

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of July 6, 2022

A regular meeting of the Plan Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 6, 2022, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

Chairman Studebaker called the meeting to order at 6:34 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Carmody, McGleam, O'Connor, Pawlak, Studebaker

Absent: Cunningham and Zolecki

Economic and Community Development Director Jason Berry, Consulting Planner Jamie Tate, and Village Trustee Ron Stapleton were also present.

**II. CHAIRMAN'S COMMENTS**

Chairman Studebaker greeted the audience and explained how the meeting this evening will proceed. He then asked if anyone was planning on speaking this evening in regards to the public hearings to please stand and raise his/her right hand. He then administered the oath.

**III. PUBLIC HEARINGS**

**A. CASE 2022-03 BLUFF ROAD FUEL CENTER**

Chairman Studebaker called for a motion to open the public hearing.

Commissioner O'Connor made a motion, seconded by Commissioner Carmody to open the public hearing for Case 2022-03. A roll call vote was taken:

*Ayes: O'Connor, Carmody, McGleam, Pawlak, Studebaker*

*Nays: None*

*Motion passed*

**Staff Presentation**

Jamie Tate, Consulting Planner, said the public hearing is for annexation, rezoning to B-3, and two variations. The purpose of the annexation is for a fuel station and convenience store on the northwest corner of Bluff and Lemont Road. The site is 2.77 acres and is zoned unincorporated DuPage County Residential. It is surrounded by a mix of zoning and land uses. The proposed fuel station will have 14 gasoline fuel pumps. The convenience store is 3,689 square feet and there will be 25 vehicle parking stalls. Stormwater detention is proposed in the southwest corner of the property. There is a full access proposed on Bluff Road and a just enter only off of Bluff Road too. There is a right-in/right-out off of Lemont Road. A traffic signal will have to be installed at the intersection of Bluff Road and Lemont Road for this to move forward. Multiple jurisdictions are involved in this approval from different municipalities so there are a lot of reviews and steps in this development.

The surrounding land uses have unincorporated residential to the north and west. The Hindu Temple is northeast and is located in Lemont. Also to the east, is M-3 Heavy Manufacturing District which has truck and trailer storage. To the south is P-1 which is an unincorporated Cook County Forest Preserve District. The subject property is vacant and zoned residential. In 2001, a Gas City fuel station with 14 gas pumps on 7 islands was proposed at the same location and was proposed to be on 1.7 acres. After several hearings and meetings, Gas City decided to withdraw its application and the project never moved forward. Over the years, the property has become a dumping ground and has wetlands in the southwest corner with some of the property located in a flood plain. There is a lift station on the property that services everyone to the north. Water and sewer are available to the site and power lines exist on the site as well. The swale on Lemont Road that exists will also remain.

Mrs. Tate stated this proposal was scheduled to be heard at the Planning and Zoning Commission in May 2022 but the application was withdrawn at the time. The applicants have revised their plan by removing the truck diesel pumps and revised the access. The Comprehensive Plan designates the site as Infill Residential. The Future Land Use of residential was most likely given to the site because residential surrounds it. The property has sat vacant for over 50 years and is at an intersection of a four-lane highway and two-lane roads. The lots are all nonconforming. If there was residential development there then the lots would have to be consolidated and a subdivision created.

The applicant's project summary states a demand for fuel stations in the Lemont area and the opportunity to keep tax revenue in the Village. While the demand does exist, a fuel station at this location must be vetted assuring site design, architecture, traffic, and site circulation as appropriate. Fuel stations are found adjacent to neighborhoods and residential areas typically with a significant buffer and separation. Removing the diesel

pumps has allowed for more separation and space to enhance landscaping and enlarge the buffer.

There are other goals and objectives in the Comprehensive Plan that they do look at. There are developing inviting gateways into Lemont and there is an opportunity to upgrade the building elevations, signage, and landscaping to have that inviting gateway into the Village. There is the goal to increase local shopping and increase connectivity of open spaces and recreational areas. Creating safe connections to regional trails is an important part of the Lemont Active Transportation Plan and the Comprehensive Plan. There are many trails in the area and the additional pathway that they are going to provide along Lemont Road is safer for bicycles that use the trails across the street. Lastly, maintaining the community character and high standard for design for retail and commercial buildings

Mrs. Tate said the applicant has completed a traffic study and the Village's Traffic Consultant has reviewed the study and provided feedback. The biggest issue is the traffic signal is warranted at the location. There are several jurisdictions involved that include DuPage County Division of Transportation (DOT), Cook County Division of Transportation, IDOT, and the Village of Lemont. A preliminary landscape plan was submitted and there are no trees to be preserved on site. All the landscaping would have to meet UDO requirements.

Being a corner lot, the building has two street-facing elevations both east and south. The renderings they submitted are four-sided architecture, with a red brick face and contrasting brick or stone accents. They have a split-face concrete knee wall. The building is similar to their other existing fuel station which is found at Archer Avenue and 135<sup>th</sup> Street. With this location being located so close to residential, staff is requesting more neighborhood elements. They could incorporate architectural features such as shingled hipped roofs, dormer elements, smaller-scale fenestration, a defined entryway, and materials such as limestone.

Mrs. Tate stated the applicant is requesting two variations. The applicant is proposing the option to put in something of a sound wall system or a privacy fence greater than six feet. The applicant is very open to discussing with adjacent properties and neighbors as to what would be most preferred. Sidewalks must be installed in all residential and commercial subdivisions or developments. The applicant is requesting to not install a sidewalk along Lemont Road and instead pay a fee-in-lieu. Staff did look at the standards for the variations which are listed in staff's packet. The fence variation is to protect the privacy of the adjacent properties and attempt to protect the character of the residential neighborhood. The sidewalk, there is a drainage swale that will remain and it

creates a difficulty when placing a sidewalk in the area. There are no other sidewalks in the vicinity and the applicant is proposing fee-in-lieu.

Staff did also look at the standards for rezoning. The purpose of the B-3 District is intended to accommodate a wide range of retail, service, and commercial uses where patrons arrive by vehicle rather than other modes of transportation. B-3 zoning is typically found on heavily trafficked corners or along minor and major arterial streets. B-1 zoning is more of a neighborhood commercial district allowing less intense commercial uses. Due to the vehicular nature of the area, it is more appropriate for a B-3 use directed towards a more automobile use than a neighborhood use. The proposed path along Bluff Road will allow any nearby residents to access the store by walking or biking.

