and that the canopy is not the principal structure as it is accessory to the principal structure.

Mr. Graham stated that the convenience operation generates about 20% of his business, and consequently his definition of primary structure is different. Mr. Graham stated that gas stations were not imagined in the Code when it was originally written.

Commissioner Semmelman stated that the Village would not want to replace the facility currently in place with nothing.

Commissioner Adams stated that he would view the canopy as part of the main structure and he is in favor of the petitioner's presentation. Commissioner Adams stated that what was shown in the presentation is better than what is currently in place.

Commissioner Oakley asked Mr. Graham how long he will still be operating that particular facility, and he cited the relatively rapid turnover of gas station operators.

The petitioner stated that Staff assisted in drafting the Text Amendment. He noted that he knows he must have the Text Amendment as well as the Site Plan Permit to proceed with the improvements.

Minutes of the June 11, 2012, Plan Commission Meeting
Page 4 of 8

Mr. Spoden stated that an ordinance from 2004 governs the property's signage. This allows 78 square feet of signage and Staff has calculated the proposed signage to be 119 square feet without counting the pump toppers.

Acting Chairman Cotey verified that the total signage would increase from 78 square feet to 119 square feet, which Mr. Spoden affirmed as the correct new signage amount excluding the pump toppers.

The petitioner stated that no new pumps are proposed to be added, but the pump toppers must be included in the total amount. Mr. Graham stated that the pump toppers are proposed to be two square feet in size, and the pump toppers are directed to the customers fueling at the pump rather than at the road.

Commissioner Oakley stated that the total amount of signage is now 127 square feet for the facility.

Mr. Graham stated that other signs were removed, but he was not sure if they were shown in his exhibits.

The petitioner stated the freestanding sign is not in the sight distance triangle and that landscaping has been adjusted. Mr. Graham stated that they think they have an opportunity to be successful at this gas station, but the sign and everything else they are proposing will make them successful. The petitioner stated that smaller signs are difficult to read. Mr. Graham stated that the "Maverick" sign over the C-store signifies them as an expert in that field, rather than merely an offshoot of the gas station, while he also stated that the signs not only show prices, but also alliances with other companies.

Acting Chairman Cotey requested that the petitioner discuss their landscape plan.

The petitioner stated that they will maintain the center island and that the planters will be left alone. The petitioner stated that they will be renovating the front side landscaping, much of which can be seen from the street.

Mr. Spoden stated that the guard rail near the gas station is on this property and confirmed that it will be removed.

Acting Chairman Cotey decided to address the Plan Commission comments, the first of which regarded parking spaces 2, 3, and 4 which did not meet the proper dimensions. Acting Chairman Cotey asked if this issue was rectified in the proposed plans. The petitioner stated that the issue has been rectified.

Acting Chairman Cotey asked where the electrical equipment will be located and what kind of screening will be around it. The petitioner stated that the air conditioning units will be located on top of the building. Mr. Graham stated that they will be screened by parapet walls on the roof.

Minutes of the June 11, 2012, Plan Commission Meeting
Page 5 of 8

Acting Chairman Cotey asked if parapet walls qualify as screening. Mr. Spoden responded that a parapet wall would satisfy the requirement.

Commissioner Schultz asked where the roofline for the C-store is located, and the petitioner stated that it is located in the back of the property and is higher than the front.

Acting Chairman Cotey addressed the third issue, and the petitioner responded that the issue has been rectified.

Acting Chairman Cotey addressed the fifth issue and stated that the Parks Department noted that two Linden trees exist on the north side that are in good condition. The Parks Department also noted the plant beds on the facility's property.

The petitioner stated that those pieces of landscaping will not be touched.

Acting Chairman Cotey addressed the Building Division comments.

Mr. Spoden mentioned the State requirement for discharge path slopes and stated that it was an issue for them to address at the time of permit.

Acting Chairman Cotey stated that he hoped there would be no flooding problems.

Mr. Graham stated that he also discussed the handicap issue regarding the slopes, and Mr. Spoden affirmed that he had.

Acting Chairman Cotey stated that the trees on the property should be identified by a certified arborist. Acting Chairman Cotey stated that the facility should have addressed issues with Metra and issues of people walking across Milwaukee Avenue, while he also asked if the petitioner provided the Engineering Department with materials. Acting Chairman Cotey asked the petitioner if he agreed with comment #6, and the petitioner stated that he did.

Commissioner Schultz asked about the proposed lighting at the facility. The petitioner responded that all lighting would be of the LED variety, which provides better security to customers and gives more light in general. The petitioner stated that the lighting hours would be from 5:00 p.m. to midnight and from 7:00 p.m. to midnight on Sundays underneath the canopy structure only.

Commissioner Schultz wanted to verify that nothing would be on the north and south property lines, and the petitioner responded that nothing would be in those areas.

Commissioner Schultz noted that gooseneck lighting was on the building, while the petitioner confirmed that statement by saying that gooseneck lighting was on both sides and in front of the building.

