

Village of Bensenville  
Board Room  
12 South Center Street  
DuPage and Cook Counties  
Bensenville, IL, 60106

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

May 14, 2012

**CALL TO ORDER:** The meeting was called to order by Chairman Moruzzi at 6:35 p.m.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Rowe, Weldon  
Absent: Ventura  
A quorum was present.

**JOURNAL OF PROCEEDINGS:**

The minutes of the Special Community Development Commission of April 23, 2012 were presented.

Commissioner Pisano addressed Staff with corrections to the drafted minutes.

**Motion:** Commissioner James made a motion to approve the minutes as amended. Commissioner Rowe seconded the motion.

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2012-09  
**Petitioner:** Thornton's  
**Location:** 601 N. Rte. 83  
**Request:** Conditional Use Permit to Allow a Gasoline and Diesel Fuel Service Station and Electronic Message Center Sign

**Motion:** Chairman Moruzzi made a motion to continue CDC Case Number 2012-09 until June 11, 2012. Commissioner Rowe seconded the motion.

**Roll Call:** Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Village Attorney, Pat Bond, reviewed the rules and process to the audience in attendance of the Public Hearings.

**Public Hearing:** CDC Case Number 2012-08  
**Petitioner:** Road Ranger, LLC  
**Location:** 1188 W. Foster Avenue  
523 N. Rte. 83  
522 N. Marshall Road  
524 N. Marshall Road  
**Request:** Rezoning 523 N. Rte. 83, 522 & 524 N. Marshall Road from RS-5 High Density Single Family Residential District to C-2 Highway Commercial District, Planned Unit Development and Conditional Use Permits to Allow a Gasoline and Diesel Fuel Service Station and an Electronic Message Center Sign.

**Motion:** Commissioner Weldon made a motion to open the Public Hearing for CDC Case Number 2012-08. Commissioner Pisano seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, James, Janowiak, Pisano, Rowe, Weldon  
Absent: Ventura  
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-08 at 6:42 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on April 28, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on April 27, 2012. Mr. Viger stated on April 27, 2012 Village Staff mailed first class noticed of the public hearing to taxpayers of record within 250 feet of the property in question.

Steve Brooks, General Counsel for Road Ranger, John Carabelli, Vice President of Construction for Road Ranger, Hal Francke of DLA Piper, outside counsel for Road Ranger, Timothy M. Kelly, Project Engineer from Huff & Huff, Inc., Michael, C. Vail, Civil Engineer from Quigg Engineering, Inc., Steve Lewis of Road Ranger, Mike MaRous of MaRous and Company, Nina Keehn of 1110 Nordic Street, Ronald Fabian of 563 Marshall Street, Diane Burda of 581 Marshall Street, Dale L. Burda of Marshall Street, Dave Chodorowski of 543 Marshall Street and Charles Swore of 514 Marshall Street were all present and sworn under oath by Chairman Moruzzi.

Mr. Francke, Mr. Brooks, Mr. Carabelli, Mr. Kelly, Mr. Vail, Mr. Lewis and Mr. MaRous all made a power point presentation to the Commission. The power point has been attached to the minutes as "Exhibit A".

Hal Francke of DLA Piper, representing Road Ranger, LLC introduced the members of Road Ranger and gave a brief overview of their presentation. Mr. Francke stated Road Ranger purchased the property in January 2011. Mr. Francke stated Road Ranger bought the homes in question in June 2011 and demolished them soon after.

Steve Brooks, General Counsel for Road Ranger stated that Road Ranger currently has eighty locations that are a chain operator with convenience stores, fuel stops and travel centers and is currently operating in seven Midwest states. Mr. Brooks reviewed the current operation at the Bensenville location. Mr. Brooks stated the reason for the proposed expansion is because the current site has a high demand for diesel fuel. Mr. Brooks stated the offering of both gas and diesel under the same canopy creates conflict between semi-tractors and four wheel vehicles. Mr. Brooks stated the proposed expansion will allow Road Ranger to construct a separate diesel canopy with four diesel lanes, utilize the existing access point off Foster Avenue for truck entrance only to eliminate conflict at the current points of access, provide access to the diesel pumps for semi-tractors from behind the site that will eliminate congestion on the site with four wheel vehicles and expand the current convenience store by thirty feet to the south.