Mrs. Tate said the surrounding land uses are a mix of land uses. It is typical to find a nonresidential use on heavily trafficked corners and adjacent to residential properties. The property has sat vacant for many years even when residential has occurred around it. The rezoning could be compatible with the location if the appropriate provisions are considered with site design, enhanced buffering, safe vehicle circulation, and noise and light pollution reductions. The proposal will improve the intersection of Bluff and Lemont Road with a traffic signal.

In conclusion, while the zoning designation of B-3 does conflict with the Future Land Use of Infill Residential there are many other Comprehensive Plan goals and objectives that are achieved within the proposal. Removing the diesel pumps and eliminating truck traffic on the site allowed for a larger buffer for the adjacent neighbors and reduced the noise, diesel emissions, and circulation conflicts. The right-in/right-out encourages traffic to utilize the anticipated new traffic signal on the corner. The installation of a 10-foot pathway along Bluff Road allows for safer bicycle and pedestrian travel with improved Lemont Road crossing. Staff is recommending approval with conditions that are listed in staff's report.

Chairman Studebaker asked if any of the Commissioners had any questions for staff.

Commissioner Carmody asked what trail system connection was staff referencing.

Mrs. Tate stated there are several trails in the area. There is the 355 Trail located down Bluff Road.

Mr. Berry said there is also the opportunity to go up Bluff and connect to Waterfall Glen. There is coordination with DuPage County Forest Preserve District to make the trails

more formal. There might not be an immediate connection but it is used by cyclists and it provides the opportunity to create a more formal safe connection.

Commissioner McGleam clarified the items that are before the Commission. One is the rezoning to B-3 Arterial Commercial District and two variations. He asked if any environmental issues are before them this evening.

Mrs. Tate confirmed that they are only here for the rezoning and variations. The UDO does not address any environmental issues. The zoning code only looks at standards for rezoning and variations.

Commissioner O'Connor asked about the annexation.

Mrs. Tate stated the annexation is handled by the Village Board but it is part of the development.

Commissioner McGleam said in the packet there is a reference to a wetland. He asked if there was a wetland delineation plan.

Mrs. Tate stated the Village's Engineer has looked at everything the applicant has submitted and at this point he stated that it would be up to all the other jurisdictions that take care of it.

Commissioner McGleam asked if the wetland was under the jurisdiction of the Army Core of Engineers.

Mrs. Tate said she does not believe it is but the applicant's engineer might be able to answer that further.

Commissioner O'Connor asked if this application was approved would it be coming back before them for any other approvals in the future.

Mrs. Tate stated she does not believe so. If the plans change then they would have to come back.

Chairman Studebaker asked if the applicant can come up to make a presentation.

### **Applicant Presentation**

Al Domanskis, the attorney for the applicant, said the applicant was to appear before the Commission at the May 4, 2022 meeting and certified letters were sent then and again for this meeting tonight. The letters were sent to all owners within 250 feet and it included a letter from him of explanation along with his contact information if anyone had comments or questions. He only received one inquiry at the time of the first mailing. The inquiry was from someone who had a vacant lot along Lemont Road who thought the rezoning was for his lot. He informed him it was not and told him that he would be receiving another notice. He has not heard from him since.

At the May 4<sup>th</sup> meeting he met with several residents that live north and west in unincorporated DuPage County. He did hand out about 10 of his business cards. The questions that were raised were about traffic, impact on their property, and wetlands on the property. He offered to meet further, email information, and discuss by phone to address any concerns. No residents have contacted him after that time. He did receive a letter today from the Village's Environmental Advisory Commission expressing concerns about possible wetland contamination across Bluff Road which he will address. One of the questions that were raised was if this is under the jurisdiction of the Army Core of Engineers (ACOE). Every plan goes through ACOE approval but the map from the Village's Environmental Advisory Commission shows the wetlands are on the south side of Bluff Road and do not cover this particular property.

Mr. Domanskis stated several residents did submit public comments that are in support of the application. The Village staff report does recommend approval with conditions and they agree with the conditions. They will continue to address all comments from staff and consultant letters. If they are granted preliminary approval by the Village, they welcome comments on how to make the building design aesthetically pleasing. For the fence height, if they did not raise the variation at this time they would be limited to six feet. When they were initially coming before the Commission they were looking at truck traffic coming in and they thought it might be appropriate to have a sound wall. They would like to have the approval to go up to eight feet so they could have further discussions in terms of what is appropriate along with other buffering. They agree that if this development does not commence then the property will revert to R-1. They do not have any plans other than the gas station there.

They have submitted statements on the standards for rezoning and the variances. Their first request is for the annexation of this unincorporated DuPage County parcel into Lemont. He does not have any doubt that it would be better for the property to be in Lemont so Lemont would have control over what gets developed on it. The property has a lift station on it from Illinois American that can provide water and sewer without annexing into Lemont and can be obtained from Woodridge. Lemont had the opportunity

in the late 1980s to early 1990s to annex all the way to Interstate 55 and instead Woodridge and Darien took advantage of it. The applicants own the gas station at 135<sup>th</sup> and Archer which was annexed into Lemont recently and have made a fine addition to Lemont.

Mr. Domanskis said if approvals are granted the issue becomes how to develop the property. The Comprehensive Plan shows the property as future residential. Some residents believe the property should also be developed as residential. He has represented several housing developers and he does not see any of them having an interest in this property for residential development. Nobody has sought to develop this property ever. Part of the property is located in a flood plain and is also a wetland. It is not a jurisdictional wetland but is a result of the dumping that has taken place on the property. He asked if Bill Zalewski from Advantage Consulting Engineers could come up and explain how he would describe the property.

Mr. Zalewski stated he coordinated a couple of soil borings on the property to verify where the bedrock was on the property and in the investigation they found that the property had been filled with landscape debris, concrete, and other refuse on the property.

Mr. Domanskis asked if Mr. Zalewski felt with what was on the property did he feel it was developable.

Mr. Zalewski said it is developable if you remove it all. You would have to remove it down to the bedrock. Good material would be brought in to provide a substantial base for the construction.

Mr. Domanskis asked if he reviewed this with the applicants.

Mr. Zalewski stated he did and they had agreed to it.

