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## REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING BEFORE THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION

## COMMISSION

RE: MARATHON GAS STATION-1706 WEST NORTHWEST HIGHWAY - PC# 16-016  
SPECIAL USE FOR AUTO SERVICE STATION

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village  
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,  
Illinois on the 26th day of October, 2016 at the hour of 7:30 p.m.

### MEMBERS PRESENT:

TERRY ENNES, Acting Chairman  
LYNN JENSEN  
MARY JO WARSKOW  
BRUCE GREEN  
GEORGE DROST  
JOHN SIGALOS  
JAY CHERWIN

### ALSO PRESENT:

SAM HUBBARD, Development Planner

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ACTING CHAIRMAN ENNES: Let's get our meeting started. Would you all rise and follow with me in the pledge of allegiance?

(Pledge of allegiance.)

ACTING CHAIRMAN ENNES: I'd like to call this meeting of the Plan Commission to order. I think our first item is approval of minutes. Has everybody reviewed --

MR. HUBBARD: Roll call.

ACTING CHAIRMAN ENNES: Would you like to take attendance first?

MR. HUBBARD: Yes, please. Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Ennes.

ACTING CHAIRMAN ENNES: Present.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Lorenzini.

(No response.)

ACTING CHAIRMAN ENNES: Okay, we have minutes from last week's meeting.

COMMISSIONER GREEN: I would like to make a motion for approval. They're dated 10/13/16.

COMMISSIONER CHERWIN: Second.

ACTING CHAIRMAN ENNES: Is there a second? Second. All in favor?

(Chorus of ayes.)

ACTING CHAIRMAN ENNES: Any opposed?

(No response.)

COMMISSIONER WARSKOW: I was not at the meeting.

COMMISSIONER SIGALOS: I abstain, I was not at the meeting also.

ACTING CHAIRMAN ENNES: Our first hearing is PC# 16-016, the Marathon Gas Station at 1706 West Northwest Highway for a special use permit. Is the Petitioner here? Sam, have all the legal notices been presented?

MR. HUBBARD: Yes, they have been.

ACTING CHAIRMAN ENNES: Could I ask the Petitioner to come forward? Is there anyone else that will be talking with you?

MR. KHAN: We are the design team, Maqbool Khan, George Simoulis, and the owner is here if you have any questions.

ACTING CHAIRMAN ENNES: Could I ask you to raise your hand and let me swear you in?

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(Witnesses sworn.)

ACTING CHAIRMAN ENNES: If you would state your name, spell it for the court reporter?

MR. KHAN: Maqbool Khan, M-a-q-b-o-o-l, last name is Khan, K-h-a-n.

MR. SIMOULIS: My name is George Simoulis, S-i-m-o-u-l-i-s. I'm the architect on the job.

ACTING CHAIRMAN ENNES: Would you tell us about your project?

MR. HUBBARD: You guys can put your boards on the easel if you want.

MR. KHAN: This is the existing Marathon Gas Station and we are --

MR. HUBBARD: Could you use the mic to give your presentations for the court reporter?

MR. KHAN: The existing one is the Marathon Gas Station. My client bought it out and we have the contract, and we are changing from Marathon to the BP. Whatever the requirements from the BP, we are trying to fulfill it and putting the project together.

ACTING CHAIRMAN ENNES: Would you like to go into more details about it?

MR. KHAN: What we are doing is we are doing just interior and exterior elevation of this project. This already has the existing gas station. There's two bays that we are converting to the C store with walk-in cooler in it. Exterior, what we do is there is some BP station, BP has their own rules on this and that, so we have to take care of that. Plus the storefront, complete removal for the storefront with the facade. We have a painted brick so we're going to be washing it out, putting this kind of stone at the bottom. That's the plan.

ACTING CHAIRMAN ENNES: You're asking for a couple of variations. Why do you need these?

MR. KHAN: Just for the BP. It has some requirements that we have to do to fulfill it.

ACTING CHAIRMAN ENNES: Is that all you have?

MR. KHAN: Yes.

ACTING CHAIRMAN ENNES: Sam, would you give us the Staff report?

MR. HUBBARD: Sure, yes. So, as you heard, the Petitioner would like to remodel the existing gas station. Currently, there is an auto repair use located in about two-thirds of it, and one-third is a convenience store. So, what they want to do is remove the auto repair use, expand the convenience store so that it occupies 100 percent of the existing gas station. They're also going to reopen the pumps. There are four pumps on site and they're not currently pumping gas. But the plan is to re-utilize them to sell gas in there once again.