Mr. Brooks stated the expansion will also allow Road Ranger to construct a two foot high retaining wall with an eight foot high sound wall, construct multiple lanes for diesel fueling so the time semis spend on the site will decrease, install high speed diesel pumps to reduce fueling time, there will be no parking spaces provided for trucks to be idle and construct improvements to improve efficiency and safety of the on-site circulation.

Mr. Francke reviewed the application filed with the Village of Bensenville and stated Road Ranger has withdrawn their request for a preliminary PUD. Mr. Francke also stated Road Ranger is not seeking a liquor license from the Village either. Mr. Francke stated Road Ranger is seeking the rezoning of vacant properties to C-2 Highway Commercial District, Conditional Uses for a service station and an electronic message center sign, approval of a sign and fence variations, expansion of the convenience store by thirty feet and lifting of the current hour restrictions to allow the site to operate twenty four hours.

John Carabelli, Vice President of Construction for Road Ranger reviewed the proposed site plan and proposed landscape plan with the Commission. Mr. Carabelli stated Road Ranger held two Neighborhood Meetings with the Residents in the area and addressed their concerns. Mr. Carabelli stated an island will be placed between the two fueling canopies that would not allow semi-tractors to cut across the site to exit onto Forster Avenue. Mr. Carabelli stated there will be onsite drainage per the County's Ordinance. Mr. Carabelli stated the new diesel fueling pumps will be double sided allowing trucks to fill both tanks at the same time. Mr. Carabelli reviewed Road Ranger's landscaping plans with the Commission and shared drawings of the proposed views from Route 83, the intersection of Route 83 and Foster Avenue, and from the residential homes behind the location.

Steve Lewis of Road Ranger reviewed Road Ranger's request for an electronic message center sign. Mr. Lewis stated the sign will have Road Ranger's logo at the top with the electronic message center below and the prices of gas and diesel at the bottom. Mr. Lewis stated the sign will be twenty feet tall. Mr. Lewis reviewed the process that Road Ranger calculated to determine the size of the sign.

Michael Vail of Quigg Engineering, Inc. conducted a traffic study of the area for Road Ranger. Mr. Vail stated if the proposed expansion were to go through, he is estimating a 25% increase in per day semi-tractor volume. Mr. Vail stated he believes there will be no impact to the traffic volume south of the site on Route 83 or east of the site in Foster Avenue. Mr. Vail stated there will be no traffic impact to the adjacent residential streets. Mr. Vail stated access to Itasca and Marshall Road from Route 83 and Foster will remain prohibited. Mr. Vail stated the proposed site improvements will offset the anticipated increase in daily semi-tractor volume due to faster pumps and internal storage provided for waiting trucks.

Timothy Kelly, Project Engineer from Huff & Huff, Inc. conducted a noise study for Road Ranger. Mr. Kelly reviewed with the Commission the noise basics and how noise volumes are measured. Mr. Kelly reviewed common outdoor and indoor sound levels and shared examples. Mr. Kelly reviewed the current Village Ordinance pertaining to sound. Mr. Kelly stated background noise at the homes along Itasca Street and Marshall Street are between 59.2 DB(A) and 66.6 DB(A). Mr. Kelly stated the existing gas station noise is 66.2 DB(A) (unabated). Mr. Kelly stated the proposed sound barrier will have a 5 DB(A) reduction at the point where the line-of-sight between receiver and noise sound is broken.

Mike MaRous of MaRous and Company stated he was hired by Road Ranger to conduct a property value study of the area. Mr. MaRous reviewed a matched pair analysis of 1114 Nordic Street and 192 S. Barron Street with the Commission. Mr. MaRous reviewed a second match analysis of 508 Marshall Road and 249 Poppy Lane with the Commission. Mr. MaRous stated he does not anticipate the property values to decrease in the area due to the proposed expansion of the site.