Mr. Domanskis said if not residential then what would you develop on this parcel. It is too small for industrial development, it is not a neighborhood center that people can walk to, so it seems to fall best to the B-3 zoning for an isolated use. It is a corner lot on a well-traveled Lemont Road. In the staff report, it is stated that it is ordinary to find non-residential zoning or land use on heavily trafficked corners even when adjacent to residential properties. Usually what separates them is some kind of buffering that they are providing. They do see a demand for a service station at this corner. A service station with a convenience store is probably the only development that could work on this site with a future that will continue for many years. It can and will generate sales tax and property tax for the Village. The property is located in DuPage County so it will provide

a lower sales tax for Lemont residents traveling along Lemont Road for the purchase of gas. He asked Mr. Zalewski to come up and go over the plans he has put together.

Mr. Zalewski stated he is a civil engineer and has been working for over 35 years in site development. They specialize in grading and designing tough sites with a lot of constraints. This site is a lot of fill based on the soil borings that they did. There are some wetlands on the site. DuPage County has jurisdiction over the site so they will be working with them and ACOE. The ACOE is currently backed up and it's been about 6 months since they requested them to come out on site. There is a flood plain on the property and it is manageable. They are going to consolidate the volume on site and put it into the detention facility. The detention will be on the west side of the property. They have met with DuPage DOT and they requested that they not have access from northbound Lemont Road which they have complied with. They asked us for a warrant study for the traffic signal. The current volumes are already at the levels to warrant a traffic signal. Using the information that they have from the owners and from the constraints on the site they were able to put this plan together. When the fuel is delivered they allow access from the northeast corner going southbound. They would exit from the western driveway they provided to Bluff Road and utilize the traffic signal.

Mr. Domanskis asked if the plans have been provided to the Illinois Department of Natural Resources.

Mr. Zalewski said the wetland specialist has submitted their plan to the IDNR and their concern was that they have a water quality storm management system which they do. So they have no further comments.

Mr. Domanskis asked over the next 18 months will he be going through environmental reviews with the different agencies.

Mr. Zalewski stated it will be with the ACOE and DuPage County.

Commissioner McGleam asked if they will need a permit for the wetland delineation mitigation and for the stormwater management.

Mr. Zalewski said they will have to work with DuPage County and their environmental department regarding the wetlands. They have a runoff rate that they will have to meet for maintaining all the detention for the impervious area. They will have to maintain the existing runoff and there will not be an adverse effect with the water runoff. They are the low point to the surrounding properties and are receiving water from upstream. There is a large swale along Lemont Road that is about 10 feet across and a couple of feet deep.



Commissioner McGleam clarified that they have to manage any water that is coming to the site and any additional water that doesn't permeate into the soil from the development.

Mr. Zalewski stated yes.

Commissioner Pawlak asked if there was any filtration device for the runoff water.

Mr. Zalewski said with all gas stations they install what is called a stormceptor. As they release the water at a controlled rate through the stormceptor which separates pollutants and contaminants before they are discharged downstream. Also, with the detention basins, they are planning on having a wetland bottom which helps get any contaminants out of it.

Mr. Domanskis stated when he talked with residents on May 4<sup>th</sup> and with the Environmental Advisory Commission, questions were raised about possible environmental contamination in regards to fuel runoff. He asked Paramvir Singh and Shamir Manhani to come up. He asked them how fuel tanks are designed now compared to years ago and asked if they can talk about the certification they received in regards to safety.

Mr. Manhani said there are certification classes on environmental that they have to take as part of the EPA. Any facility that has underground storage tanks have to take a class. They are compliant with the States of Illinois, Indiana, Wisconsin, and Iowa. He has been involved in the business since 1997. During that time they have not had any environmental citations.

Mr. Domanskis asked if he can talk about the fuel tanks.

Mr. Manhani stated the fuel tanks have changed a lot over the years. The tanks are double-walled interstitial fuel tanks. This means that there are two walls and the space between the walls is interstitial. If the tank leaks it will go to the interstitial part, an alarm will sound, and then the tanks are shut off. It will shut off everything at the gas station. The fuel pumps are also double-walled. The pumps also have sensors in them and they will shut off the whole system.

Mr. Domanskis asked if they can talk about what happened at the station in Dyer back in April when it shut down.

Mr. Manhani said the pumps shut down and they were looking at the reports to try and find the leak. They could not find the leak so they had to open up every pump one by one. Every pump has a containment right underneath it. There was one filter that had a pinhole leak that dripped fuel, about 10 ounces, in the containment and it shut down the whole system.

Mr. Domanskis asked if there is a containment tub for every fuel pump.

Mr. Manhani stated yes for every fuel pump and where the fuel is delivered. The EPA requires that they have it and then the states have their own requirements.

Mr. Singh said there are cheaper fuel tanks and metal lines. They choose to do fiberglass because it is safe and more efficient. He then talked about additional safety features on the equipment.

Mr. Domanskis asked if they are prepared to develop this project with good architecture and site design as requested under Lemont's Comprehensive Plan.

Mr. Singh stated they built a very beautiful store on Archer Avenue. There is a need for the gas station here and they would welcome any input on the design.

Commissioner McGleam asked with all the safety precautions and testing who permits the tanks and pumps.

Mr. Manhani said there are two agencies involved. One checks the weights and measures and the other is the Fire Marshall from the State.

Mr. Domanskis stated there are two variation requests. One is for no sidewalk along Lemont Road. It would be a sidewalk to nowhere but they are willing to put up the same amount in lieu so if anything does go up a sidewalk can be put in. The next issue is what impact the gas station would have on traffic circulation and impact on surrounding properties. So he will have Mr. Doron come up and speak about the traffic study.

Tim Doron, Fish Transportation Group, Inc., said he has been out to the site many times. He does not live here but he does his best to collect data and work with the staff and the consultants. From a traffic perspective, it is an excellent place for a gas station. Gas stations draw about 60% to 70% of their customers off the existing street. Bluff Road is a collector road that carries about 2,000 cars a day and Lemont Road is a minor arterial that carries about 18,000 to 19,000 cars a day. They counted the traffic and the turning movements during the morning and evening rush hours and submit that to the Village.

The Village's consultant feels the intersection meets traffic signal warrants based on Federal guidelines. The next step would be to take the study and submit it to DuPage County DOT and IDOT. If they feel it meets the warrants for a signal then they go to a signal design before it is constructed and turned on. They also looked at crash data for the past five years. There have been 20 accidents that were reported and four that dealt with personal injuries.

Mr. Domanskis stated they went to DuPage County DOT and they said they will not review this unless they had preliminary approval from the Village of Lemont. This is why they have not done a warrant study. All the consultants have stated that even without this development the signal is still needed.