Minutes of the June 11, 2012, Plan Commission Meeting
Page 6 of 8

Commissioner Schultz asked about the glow of the convenience store and how much more lighting will be added. The petitioner stated that the existing 2' x 2' lights will be replaced by 2' x 2' LED lights, which will illuminate the property, the lot, and little else as a result of blowing light.

Commissioner Schultz stated that he was concerned with the amount of glaring on the facility, and asked what gets turned off in the C-store. The petitioner stated that one light is left on in the canopy and another is left on in the C-store.

Commissioner Schultz asked about how the main sign will be lit. Mr. Graham stated that only the Shell sign will be lit at night as well as the numbers, making it less of a sign as a result.

Commissioner Schultz asked if tank replacement will take place. Mr. Graham responded that it will not, and that it was put in place recently, and that the modern leak detection equipment is effective.

Commissioner Semmelman stated that he was in favor of the project, but would prefer to see a reduction in the amount of signage.

Commissioner Adams stated that he too was in favor of the project, but would prefer to see a reduction in the amount of signage.

Commissioner Oakley stated that he was in agreement with Commissioner Adams, and asked where the ice machine and propane tanks will be located. Mr. Graham stated that the ice machine will be located inside while the propane tank will be located in the south corner by the C-store

Commissioner Adams asked about the halo lighting around the Shell emblem on the facility's sign. The petitioner stated that just the Shell emblem will be illuminated and it will not emit much light.

Acting Chairman Cotey asked Mr. Graham how familiar he is with the ongoing projects in the Village. Mr. Graham responded that he is aware of them.

Acting Chairman Cotey stated that Mr. Graham has been before the Commission several times in the past, and that the proposed aesthetics work better than the typical Shell package, but the proposed signage inappropriate. Acting Chairman Cotey stated that he somewhat supports the text amendment, but is not quite in agreement yet. He expressed his dissatisfaction with the proposed signage and the facade, and stated that the facility should be content with 78 square feet. Acting Chairman Cotey asked for the height of the facility's main sign. The petitioner responded that it is 17.8 feet high. Mr. Graham stated that it is almost pointless to have a smaller sign.

Acting Chairman Cotey stated that Mr. Graham has no evidence to support his previous statement and that he can trim the size of the sign, and that Mr. Graham and Shell can accommodate Libertyville's downtown more fully. Acting Chairman Cotey stressed that the

Minutes of the June 11, 2012, Plan Commission Meeting
Page 7 of 8

station could benefit both the downtown and the new developments. Acting Chairman Cotey asked the petitioner and Mr. Graham if they would like to go to a vote. The petitioner and Mr. Graham stated that they do want to go to a vote.

Mr. Spoden asked for verification that the variance is increasing signage from 78 square feet to 127 square feet. Mr. Pardys verified that the signage was being increased from 78 square feet to 127 square feet.

Mr. Spoden stated that the number of signs must also be taken into account. Mr. Spoden asked if the facility was adding any wall-mounted signs. The petitioner stated that no wall-mounted signs are proposed.

Mr. Spoden stated that this is an increase from 3 signs to 7 signs, which include two canopy signs, a freestanding sign, and four pump toppers.

Acting Chairman Cotey asked for clarification that the increase involves moving from 25 square feet of signage to 127 square feet, and from 3 signs to 7 signs. Mr. Spoden verified those numbers.

In the matter of PC 12-08, Commissioner Oakley moved, seconded by Commissioner Adams, to recommend the Village Board of Trustees approve a Text Amendment to Section 5 of the Libertyville Zoning Code relating to facade continuity for Gasoline Stations/Mini-Marts in C-1 Downtown Core Commercial District.

Motion carried 3 - 2.

Ayes: Adams, Oakley, Semmelman
Nays: Cotey, Schultz
Absent: Donahue

In the matter of PC 12-09, Commissioner Semmelman moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Special Use Permit for a Gasoline Station/Mini-Mart in order to construct a new mini-mart building and other site improvements for a Gasoline Station located in the C-1 Downtown Core Commercial District, in accordance with the plans submitted.

Motion carried 3 - 2.

Ayes: Adams, Oakley, Semmelman
Nays: Cotey, Schultz
Absent: Donahue

In the matter of PC 12-10, Commissioner Oakley moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Site Plan Permit for a Gasoline Station/Mini-Mart in order to construct a new mini-mart building and other site

Minutes of the June 11, 2012, Plan Commission Meeting
Page 8 of 8

improvements for a Gasoline Station located in the C-1 Downtown Core Commercial District, in accordance with the plans submitted.

Motion carried 3 - 2.

Ayes: Adams, Oakley, Semmelman
Nays: Cotey, Schultz
Absent: Donahue

COMMUNICATIONS AND DISCUSSION:

Commissioner Oakley moved, seconded by Commissioner Schultz, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 8:56 p.m.