Mr. Brooks reviewed the potential tax benefits to the Community with the Commission. Mr. Brooks stated the inside sales are projected to increase by 40%. Mr. Brooks stated the projected sales of gas are projected to increase by 300%. Mr. Brooks stated the project will be paid for by Road Ranger and that Road Ranger is not seeking help from the Village by asking for any incentives.

Commissioner Pisano asked when Road Ranger purchased the properties did they plan to expand the site and lift the hours of operations restriction. Mr. Brooks stated yes, Road Ranger's intentions have always been to expand the site and allow the operations to be twenty four hours.

Commissioner Pisano asked if a truck driver was to use the convenient store, how Road Ranger plans to eliminate congestion on site. Mr. Brooks stated once drives have fueled their trucks, they can pull up and allow another truck to use the pump as they go in for items.

Commissioner Pisano asked if IDOT has approved the plans proposed by Road Ranger. Mr. Carabelli stated Road Ranger is still awaiting an answer from IDOT. Mr. Carabelli also stated Road Ranger has begun new drawings incase IDOT does not approve the proposed plans.

Commissioner Rowe asked what will prevent trucks from entering Road Ranger off Route 83 traveling north. Mr. Carabelli stated the way they have designed the exit will make it difficult for a truck to enter off Route 83. Mr. Carabelli also stated signs will be posted for all entrances and exits.

Commissioner Weldon asked for clarification from the noise study. Mr. Kelly provided the clarification to the Commission.

Chairman Moruzzi asked if Road Ranger has considered installing a "pork chop" in the gas entrance that would allow cars to enter and exit a certain way. Mr. Carabelli stated Road Ranger was not opposed to the idea but would need approval from IDOT.

Chairman Moruzzi asked if security cameras will be installed along with signage behind the proposed wall. Mr. Brooks stated Road Ranger is open to the idea of installing security cameras in the residential area. Mr. Carabelli stated the type of wall being proposed allows for easier removal of graffiti.

Commissioners Janowiak and James had no questions for the petitioners.

Public Comment: **Nina Keehn – 1110 Nordic Street**

Ms. Keehn expressed her objection to the proposed expansion. Ms. Keehn stated she felt disrespected by Road Ranger of how the situation was handled. Ms. Keehn expressed her concerns with the current flooding in her area and the possibility of increased flooding due to the expansion.

**Ronald Fabian – 563 Marshall Street**

Mr. Fabian expressed his objection to the proposed expansion. Mr. Fabian stated the previous administration was opposed to the current gas station and had the situation handled by the State. Mr. Fabian stated he disagreed with the noise study and stated the noise study of the current site was inaccurate without a study of the expansion. Mr. Fabian stated everyone is making a profit except the homeowners in the area. Mr. Fabian stated the Board needs to represent the Residents of Bensenville and allow this matter to go to the State for a decision.

**Diane Burda – 581 Marshall Street**

Ms. Burda stated she did not believe the acquiring of the properties by Road Ranger was done fair. Ms. Burda stated she is opposed to the proposed expansion. Ms. Burda stated the Board needs to do what is right for the Residents.

**Dale K. Burda – 581 Marshall Street**

Mr. Burda stated there is currently garbage piling up along the fence and asked what Road Ranger will do to prevent littering in the area. Mr. Burda also stated his concerns with flooding in the area. Mr. Burda asked if Road Ranger has met with the Bensenville Fire Department in regards to the expected congestion in the intersection.

**Dave Chodorowski – 543 Marshall Street**

Mr. Chodorowski stated he disagreed with the noise study due to the fact that the proposed noise is not currently there. Mr. Chodorowski also stated he did not agree with the property value assessment.

**Charles Swore – 514 Marshall Street**

Mr. Swore stated he has placed his house for sale because he does not want to deal with the issue anymore. Mr. Swore stated he had four people interested in his house but had backed off due to the potential expansion. Mr. Swore stated his property value has dropped \$80,000 in the last three years.