Mr. Doron said there are huge turning movements in the morning and in the evening from the traffic coming from the west going eastbound and turning right onto Lemont Road. There are 232 vehicles per hour in the evening. It is really hard to make a left turn off of Bluff Road onto Lemont Road. The site is designed so fuel trucks can come in and then go around the back so they don't interfere with customers. They did look at the queues on Bluff Road and they sometimes go back to 300 feet or more, but the driveway access is further back than that.

Mr. Domanskis asked if he felt the signalization will be an improvement.

Mr. Doron stated it would improve. If you look at the standards currently that intersection is very poor.

Mr. Domanskis said when he spoke with the residents they had expressed concern with the downhill slope from the north on Lemont Road, especially during the winter. He asked if he could speak regarding to the road and slope.

Mr. Doron stated there are the standards that he spoke of that will determine if the signal is warranted. The design and location of the signal at the intersection will be in accordance with a standard of distance. When you come around the curve there is a long distance before you have to stop. Everything will have to be approved by the DuPage County DOT.

Mr. Domanskis asked if he can explain how traffic signals differ now.

Mr. Doron said in the old days the traffic signals would change every 60 to 90 seconds. They went to the underground plates that would detect a car and then change the signal.

Now it is done by cameras at the intersection so it will not change unless there is a car that pulls up on Bluff Road.

Mr. Domanskis stated he will now have Doug Shannon come up and speak.

Doug Shannon, Landscape Architect, said for the site they did a tree survey. They found 87 trees that were large enough to be included in the survey and 16 of them were of good enough quality to not need any kind of remediation. Overall, about 2/3 of the tree species on the site are of poor quality. They prepared a landscape plan to meet the UDO requirements for the transition yard, parkway tree requirements, and side landscape requirements.

Mr. Domanskis said currently they are showing a fence off of the property line. He asked if the fence is located off the property line how would maintenance be taken care of on the resident side.

Mr. Shannon stated in the landscape plan they made sure there is a wide enough space outside the plantings for the owner to access and maintain the site without having to enter any of the neighboring properties. They are asking for a variance on the height to improve the sound barrier and also provide the proposed landscape for the transition yard on the resident's side of the fence.

Commissioner McGleam asked if they know what kind of posts or panels the sound wall will be.

Mr. Shannon said the minimum requirement for this type of development would be a board-on-board cedar wooden fence. They could increase the height of that fence or use a more robust material to help increase sound protection. A wood fence would be more for a screening application but there would be some type of noise abatement from it. To achieve a higher degree of sound abatement you would have to use a more robust material.

Mr. Domanskis stated they were originally talking about a sound wall but now the trucks are out they are not sure what the Village or local residents want them to do.

Commissioner McGleam asked if they could speak about what the landscaping will look like at the transition wall.

Mr. Doron said the transition yard they are proposing begins at the far north corner of the site and is continuous along the northern and western property edges. There is one gap in

the fence to allow for maintenance access. They have not selected the individual species since it is preliminary. The transition yards would include shade trees, evergreen trees, ornamental trees, deciduous shrubs, and evergreen shrubs.

Mr. Domanskis asked if Mr. Zalewski could talk about the photometric plan.

Mr. Zalewski stated they had an outside consultant prepare the photometric plan and the idea is that you do not illuminate the sky. The light would go straight down and no light is allowed to leave the site.

Mr. Domanskis said this would conclude his presentation. He and his team are available for any questions.

Chairman Studebaker asked if there was anyone in the audience that had questions or comments. Based on the number of residents attending they will have to limit questions or comments to three minutes.

### **Public Comment**

Thomas Feehan asked if they did get a petition from all the residents in the Riverview subdivision opposing the gas station will that stop it.

Chairman Studebaker stated if they have a petition they could submit it to the Village and it would be taken into consideration.

Mr. Feehan said if the Commission is representing the people then why would this go through. If it is for Lemont then it should be put in at Lemont and 127<sup>th</sup> Street. It is a beautiful lot with no residents around it that would be affected. Nobody has mentioned the aquifer that is a couple of feet below the ground. He feels this will decrease the property values to the residents around there. If you look at the gas station up the street you will see nothing but garbage around there.

Gary Ostrander, 19W645 Dystrup, stated their concern now and when the previous gas station tried to come in, is the aquifer. You can't put the tanks underground because of the aquifer. He asked what will happen to the trucks as they are coming down the hill. The trucks are already screeching their brakes and they have a hard enough time getting up the hill without a light there. This is a bad corner and the gas station does not belong here.

Thomas Ballard, 19W609 Dystrup, said he is also the Emergency Manager. The traffic study that they did was from 2016 to 2020 and does not take into account the last two years. The right-in/right-out is on a hill. He asked what is going to happen when someone stops on the hill to turn in and a semi is right behind them. It will be a traffic nightmare if you put a light at Bluff Road. He asked what will happen to all the traffic coming out of Old Lemont Road. There have been three accidents there within four days just recently. The Hindu Temple has multiple events each year. He usually will shut the right lane on Lemont Road. They can get about 3,000 to 5,000 people. They are at a bottom of a hill and there is always flooding anytime that it rains. The Des Plaines River almost came up to Bluff Road last year. The IDNR has to be involved in this with all the animals around. He gave the Commission pictures showing that there is a wetland.

Christopher Holy, 12S614 Knoebel Drive, stated he works for the Illinois Environmental Protection Agency, but he is here representing himself. He feels this is not a good location. He has lived here for 25 years and he has seen trucks slide down that hill. The property also has to be reviewed by the IDNR because right down the road there are monarch butterflies which is an endangered species. He would like to see the soil borings as to how many they did and at what depth. He knows there were issues with dumping and mostly there was CCD debris in there. He is concerned about the lower and upper aquifer. Everyone out there is on well water and there is a concern that could be impacted. He asked if they would be providing yearly testing on the water. Trucks can spill when they are delivering fuel. He asked what are the tanks going into. If they are going into the bedrock they could fracture it. He is also concerned about light pollution.

Danuse Uselova, 19W661 Hillcrest Lane, said this is already a noisy area and if you put traffic lights there the trucks will have to stop and accelerate. She asked if they were planning on putting any sound barrier up the hill. The Post Office doesn't even deliver the mail on Lemont Road. People are moving to Lemont because it is a unique area. This gas station will destroy the natural habitat of many animals.

Curtis Mizener, 19W720 Dystrup, stated he has been doing engineering design for 40 years and have worked for three municipalities. He was also on the Advisory Board for I355. He feels they need Forest Preserve people working for them and not developers. In the Village he worked for, he never saw a residential district get changed to B-3. Sometimes the residents in the area can give you more information than the studies. Lemont should focus on nice development and having a gas station in your central business district. He feels it is ridiculous that they are looking to put this gas station outside of town and in a different county.