So, the property is zoned B-2, and all gas stations in the B-2 Zoning District are required to have a special use permit. When the Applicant first approached us to discuss this project, we did some research and found that there was no special use permit for this particular site. So, the desire to expand the convenience store is now triggering the requirement to obtain a special use permit.

Additionally, the Applicant is requesting two variations, and I'll get into a little bit more detail later on in the presentation here. Here you see the aerial of the site. You will notice in the back, there is an alley that's been vacated but it's currently paved and in kind of a deteriorated condition. When the alley was vacated, half of it went to the subject property and the other half was transferred to the property on the other side to the north.

So, you can see here, this is a picture of the alley. It's not in very

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good condition and it does need some improvements. The property line is pretty much right through the center of the alley and it's shared of course between the two properties. We had asked the Petitioner to work with the adjacent property owner during the Plan Commission process to come up with some sort of a plan for the alley area. As it turns out, that adjacent property owner is the same owner as the Jimmy D's Restaurant just on the other side of the subject property, so that's a rental property. Neither of the property owners seem to want to remove that area. They were happy with it as a pavement.

So, Staff has asked that they repair the pavement. The Petitioner is going to make some other improvements back here, all of this, you know, gravel area, the patch of grass, it's going to be replaced with sod. This pavement area is going to be repaired and replaced. There is going to be some landscaping put along this edge here and a fence as well.

So, we did recommend a condition of approval that upon the request of the Village, we have the right to ask that this alley area be removed, and the approach be removed and curb be replaced and parkway restored. We don't anticipate acting on this until such time as the neighboring property owner to the north wants to come forward with redevelopment. At that point, we may like this alley to be returned to green space.

This is a street view of the property from Northwest Highway. As you can see, the site is pretty tight. It's only about 13,000 square feet. There is going to be some landscaping added along the side here, and of course these service bays will be removed. They're going to be adding a new facade on the exterior of the gas station.

This did appear before the Design Commission and it did receive a recommendation of approval subject to certain conditions. So, we did recommend that approval of the application this evening be linked to those conditions of approval by the Design Commission.

Here is the existing site plan and the proposed site plan. As you can see, a lot of landscaping is going to be added along this side as well as the side here to the north, the fence along the rear property line. These parking spaces are going to be created to the rear and on the side of the building as well as in the front, and a landscape island is going to be installed along the Race Avenue side.

So, this brings me to the subject of some of the variations. The first one was a reduction in minimum width for drive aisles. They're required to be 24 feet wide. Because the subject property is kind of tight, there are certain locations where the drive aisle widths aren't going to meet that 24 feet requirement. Staff is comfortable with the variations because it does allow the required parking to be added. It allows some additional landscaping to be added. We understand that the site is pretty unique in that it's so tight and these reduction in drive aisle widths aren't in high traffic locations.

There is also a landscaping requirement to add a landscape island at the edge of all parking rows. Again, because the site is so tight, there's really not much room. So, that's the second variation that the Petitioner has requested. With the elimination of that requirement, Staff is supportive of this variation as well because the Petitioner is making such other landscaping improvements to the site. Because it's tight, it really wouldn't fit, those landscape islands.

There were some gaps in some of the landscaping and a few outstanding issues with regards to the proposed species types. So, we have recommended a condition of approval that the Applicant work to address those outstanding items.

When it comes to parking, the site is compliant. So, essentially this

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is just a reuse of the existing gas station with some improvements to the exterior of the building and to the site.

So, I've touched on probably some of the most important conditions of approval that we're recommending. But we are supportive of the application and we are recommending approval subject to conditions 1 through 10. I'm happy to get into more detail on those conditions if you'd like or answer any questions.

ACTING CHAIRMAN ENNES: Has the Petitioner seen conditions 1 through 10?

MR. KHAN: Yes, we have.

ACTING CHAIRMAN ENNES: Do you agree with those?

MR. KHAN: Yes, we do.

ACTING CHAIRMAN ENNES: Do I have a motion to approve the Staff report?

COMMISSIONER DROST: I'll make that motion.

ACTING CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: Second.

ACTING CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

ACTING CHAIRMAN ENNES: Anyone opposed?

(No response.)