Chairman Moruzzi asked if there was any other member of the Public that would like to give testimony. There were none.

Director of Community & Economic Development, Scott Viger presented to the Commission the Village Staff report. Mr. Viger stated there were no comments or concerns from the Finance Department. Mr. Viger stated the Police Department has submitted the following requirements if the proposed project is approved:

- A. There should be no window displays or advertising banner in the area of the cashier that will restrict the cashier's view or the view of passing police patrols.
- B. Any exterior restrooms should be locked and under the control of the cashier.
- C. The lighting devices shall be protected with weather and vandal resistant covers.
- D. The exterior architectural features to the building shall not be designed in a manner which allows access to the roof areas.
- E. Pallets and other objects should not be allowed to be left outside to allow roof access.
- F. The site shall be conspicuously sign posted per Village Code 4-318(b) 2, Criminal Trespass, to discourage loitering.
- G. The operator shall ensure that the property is kept clean of litter associated with the store.
- H. Any ATMs should be located within the primary retail building.



- I. The Village has the right to add or modify conditions should problems develop which are not readily apparent at this time or if the applicant fails to adequately manage public safety or security issues.
- J. A copy of the conditions of approval for the Conditional Use Permit must be kept on the premises of the establishment and be presented to any police officer or any authorized Village official upon request.

Mr. Viger also stated the Police Department has concerns with the proposed project impact on traffic in the area. The traffic at the intersection of IL83 and Foster Avenue is often very heavy and has contributed to many more crashes at or near that intersection as compared to IL83 and Hillside. From 1/1/2009 until 3/29/12, there have been 62 crashes at or near IL83 and Foster and only 1 at IL83 and Hillside.

Mr. Viger stated the following requests were submitted by Public Works and the Village's Engineering Department:

- A. Sanitary Sewer on proposed property shall be new to the Village Main.
- B. Appropriate Fats, Oil, and Grease Trap Systems must be installed and approved by the Village.
- C. All storm sewer inlets shall abide by Illinois Fire Marshal Standards as they relate to distance from dispensing apparatus.
- D. Project shall abide by all DuPage County Storm Water Ordinance requirements.
- E. Proposed underground storm water detention shall be designed to accommodate full requirement based on DuPage County Storm Water Ordinance.
- F. Sidewalk shall be installed along all public frontage of the development.
- G. Trees shall be planted along public frontage according to the Comprehensive Tree Management Ordinance.
- H. The Village requests any overhead utility lines be buried on the development.
- I. The Village requests the installation of new LED street lights along the public right of way.

Mr. Viger Stated the following has been submitted by the Community & Economic Department:

1. The subject property is located at the intersection of two major corridors making it a prime location to shape the economic development of the Village. Foster Avenue is the sole public street that provides direct access through the Northern Business District from Illinois Route 83 on the west to York Road on the east, with traffic signals at each of the two end point intersections.
2. The applicant is seeking an Electronic Message Center (EMC) sign which is available through the recent Municipal Code Text Amendment allowing EMCs as Conditional Use Permits.
3. The proposed plan suggests an increase in sales tax revenue for the Village as it will be capturing a portion of the diesel fuel market from the trucks in the Village's Northern Business Park as well as trucks traversing through the Village on Rte. 83.
4. Staff recommends the addition of a fire hydrant on the southwest corner of subject property. This hydrant should be tied into the twelve (12) inch main at Foster and Route 83 and connect to the six (6) inch main on Itasca Street.
5. Itasca Street and Marshall Road hydrants are not accessible from Route 83 or Foster. The proposed eight (8) foot fence also would support the addition of aforementioned fire hydrant.
6. The fence and landscaping should extend north to the Foster Avenue's sidewalk and west to the Route 83 right of way.
7. Both canopy heights should be the same.
8. Building comments will follow upon the building permit submittal.
9. The rezoning of the currently vacant parcels is significant in that the Comprehensive Plan states that the Village should "Continue to support single-family development that does not have direct access on Route 83"
10. The site is located on the southeast corner of Route 83 and Foster Avenue.
11. The vacant parcels were created when Road Ranger demolished the single family houses that previously existed.
12. Gas service stations currently operate on the northwest, southwest and southeast corners.
13. The area is considered an important corridor due to the high-volume of traffic, both industrial and otherwise.