Matt Stelton, 12S675 Knoebel, said he was a truck driver for six months and can understand the danger of driving down that hill. Being a school bus driver for Lemont he can attest to how dangerous it is driving down the hill on the ice. He feels it is unconstitutional that a different County and a different township can change the zoning when the residents are unrepresented by the Zoning Commission. He is concerned that the gas station can also increase crime.

Jordan MacAras, 12S646 Lemont Road, stated he understands that the applicant wants to expand their business. Truck drivers are going to hate having to slow down for the light and will lose money having to get up that hill from zero. Instead of a gas station let's produce something here. He is into regenerative micro-farming and aquaponics. You can use the environment and create more rain gardens and turn it into a better wetland. There are different ways to make money other than gas. We need to start thinking about growing conservation and regenerating the soil and water. To save money on fuel, can they drop the speed limit down to 35 mph and then go up to 50 mph further down Lemont Road.

Gabrielle Gardner, 12S636 Lemont Road, said in the winter the cars slide down the hill and the traffic goes back down Lemont Road. If you put a stop light there then cars will not be able to get enough speed to get up that hill. If someone is going slowly up that hill then the cars behind it won't be able to get up the hill. All of the residents around there are on well water and things can get into the water. She would like them to do a study on the wildlife in the area. Their driveway is also off Lemont Road and sometimes they have to go all the way down and come back around because the cars are going too fast. She does not feel it is feasible to put a gas station here and believes it should go elsewhere in Lemont.

Jeanette Daubaras, 13490 Derby Road, stated this property is zoned R-1 and has been for many years and you don't put a B-3 Zoning in a residential neighborhood. This Commission should be representing the people in Lemont and not just the Village. The people who live here were here first and they are first in right. This is what zoning and planning is all about.

Nicole Kling, 19W781 Dystrup, said she has lived in the area for many years. Several species call this place home. There are deer, birds, turtles, and beavers that will be displaced from the construction. There is already an issue with litter along Bluff Road and the addition of a gas station can increase this issue. It was stated that this gas station could be the entranceway into Lemont, but wouldn't you rather have a lush green area.

Bill Lott, 19W364 Bluff Road, stated this gas station will be next door to him. Army Core of Engineers came in years ago and put that pumping station in and diverted the water to his house. When the river fills up the water does not go anywhere. He couldn't cut his grass for a whole month. When the water does disperse it is beautiful there with all the wildlife. When he is coming into Lemont he would rather see lush land rather than a gas station.

Sarah Terhorst, 17210 Bluff Road, said one of her favorite things to do coming home from work every day is seeing beautiful Lemont. She originally came from the south side of Chicago and moved here about four years ago. It is very important to her to make sure Lemont stays beautiful. There are so many open areas besides this piece of property to put this gas station. She agrees with all the other points everyone has brought up.

Brian Reinke, 12 Ridge Road, stated he has been on the Lemont Environmental Advisory Commission for over 25 years. He wrote a letter to the Commission which he will read this evening. There are two points in the letter that he wanted to bring up. The first point is that the property is located directly adjacent to a well-established wetland. There is a concern that the proposed gas station could propose a threat to the ongoing health of that vital ecosystem. According to the Illinois Federal Energy Action Report, from October 2020 through September 2021, there have been 424 confirmed releases at 6,451 active UST facilities in a one year period. A spill is defined as a release of 25 gallons of petroleum, or a release of less than 25 gallons that creates a sheen on the water. The sources of the release include tank, piping dispenser, submersible, and "Unknown". The "Unknown" accounts for 71% of reported spills. Secondly, he would like to highlight the detrimental effects on wetland areas and local groundwater. One gallon of oil can contaminate a million gallons of water. A single pint of oil released into a lake or wetland can cover one acre of surface water. Potential damage sustained from even minor releases of petrochemicals could take years to remediate and cost vast resources. They ask the Planning and Zoning Commission to deny the approval of this proposal.

Daniel Watts, 19W665 Dystrup, said he was an architect. He feels the landscape architecture they are proposing is just basic and garbage. The reason he moved here was that they are surrounded by forest preserves but the applicant does not show that in his pictures. This site was originally wetlands and it was illegally filled in a while back. DuPage County wanted it to stay wetlands and they were supposed to bring it back better. There are several deer, wild turkeys and he even saw an eagle. The problem with the water is that the culvert is too small. There is no infrastructure that is deep enough to protect it from the water. The run-off is going to be worse and back things up even worse and affect the wetlands. He does not want to see a concrete fence or the garbage that this development will bring.



Vera Gardner, 12S636 Lemont Road, stated she had to call DuPage County a couple of weeks ago to pick up a wild turkey. She asked why doesn't Lemont have a gas station in the middle of Lemont. She asked if the Commission was getting paid off or if Lemont was getting money from the big union petroleum companies.

Scott Christopherson said he and his family have always lived in Lemont. He asked why there wasn't a gas station in town. He doesn't understand why they would want to put one here and screw up wetlands and traffic.

Pat Bitterman, 19W730 Bluff Road, stated she does not believe that 232 cars go by her house per hour. She has pictures from when she worked for the Township of how flooded Bluff Road can get. She had gone to the Township President at that time stating they were having issues with flooding since they put in a 58 gated community along Bluff Road and she was told that she will get a one-time fix. They came out but never fixed it. Now they have to wait for the water to disperse before they can mow their lawn. She is concerned about her water becoming contaminated and how trucks are going to be able to make it up the hill. She asked how big are the tanks and how will they get them into the ground.

Thomas Ballard said when there is a one to two-inch rain the water really comes down that hill, floods his yard, and then goes down to Bluff Road. He has had about 3 cars in his backyard. Flooding is the biggest issue and the wetland.

Gabrielle Gardner stated they are in unincorporated Lemont but they shop in Lemont. Their kids go to Lemont and they care about Lemont. They should have a say even though they are not in Lemont.

Christopher Holy said he would suggest that if this does get approved to make sure there is enough financial insurance. He has worked for Citgo and has seen every issue that can happen with petroleum. If they are going to put this there make sure there is some type of clay there to help keep it from being absorbed into the ground. He would like some kind of provision that they can have their groundwater tested if they suspect impact. Illinois American Water tried to get them to go on to their water system which they chose not to. He feels they deserve better.

Tom Feehan asked how do they find out what meeting will be next.