ACTING CHAIRMAN ENNES: Motion carries. What we will do now is start with questions from the Commissioners, and we'll start down with Commissioner Jensen and move on from there.

COMMISSIONER JENSEN: I don't really have any questions. I think this is a good thing to do with this particular area. The only clarification I have, I wasn't exactly clear where the garbage enclosure is going to be in that arrangement.

MR. HUBBARD: It's pretty small. Okay, if you can see here, it's kind of right in this location here.

COMMISSIONER JENSEN: So, it will be easily accessible where it shouldn't be a problem even with those tighter --

MR. HUBBARD: Correct. The truck should be able to turn and access that. I don't know if you're planning to have a dumpster on rollers.

MR. KHAN: Yes.

MR. HUBBARD: That will also help.

COMMISSIONER JENSEN: Okay, I don't have any further questions at this point. Maybe later on.

COMMISSIONER WARSKOW: I don't have any questions.

ACTING CHAIRMAN ENNES: Bruce?

COMMISSIONER GREEN: My only question was, Sam, maybe you can answer it. In the back, are they going to add a curb to the alley or just fix the alley and leave it? Is that what they're going to do?

MR. HUBBARD: The plan is to add a curb, I think it's --

COMMISSIONER GREEN: Along the property line?

MR. HUBBARD: Along just where this fence is going to go as well, so the plan is showing the curb here right along this portion. The rest of the alley would not, you know,

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have curbs added. I think the long term plan would be to have that removed and replaced with green space.

COMMISSIONER GREEN: Okay, so that, okay, I've got you. I really have no other questions.

ACTING CHAIRMAN ENNES: Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes. No, I actually saw this in the subcommittee. It sounds reasonable, their approach. I think it's a good project as has been said, with the development of the property and I think the conditions are reasonable, so I'm good with it. Thank you.

ACTING CHAIRMAN ENNES: Commissioner Sigalos?

COMMISSIONER SIGALOS: I think it's a good project. I just have one question. At the Plat & Sub, it seemed that the existing tanks, fuel pumps were recently replaced six years ago or what have you?

MR. KHAN: Yes.

COMMISSIONER SIGALOS: How long have they been not dispensing fuel from those?

MR. KHAN: I think it's about six months, four to six months. That's when we signed the contract with them.

COMMISSIONER SIGALOS: Okay, because I saw something here from the Building Department and Fire Safety Division, that anything over a year would have to be removed and replaced.

MR. KHAN: Yes, yes. We understand that part. So, yes, about four to six months, something like that. If you needed any inspection or anything, we will follow that, we will take care of that one.

COMMISSIONER SIGALOS: I have no other questions. I think it's a good improvement.

MR. KHAN: Thank you very much.

ACTING CHAIRMAN ENNES: Commissioner Drost?

COMMISSIONER DROST: Yes, I think it's a good improvement, too. Having experience with BP, they're a good franchiser. Taking the automobile repair and making it into a convenience food store makes a lot of sense. That sort of ties in with another Marathon Station at Campbell and Wilke, it's on the northeast corner there. They have autos there or auto storage, and I don't think it was really in keeping with the design. This will I think be an improvement, and maybe you guys can make a deal on that Wilke and Campbell property, too.

MR. KHAN: Definitely, if it is open, then we will try.

COMMISSIONER DROST: Yes.

ACTING CHAIRMAN ENNES: Anything else?

COMMISSIONER DROST: No.

ACTING CHAIRMAN ENNES: I wasn't at Plat & Sub, I have just a couple of quick questions. The alley has been vacated, Sam?

MR. HUBBARD: It has, yes.

ACTING CHAIRMAN ENNES: Now, when an alley like that is vacated, does the land revert back to the adjoining property owners?

MR. HUBBARD: Yes, typically the abutting property owners on each side would get half of the alley, and that's what happened in this situation.

ACTING CHAIRMAN ENNES: I noticed you mention that you were going to

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reach out to the adjoining property owner and see if he wanted to sell that to you?

MR. KHAN: Yes, we did. We did approach him and talk to him already in a couple of meetings with my client and myself. I think the neighbors are here, too. They are here in the back, that's his brother. So, whatever that we have to do to re-pave and repair and maintain, then we will do it.

ACTING CHAIRMAN ENNES: What's the process of transferring that back to them? Would you be interested in moving your lot back to take advantage of the alley and make your property bigger?

MR. KHAN: Yes, definitely, if the neighbors want to sell it. I'm sure we're more than willing to look into that.