14. Existing single family detached homes are adjacent to the property in question to the east across N. Marshall Road and to the south across Itasca Street.
15. If requests are approved, Staff recommends a Plat of Consolidation of the four lots into a single lot.
16. The "Existing Service Station Property" remains virtually unchanged except for the diesel truck access, east of the existing building and the addition of the screening fence/wall, landscaping and the new sign with an Electronic Message center.
17. The "Existing Service Station" site has two curbcuts on Foster Avenue and one on Rte. 83.
18. The proposed plan includes a third curbcut on the existing 523 N. Rte. 83 "Vacant Parcel". This parcel has a small residential driveway/curbcut onto Rte. 83 that served the home that formerly occupied the parcel. Staff received a letter from IDOT denying the owner/applicant's request for the new curbcut. As of this writing the owner/applicant is working to resolve the issue with IDOT.
19. Staff finds this third curbcut to be mandatory for the progression to the proposed plan to execute the desired segregation of the diesel and gasoline traffic.
20. The curbcut in question is a "right out only egress to northbound Rte. 83 and is identified for diesel pump traffic only.
21. There are some discrepancies between some of the engineering site plans and the landscape and signage site plans.
22. Diesel trucks access the property from Foster Avenue and precede south behind/east of the existing building parallel to Marshall Road and then east parallel to Itasca Street to the pump location. This alignment necessitates extensive screening.

23. Traffic flow within the proposed site should be separated on the current 523 N. Rte. 83 between general traffic and truck traffic. A division should be made with a curb barrier in the area between the two fueling stations. Staff suggests the proposed curb barrier that originates at the western frontage strip and continues east to the sidewalk found on the southwestern portion of the main building. This construction will prevent commingling of cars and semi tractor-trailers. Additionally, creating an exit-only for trucks on the southwestern curb cut will maintain the correct traffic flow for the site. As submitted it appears that trucks once refueled could pass through the car portion of the property and access Foster Avenue.
24. The barrier should be landscaped to ensure motorists and truckers alike could not overrun the barrier. Landscaping would also provide an additional aesthetic accent in the center of an otherwise hardscaped interior portion of the site.
25. Stacking spaces as proposed meet the Village's Code requirements. However the stacking for the diesel trucks would parallel the residential street Marshall Road and is unfavorable.
26. The proposed masonry wall on Marshall Road and Itasca Street should be extended both north and west to near the property / rights of way lines, but so not to impede vision and safety.
27. Landscaping meets appropriate screening standards along the east and south property lines.
28. The transition strips (landscaped areas along the public rights of way) on Foster Avenue and Rte. 83 should be landscaped in accordance with Village Code.
29. Sidewalks should be installed along all four public rights of way.
30. The base of the freestanding sign shall be landscaped.
31. The proposed monument sign height is twenty (20) feet which exceeds the current code maximum of eight (8) feet. The proposed sign is 94.5 square feet which exceeds the Code requirement of 50 square feet. The proposed sign is slightly taller but has a smaller area than the recently approved freestanding monument sign with EMC at 801 N. Rte. 83 Perk's Bar & Grill which is 17' - 3" tall and 119 square feet.
32. The two existing service stations on the northwest and southwest corners of Foster Avenue and Rte. 83 have monument signs that range between eight (8) and ten (10) feet. The proposed sign is over twice the height.