Chairman Studebaker said they can go on to the Lemont website to see when it will come before the Village Board.

Gary Ostrander stated how many people come to Lemont to drive down Bluff Road. It is not the same road on the west side, but there is no other road like it.

Doreen Stelton, 12S675 Knoebel, said she moved here in 1956 and had a business for 50 years. She invites her friends to Lemont to come and have lunch. She even puts a picture of Lemont on her Christmas cards. She founded the Riverside HOA and was president for many years. They have fought to keep the other gas station out and the quarry out. It is nice to come into Lemont and have nice people to greet you. She does not like to think about having a big glaring building and screeching noises at 3 a.m.

Commissioner Carmody asked if having a traffic light at that intersection is something that is being looked at currently or if this development triggers the light.

Mr. Berry stated it would be this development.

Chairman Studebaker asked if there were any further questions or comments from the audience. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 2022-03. A roll call vote was taken:

*Ayes: Carmody, McGleam, O'Connor, Pawlak, Studebaker*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Studebaker explained to the audience that the motion for a recommendation is always made in the affirmative.

Commission O'Connor asked if there were any additional conditions that any of the Commissioners wanted to add.

None responded.

Chairman Studebaker asked if there was any further discussion from the Commission. None responded. He then called for a motion for a recommendation.

### **Plan Commission Recommendation**

Commissioner O'Connor made a motion, seconded by Commissioner Pawlak to recommend to the Mayor and Board of Trustees approval of Case 2022-03 Bluff Road Fuel Center with the following conditions:

1. Address all comments from staff and consultant letters.
2. The building design should incorporate residential-scaled design features such as a hipped roof on both the building and canopy to blend in with the adjacent neighborhood more cohesively. As a gateway, the design could incorporate Lemont limestone, as found on the Village entryway sign south of this development.
3. The sound wall or fence height shall be no greater than 8 feet but specifically determined during the public process.
4. The rezoning to B-3 is solely granted to the applicant for the proposed fuel station as generally depicted in the Preliminary Site Plan. If the development does not commence due to other jurisdictional reviews, approval or any other reason, the zoning will default to R-1, Single-Family Residential District.
5. The Final Plat of Consolidation will not be recorded until building design, fence height, and any other outstanding comments are addressed.
6. Provide a sign package to address site circulation.
7. All signs will meet the UDO.

A roll call vote was taken:

*Ayes: Pawlak*

*Nays: O'Connor, Carmody, McGleam, Studebaker*

*Motion failed*

Commissioner Carmody made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 2022-03 as prepared by staff. A voice vote was taken:

*Ayes: Carmody, McGleam, O'Connor, Pawlak, Studebaker*

*Nays: None*

*Motion passed*

## **B. CASE 2022-06 - GAS N WASH**

Chairman Studebaker called for a motion to reopen the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Pawlak to reopen the public hearing for Case 2022-06. A roll call vote was taken:

*Ayes: McGleam, Pawlak, Carmody, O'Connor, Studebaker*

*Nays: None*

*Motion passed*

## **Staff Presentation**

Jamie Tate said this is a continuation from a special meeting on June 22, 2022. This is a redevelopment of Route 83 and Main Street with a fuel station, car wash, convenience store, and a multi-tenant retail center. It currently has B-3 Zoning and the Commission did vote on the Preliminary Plat at the last meeting. The special use is for three drive-throughs. There is one on Lot 2 and two on Lot 1 that are associated with the convenience store with one being a Dunkin Donuts already. At the last meeting, there was a lot of discussion regarding the variations. The applicant did come up and ask if they could revise their application and provide more information for those variations. There was not much discussion on the drive-throughs.

The applicant has reduced the height on four of the signs but they still need the variations. The tenant sign on Main Street is going to meet the code, but there is still a variation request for the four monument signs. The applicant is requesting 3 monument signs on Lot 2 which is the Gas N Wash. The code allows only one monument sign per zoning lot. The code allows the monument sign area to be 64 square feet. The car wash and the Main Street multi-tenant sign are now going to meet the 64 square feet. That did eliminate two variation requests, but the other three monument signs are greater than the 64 square feet. The changeable copy request was eliminated. The code allows for one gas canopy sign per right-of-way frontage. They did eliminate the Dunkin Donuts on the canopy so it reduced it from four to three. The other two signs are on each side of the canopy.

Mrs. Tate stated the Gas N Wash convenience store is requesting to be greater on their wall signage. The code allows up to 216 square feet and they would like 242.6 square feet. At the last meeting, it was 291.9 square feet so they have reduced the amount but it still needs a variation. The car wash and the multi-tenant will meet the wall signage. For the EMCs, they removed the EMC from the multi-tenant sign on Main Street. The only remaining is for the gas prices. The EMC variation is just for the numbers for the gas prices. The code allows the prices to be at 15 inches and they are proposing to be at 16 inches. The applicant states that it is industry standard that it is 16 inches. If this is correct then they might need to make a change to the code.

In summary, they have eliminated some of the variation requests from 24 sign variations to 16 sign variations. They have reduced some of the intensity of the requests. There has been no change in the architecture. At the last meeting, she stated the use of red is branding without using signage. When you look at the elevations it is not what you see from the street. From the street, the canopy is like an extension of the architecture from

the building. She showed different canopies and signage from other Gas N Wash stations that were built in other communities.

Chairman Studebaker asked on the monument sign on Route 83 what is the height being requested and what is allowed by code. He does not see an issue with the elevation there.

Mrs. Tate said the code allows 8 feet in height and the applicant is proposing 13 feet.

Chairman Studebaker stated the canopy is huge. He asked why can't they have a canopy like they have in Shorewood. It looks a lot nicer and blends in well. He then asked if any of the Commissioners had any further questions for staff. None responded. He then asked the applicant to come up and make a presentation.

### **Applicant Presentation**

Troy Paionk, BlueStone Group, said at the last meeting he attended via zoom. Staff did a great job summarizing the changes they have made. He is going to cover the retail lot which is Lot 2 and then Chris Kalischefski will cover Lot 1 for the Gas N Wash. For the monument sign, there are five signs in total. Lot 1 they are not requesting a variance for the signs but there are two monument signs for the retail. One is on Lot 1 and the other is on Lot 2. They are technically having an off-premise sign on Lot 2 and they are providing an easement to cover that. They do not have any frontage on Main Street so that is why they are requesting for it to be on Lot 2.