ACTING CHAIRMAN ENNES: That's all I have. Does anybody in the audience have any questions? As to the Petitioner, you can sit down.

## **QUESTIONS FROM AUDIENCE**

MR. DEMARAKIS: We own the property adjacent. My name is George Demarakis. I live at 914 North Race Avenue, and we're the house that's directly behind there.

ACTING CHAIRMAN ENNES: Okay.

MR. DEMARAKIS: On the north side. One of the things that, our concern originally when they approached us about it was with that alley, providing the gas station towards us, it gets closer to our residential property that we live at. So, we wanted to make sure there weren't vehicles or cars coming down that way in kind of a traffic pattern. So, we really didn't want to lose the opportunity to keep that alley as an alley in the current condition.

We did work with them as we communicated to say we will re-pave and help clean that alley up to the, all the way to the end of the drive. Right now, my brother and I, part of that alley is used, too, with cars coming there once in a while. So, that was kind of one of the discussions where if we ever needed to use that alley, we would like to keep it. That was one of the --

ACTING CHAIRMAN ENNES: Is the alley used now?

MR. DEMARAKIS: Once in a while a car might park out there if we need to, my car or my brother's car for the restaurant. That was kind of in the agreement.

ACTING CHAIRMAN ENNES: Thank you. But the alley has already been vacated?

MR. HUBBARD: It has, yes.

ACTING CHAIRMAN ENNES: So, half of what they're parking on is their property?

MR. HUBBARD: Correct.

ACTING CHAIRMAN ENNES: So, you're trying to work out something on that with them?

MR. DEMARAKIS: Yes.

ACTING CHAIRMAN ENNES: Well, that's, I don't believe that's, what happens to it isn't a matter of our hearing, so that's up to you, gentlemen. Anybody else from the audience? If you would state your name and spell it and give us your address for the court reporter?

MRS. DiGIOVANNI: Diane DiGiovanni, 927 North Race Avenue.

MR. DiGIOVANNI: Tom DiGiovanni, 927 North Race Avenue. We were

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wondering --

property?

ACTING CHAIRMAN ENNES: Where do you live in relationship to the

MRS. DiGIOVANNI: We live across the street.

MR. DiGIOVANNI: We were wondering if the hours are set for the operation of the gas station or the convenience store and what would be sold.

ACTING CHAIRMAN ENNES: That I'm not aware of. What are the hours you're proposing for the gas station?

MR. CHACKO: It would be 24 hours --

ACTING CHAIRMAN ENNES: Would you come forward and give us your name and spell it for the court reporter?

MR. CHACKO: My name is Stephen Chacko, Stephen, S-t-e-p-h-e-n, Chacko, C-h-a-c-k-o. Actually this BP requirement is 24 hours. I would like to open us 24 hours as the C store and fuel center.

ACTING CHAIRMAN ENNES: Are the hours part of the petition, Sam?

MR. HUBBARD: No, not necessarily. I mean if it's a concern to the Plan Commission, there could be items that we can look at in the conditions to address if there are concerns over the hours. Certainly they have to comply with any business license restrictions. I'm not aware of any restrictions in that regard, business license that you have to comply.

COMMISSIONER JENSEN: What were the hours for the Marathon Station?

MR. DiGIOVANNI: It was basically open until about 8:00 at night.

COMMISSIONER JENSEN: 8:00 at night, open at 5:00 or 6:00 in the morning or 7:00?

MR. DiGIOVANNI: It was open basically between 6:00 and 7:00. I was just wondering if there's going to be liquor sold there, if there's going to be problems. Or is it just maybe beer and soda and stuff?

ACTING CHAIRMAN ENNES: There's nothing about a liquor permit.

MR. HUBBARD: Yes, the Village would have to approve a liquor license if the Applicant applies.

MR. DiGIOVANNI: Would that be another commission?

MR. HUBBARD: I mean there is a Liquor Commission. It's not a public hearing, but there is an application process.

ACTING CHAIRMAN ENNES: That's up to the Trustees and the Mayor. That's not something that we would consider.

MRS. DiGIOVANNI: Are there many 24-hour operations?

ACTING CHAIRMAN ENNES: He said he wants to have 24 hours.

MRS. DiGIOVANNI: I know. Are there many others in Arlington Heights?

ACTING CHAIRMAN ENNES: That I don't know.