33. The proposed EMC meets the size requirements of the Village Ordinance, (50% or less of the sign area).
34. Wall signs are on the north, south and west facades of the existing convenience store.
35. Staff recommends the removal of the "Road Ranger Diesel" wall sign located on the south side of the diesel fueling station canopy. It appears to be unnecessary as the southern canopy sign fronts on a residential district.
36. Should the EMC sign be approved the changeable copy wall sign on the western facade should be eliminated, and under the Code all temporary signs will be prohibited.
37. The Settlement Agreement requires that the service station close between the hours of 10:00 PM and 4:00 AM. The Owner/Applicant is requesting the elimination of this constraint to allow operations 24 hours a day. Staff is opposed to granting an extension on the hours of operation.
38. The application indicates the owner/applicant's desire to sell beer and wine in the convenience shop to the extent such right exists or is granted to other Service Stations in the vicinity of the Subject property. The Zoning Ordinance in the C - 2 Highway Commercial District Section allows for Service Stations to sell ancillary convenience items including "non-alcoholic beverages". As interpreted by the Zoning Administrator, the sales of "alcoholic beverages" would not be allowed.
39. Although the proposed fence creates an adequate light and sound buffer to the adjacent residential properties, it would exist in the front and corner side yards of the subject property. The proposed fence will require zoning relief.
40. The proposed plan would be a deviation from code requirements in reducing twenty-two (22) spaces to fifteen (15). Plans also indicate that two (2) more standard fuel pumps will increase the need for parking. At a later date, relief from Zoning Ordinance is required to meet parking standards after the proposed expansion of the existing service station building removes four (4) existing parking spaces.
41. The plan approved through the Settlement Agreement included landscaping along Marshall Road presently, the landscaping obligations have not been met, apparently due to lack of attention, maintenance and municipal enforcement.

Mr. Viger reviewed the following for support for classification (rezoning):

1. **Compatible With Use Or Zoning:** The uses permitted under the proposed district are compatible with existing uses or existing zoning of property in the environs.  
Two service stations exist across Rte. 83 and single family homes are adjacent across Marshall Road and Itasca Street with a House of Worship (Zoned C — 2 Highway Commercial) adjacent across Foster Avenue from the property in question.. Staff has concerns with the compatibility of the rezoning of 522 and 524 N. Marshall Road. To the best of our knowledge, the only other location in the Village in which a single-family dwelling fronts a C-2 site across a residential street is on the 1300 block of Medinah Street.
2. **Supported By Trend Of Development:** The trend of development in the general area since the original zoning was established supports the proposed classification.  
There have been no recently rezoned parcels in the immediate vicinity. The current trend of development is the status quo.
3. **Consistent with Village Plans:** The proposed classification is in harmony with objectives of the general development plan and other applicable Village plans as viewed in light of any changed conditions since their adoption. The Village's Comprehensive Plan indicates that Residential use for all three of the "vacant properties", therefore the requested rezoning is not consistent with the Village's Land Use Planning. The Update to the Comprehensive Plan was prepared and approved in 2004; conditions have not changed significantly since its adoption.
4. **Further Public Interest:** The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.  
The owner/applicant asserts that the rezoning will further the Public Interest by means of developing the parcels that have "remained vacant since November 2010" staff believes this should read November 2011 when the owner/applicant created the vacant properties through their demolition of the three single family residences. Additionally, to improve on-site vehicular flow, the truck access and stacking area are parallel to Marshall Road does not promote public interest.

5. **Public Services Available:** Adequate public services, such as water supply, sewage disposal, fire protection and street capacity, are anticipated to be available to support the proposed classification by the anticipated date of issuance of a certificate of occupancy.  
The Village has adequate public services to support the rezoning to Highway Commercial and the expanded service station.

Mr. Viger reviewed the approval process and criteria with the Commission:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.  
The proposed site plan does not exhibit superior design. The large tractor-trailer traffic and stacking adjacent to the single-family residences is problematic.
2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.  
Staff believes this to be accurate.
3. **Consistent With Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.  
The proposal is not consistent with the Village's Comprehensive Plan and its objective in supporting single-family residences along the Route 83 corridor.
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare.  
The increase in exhaust fumes from idling engines could be detrimental to the public health.