For the hardship, this is a corner lot development but it is not your typical corner lot. Southbound on Route 83 there might be good visibility, but you still have northbound which carries a lot of traffic as well. If you are headed northbound doing 45 mph, which is about 66 feet per second, and you happen to be in the outside lane, that signage is important so you can make a decision and get in the proper lane. You need advanced notification with these signs.

Mr. Paionk stated there are two monument signs for Lot 2. On the one sign, they reduced the height of the sign by a foot and a half and kept the same square footage which is 96 feet, but they reduced the height of the base. The other sign is now code compliant because they reduced the height and square footage and removed the EMC. For the wall signage, they removed the rear wall signage and now they comply with the code. With all of their requests, they had six variance requests for Lot 1 and they eliminated four and reduced one. They are still looking for the 13-foot tall sign along Route 83 and 96 square feet on that same sign. They do believe that based on the speed limit and the complexity of the roadway you have to be able to identify the signs. Whether a sign is warranted at

this corridor he suggested looking at the billboards that are out there. One of the billboards is coming down but there is still a pretty large billboard out there. These signs are smaller compared to the billboard but they do believe they are necessary for a successful operation of the site.

Chris Kalischefski, WT Group, said they are hoping that the presentation will show why they are asking for these signs. They are looking for the three monument signs because the corner is at a very unique angle. The State requires for gas stations that the pricing be shown on the site. The additional sign is for the additional business. They have an 8,000 square foot building which is much larger than what was previously here. They have three businesses to market on the site, the fueling business, and the car wash. They could have subdivided the site and then they wouldn't have the one additional variance.

He showed on the overhead which signs were removed and which ones were lowered in height. The gas station pricing letters are an industry standard of 16 inches. The 15 inches is when they were manually changed. The overall sign height was 13.1 feet and now it is 11.4 feet. A visual reaction time is 10 seconds and the visual reaction distance is 661 feet.

Chairman Studebaker stated someone at the intersection heading north is going to see their facility. He understands that the distance he is quoting is for someone to see the sign. However, as soon as you come around the corner you will see the car wash. He understands what they are trying to do but he does not believe the height increase is necessary. People will be stopped at that light and he feels that this will be a very popular facility.

Mr. Kalischefski said people seeing the price of the gas is key to getting them there. So the height of the sign and the letters are important. They are not trying to put a huge sign on the road. It is only because of the grade change.

Commissioner McGleam stated he thought at the last meeting it was established that there is minimal grade change from the roadway to the site on the north end.

Mr. Kalischefski said because of the curve and the 661-foot distance they feel the height of the sign is appropriate. The car wash sign as mentioned was reduced in size and is 63.89 so it meets the code. The EMC was reduced to be 21 square feet so that was reduced also.

Commissioner McGleam asked for the car wash sign, if there was a grade change in the roadway.

Mr. Kalischefski stated there is and it is five feet. For the canopy, because of the acute geometry, he asked that three signs on the canopy would be approved. They did reduce the number from four to three. They are way below the square footage allowed for the canopy signs. They are allowed 961 square feet for signage and they have reduced their number down to 631 square feet. The monument sign on Archer, there is a difference in the roadway elevation of five feet. The car wash sign is 10.4 feet and the multi-tenant sign is 11.4 feet but you are seeing 5.4 for the car wash sign. They have the same situation on Main Street where there is a five-foot drop. The original variation was for 13 feet.

Commissioner O'Connor asked where the sign is supposed to go and if the grade was going to change with development.

Mr. Kalischefski said on Main Street it might be a little higher, but the final grade for the base of the sign will be five feet. With signs themselves, you are typically within a few feet of the roadway. They are about 70 to 75 feet for the one sign and over 50 feet for the other sign. On the canopy, because of the uniqueness of the site, they still want the three sides for the sign.

Commissioner McGleam asked if they are asking for a variance on the canopy signage.

Mr. Kalischefski stated they are just for the number of signs. The code allows one sign per road frontage. He feels they should be allowed two because the back of the canopy faces Main Street and the front is Archer. Staff's interpretation is one sign and they are requesting three signs.

Chairman Studebaker asked if there was any consideration given to a different type of canopy.

Mr. Kalischefski said the type of canopy that was done in Shorewood is very high maintenance. It adds additional weight not only to the canopy itself but all the way down into the foundations. With the sloped roof, it collects snow on there.

Chairman Studebaker asked why did they do this type of canopy at this site.

Mr. Kalischefski stated it was more of a modern look for the younger customer base that they were trying to attract to the site. They feel that the red canopy is indeed more in terms of the marketing of Gas N Wash. That canopy in Shorewood you can slap any petroleum brand on it and that is what they are trying to get away from.

Commissioner McGleam said the color is going to be a big issue for him. He understands the concern about putting a sloped roof on the canopy.

Chairman Studebaker asked why was it put up then in Shorewood.

Mr. Kalischefski stated he did not work on that project but he thinks it was a requirement by the community. For building signage, they are a little over because of the third tenant. If they were considered a multi-tenant building then they would not be asking for the variance. For the car wash, they are in total conformance. The only additional thing he is struggling with that he does not know how to meet the requirements is that they are not allowing the EMC on Main Street, but the State requirements require that they post the price. He would hate to have a manual price changing sign. The site has challenges not only in a horizontal plane but also in a vertical plane. The acuteness of the site is a challenge along with the drop in elevations. The allowable amount by code to be covered for an impervious surface is 80% and they are only at 64%.

Commissioner McGleam said there are two other monument signs for the commercial building. He asked if they are requesting any variances for those.

Mr. Paionk stated there are two variance requests for one monument sign on Lot 2. The one sign along Main Street is within code compliance. The other sign, the variance requests are for height and square footage. They reduced the height from 15 feet to 13.5 feet and they are asking for 96 square feet. The sign is located on the south end of Route 83.

Commissioner McGleam asked if the Gas N Wash sign was going to be 10.4 feet, but the tenant sign that is just north is going to be 13.6 feet. He asked why wouldn't they be the same height.

Mr. Paionk said there are six different tenant panels on there. They reduced their base height so they are trying to get the tenant coverage.

Commissioner McGleam stated if they are having concerns at 10.4 feet then they are going to have issues with 13.6 feet. He asked what flexibility they have on the color of the canopies.

Mr. Kalischefski said they are pretty strong on keeping the color. It is important for marketing and is part of the brand.



Chairman Studebaker stated even if they didn't see the Shorewood location he would still be questioning the color. This is the gateway to the community.

Commissioner McGleam said there is the Gas N Wash sign which is above the fascia of the canopy. An option is they maintain that in the brand color and the remainder of the canopy is a color that they would find more acceptable.

Mr. Kalischefski stated what they need is for the Commission to vote on all these items tonight. If it is made part of the vote then it is. A Gas N Wash compared to any other retail petroleum site far exceeds per square footage costs. Some things would be canopy columns encased in masonry and stone, they have the "T" shaped canopy, and they have full masonry buildings. The landscape for a Gas N Wash is the highest compared to any of his other retail petroleum clients.

Chairman Studebaker asked if there were any further questions for the applicant from the Commission. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

#### **Public Comment**

Jonathan Pesavento, 12820 Main Street, said that the standards that were set for Lemont should be adhered to. If these special requests or variances tonight are imperative to the development of this property, then it should be clear that this "very unique site" with "huge issues and challenges" should strongly be reconsidered for the Gas N Wash development. Fifty percent of his windows are within 150 feet of this property line where there are diesel fueling stations and petroleum stations. There are engineer controls, administrative controls, and when you can't mitigate all risks you have PPE. There is no reason why he should have to put on a full-face respirator to not exceed the threshold set by OSHA standards for benzene exposure. His well is within 150 feet of the property line of this development. The safety of the health and welfare for himself, his family, and his neighbors are his utmost concern.

Bruce Campbell, 11015 Bell Road, said one thing he brought up at the last meeting was the distance of the fuel tanks to his well. They are 256 feet from the diesel tanks to his well and by law you have to be 300 feet or further away. He has not heard anything regarding this tonight besides signage. He is concerned about the environmental impact and asked if there was a study done. There are double-walled tanks so there won't be leakage, but there is still runoff. Just a little bit of oil could affect a lot. He is concerned that what if it goes into the drainage system or the ground. His elevation is higher than theirs. He has a 100-foot well that is directly across from there and it is right across from

the drain pipe that they showed going under the street. He does not believe he can stop this but he will have water tests done during the project and later. He has lived in Lemont for a very long time and lives on the last acre of his grandmother's farm. He hates to see this change. He asked what the hours of operations are going to be and will trucks be idling in the parking lot.

Mr. Kalischefski stated they are properly zoned. The Illinois State Fire Marshall has the strictest requirements next to the county. There are six times that they are going to be at the site to make sure everything is appropriate. In regards to the distance to the wells, they will look into that and make sure they are at appropriate distances. Stage two vapor recovery used to be a big thing but that is no longer a requirement. For the diesel emissions, there is a product called DEF that is required to be sprayed into the diesel exhaust which makes it cleaner. Variances are allowed in so many ordinances because there are unique conditions. No building code can address every situation. This is why there are Findings of Fact where you have to show the uniqueness or the hardship and he feels they have met all those requirements.

Chairman Studebaker asked if anyone else wanted to speak in regard to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner O'Connor made a motion, seconded by Commissioner Carmody to close the public hearing for Case 2022-06. A roll call vote was taken:

*Ayes: O'Connor, Carmody, Pawlak, McGleam, Studebaker*

*Nays: None*

*Motion passed*

### **Plan Commission Recommendation for the Special Use for 3 Drive-Throughs**

Commissioner O'Connor made a motion, seconded by Commissioner Pawlak to recommend to the Mayor and Board of Trustees approval of Case 2022-06 Special Use for three drive-throughs in a B-3 District. A roll call vote was taken:

*Ayes: O'Connor, Pawlak, Carmody, McGleam, Studebaker*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion Regarding Variances**

Commissioner McGleam asked staff if for the recommendation they should be using the spreadsheet or the matrix that is in staff's report.

Mr. Berry said in staff's report there is an Archer/Main Revised Sign Evaluation.

Commissioner McGleam asked for the monument signs is the Commission okay with a sign that is 3.4 feet taller than what the code allows.

Mr. Berry stated overall it is also one monument sign per zoning lot and this lot has four monument signs.

Commissioner Carmody asked if they were going to go through each one individually for height.

Commissioner McGleam said on the south end of the property it makes sense, but he would say no to the north side where there is a minimal grade change. He appreciates for a multi-tenant building if you have never been there to be able to see a sign, but it doesn't need to be huge. He asked how the Commissioners felt about the square foot area.

All the Commissioners agreed with the variance for the monument sign area.

Commissioner McGleam stated for the canopy he is not necessarily opposed to signs on the endcaps and they are meeting all the other signage for the canopy. He suggests they put in a recommendation for the aesthetics.

Commissioner O'Connor asked if the building signage meets the UDO for retail.

Mrs. Tate said yes for the car wash and the multi-tenant building.

Commissioner McGleam stated the square footage proposed seems to be 30% to 40% more than what is allowed.

Mr. Kalischefski said it is about 28 square feet.

Commissioner McGleam stated he does not have an issue with the EMC on Main Street. It seems like the issue we have is with the canopy.

Mr. Berry said to keep in mind there are multiple canopies.

Commissioner McGleam asked the Commissioners what they were looking for in a canopy. He had proposed that they can keep a portion of the red but the rest of the canopy be a neutral color. He asked if they want a sloped roof. Keep in mind these are

premanufactured products so to deviate from that you would have to look at a lot of things.

Mr. Berry stated when looking at the different Gas N Wash each community did it in different ways.

Chairman Studebaker asked if there were any further comments from the Commission. None responded. He then called for a motion for a recommendation.

#### **Plan Commission Recommendation for Variances**

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 2022-06 – sign variances with the following conditions:

1. To include all staff recommendations.
2. Verification of distance allowed between underground storage tanks and a private well.
3. The canopy design should include architectural features at the top edge of the canopy fascia and neutral colors should be used. The applicant can determine how they can incorporate their branding into those requirements.
4. The Commission is in support of all sign variations with the exception of the two monument signs at the north end of Route 83, one for the Gas N Wash and one for the tenant, which should meet the UDO requirements for 8-foot height.

A roll call vote was taken:

*Ayes: McGleam, O'Connor, Carmody, Pawlak, Studebaker*

*Nays: None*

*Motion passed*

Commissioner Carmody made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 2022-06 as prepared by staff. A voice vote was taken:

*Ayes: Carmody, O'Connor, Pawlak, McGleam, Studebaker*

*Nays: None*

*Motion passed*

#### **IV. ACTION ITEMS**

None

#### **V. GENERAL DISCUSSION**

None

**VI. AUDIENCE PARTICIPATION**

None

**VII. ADJOURNMENT**

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner Carmody made a motion, seconded by Commissioner O'Connor to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*