5. **Compatible With Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.  
Diesel fuel distribution adjacent to a single-family neighborhood will be a nuisance to residents and to the enjoyment of their properties.
6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character.  
There are no natural drainage ways or sensitive environmental areas on the subject property.
7. **Circulation:** Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.  
The proposed plan does not depict sidewalks at the subject property's perimeter. The diesel truck drivers will be unable to navigate site safely and efficiently without the proposed third curbcut located on Route 83.
8. **Open Spaces And Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. There is sufficient landscaping along the east and south property lines. Providing the landscaped barrier between the two fueling areas will improve the site aesthetically as well as functionally.



9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for: The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships. No covenants are necessary.
  
10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.  
There are adequate public services to adequately service the property. The approval of the PUD will not increase the demand or stress the Village's public services.
  
11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.  
There is no phasing proposed.

Mr. Viger reviewed the approval criteria for the Conditional Use with the Commission:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.  
**Service Station** - Only if the proposed third curbcut and curb barrier are constructed according to Staff recommendation, will the traffic flow function properly. The traffic study indicated no significant adverse effects associated with traffic flow.  
**EMC** - If the EMC meets the Village's Ordinance requirements it should not have a negative effect on traffic in the area.

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.  
**Service Station** - The Staff harbors continued concerns in regards to the associated engine noises as well as exhaust odor from idling trucks.  
**EMC** - If the EMC meets the Village's Ordinance requirements it should not have a negative effect on traffic in the area.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.  
**Service Station** - The proposed use violates the Comprehensive Plan for the Village in converting single-family residential parcels into commercial districts. The Plan specifically supports the protection of subject residential properties on the Route 83 corridor.  
**EMC** if approved this would be the second EMC along Rte. 83 (the first has been approved at 801 N. Rte. 83 for Perk's bar & Grill but has yet to be erected).
4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.  
**Service Station** - The expansion of the existing service station as proposed will not require existing community facilities or services to a degree disproportionate to that normally expected of uses permitted in the District. The use as proposed will not generate disproportionate demand for new Village services.  
**EMC** - The proposed EMC will not impact the Village's Public services and facilities.

5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. Staff believes that there is sufficient market demand for the proposed service.
  
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location. Any other factors are under the discretion of the Community Development Commission.

Mr. Viger stated Staff recommends the approval of the above Findings of Fact, However Staff respectfully recommends that the Community Development Commission recommend denial of the rezoning, Planned Unit Development and Conditional Use Permit(s). Mr. Viger stated if the Community Development Commission were to approve the Rezoning, Planned Unit Development and Conditional Use Permit(s) should be subject to a list of recommendations from Staff.

Chairman Moruzzi asked Staff if the proposed EMC design met Village regulations. Mr. Viger stated the proposed sign did not meet Village regulations and would work with the petitioners if the EMC sign is approved.

Chairman Moruzzi asked for an explanation to the concerns raised from the Public in regards to the noise study. Mr. Kelly stated the noise study was conducted at an active location in Hampshire, Illinois and that the numbers are accurate.

Chairman Moruzzi asked Staff for clarification of the drainage to Itasca Street. Mr. Viger stated if Road Ranger is approved for their requests, they will have to meet DuPage County regulations for drainage.

Commissioner Weldon asked if cars would be able to see oncoming traffic from the North while exiting onto Route 83 at the same time as a truck. Mr. Viger did not have an explanation for Commissioner Weldon and agreed to his concerns. Mr. Vail stated Commissioner Weldon's concerns were legitimate and did not offer an alternative.

Motion: Chairman Moruzzi made a motion to recess the Public Hearing for CDC Case Number 2012-08 until June 11, 2012. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Weldon  
Nays: None

All were in favor. Motion carried.

Chairman Moruzzi recessed the Public Hearing for CDC Case Number 2012-08 at 8:47 p.m.

### **Report from Community Development**

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

### **ADJOURNMENT:**

There being no further business before the Community Development Commission, Chairman Moruzzi made a motion to adjourn the meeting. Commissioner Weldon seconded the motion.

All were in favor  
Motion carried.  
The meeting was adjourned at 8:59 p.m.