MRS. DiGIOVANNI: It just seems incongruent with the residential area that's quite close to it. Also, I'll tell you something else, Ken, in his last months of operation, was only operating the service, he did not use those tanks for a long time. You would have to talk to Ken but I think it's more than six months.

MR. DiGIOVANNI: Maybe closer to a year, I think. He stopped pumping gas but it remained a service station.

MR. HUBBARD: Yes, the Village is aware of some issues with the pumps.



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I know they're mentioned in the Staff report about some issues with the State Fire Marshal. But the Applicant is going to resolve those issues prior to opening.

MR. DiGIOVANNI: So, in other words, the residents don't have any say if liquor is sold and the hours they're open?

ACTING CHAIRMAN ENNES: Liquor is not being considered here to approve. They're not applying for liquor sales.

MRS. DiGIOVANNI: Do the residents get any consideration if they object to the 24 hours?

ACTING CHAIRMAN ENNES: You can absolutely talk to the Village Trustees and the Mayor.

COMMISSIONER DROST: I think the Marathon on Northwest Highway and Vail is 24/7. That's a Marathon, too. Are you familiar with that station? That's a 24/7, isn't it?

MRS. DiGIOVANNI: But the way that situation is, is that's more of a --

COMMISSIONER DROST: Yes, I understand. But I'm just trying to address the anecdotal closest to the neighborhood.

MRS. DiGIOVANNI: Okay, I just wanted to, you know, that there is a contrast here with the residential.

COMMISSIONER DROST: Yes. I think Commissioner Ennes' point as far as the hours and, you know, terms of operation, there will be a date that will be given to, for the Village Trustees to hear it.

MRS. DiGIOVANNI: Okay, thank you.

COMMISSIONER DROST: So, you will get your say.

ACTING CHAIRMAN ENNES: Is there anybody else that wishes to be heard? No? Is there a motion? I'll close the public hearing, and is there a motion?

COMMISSIONER WARSKOW: I'll make a motion.

**A motion to recommend to the Village Board of Trustees approval of PC# 16-016, a Special Use Permit to allow an auto service station with convenience mart within the B-2 District; a Variation from Section 11.2-8 to reduce the minimum width of the drive aisles to 17 feet where code requires 24 feet in width; and a Variation from Section 6.15-1.2(B) to waive the requirement for landscape islands at the ends of all parking rows.**

**This approval is subject to the following conditions:**

- 1. The subject property owner must remove and sod the 10-foot alley and alley approach, and restore the parkway and add curb in the area at a future date upon request of the Village.**
- 2. Prior to issuance of a building permit, the Petitioner must submit a photometric plan for review and approval by the Village.**
- 3. Prior to issuance of a Certificate of Occupancy, the Petitioner must provide verification of compliance with all State Fire Marshal requirements.**
- 4. As part of the building permit submittal, the Petitioner should submit engineering plans showing the existing grade on the site and the proposed drainage patterns for review and approval by the Village.**
- 5. As part of the building permit submittal, the Petitioner should submit a**

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- revised fire truck turn exhibit for review and approval by the Village.
6. The Petitioner shall revise the landscaping to comply with comments 1 through 5 on the landscape review letter dated 10/21/16.
  7. Dumpster enclosure shall be constructed of masonry material to match the building.
  8. The curbs on the subject property shall be revised as per Exhibit 1.
  9. Compliance with all Design Commission conditions.
  10. The Petitioner shall comply with all applicable federal, state, and local codes, regulations and policies.

COMMISSIONER GREEN: I'd like to second then.

ACTING CHAIRMAN ENNES: Roll call.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

ACTING CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: So, that is a recommendation of approval from the Village Plan Commission. We're tentatively scheduling this for the Village Board on the first meeting in November which I believe is on November 7th. So, you'll be required to attend that meeting, we can talk tomorrow and discuss next steps. Thank you.

ACTING CHAIRMAN ENNES: There's no other business before us, is that correct?

MR. HUBBARD: That's it for this evening.

ACTING CHAIRMAN ENNES: Okay, motion to adjourn?

COMMISSIONER WARSKOW: I'll make such motion.

ACTING CHAIRMAN ENNES: Second?

COMMISSIONER SIGALOS: Second.

ACTING CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

ACTING CHAIRMAN ENNES: Any opposed?

(No response.)

ACTING CHAIRMAN ENNES: We're adjourned.

(Whereupon, the meeting was adjourned at 7:55 p.m.)

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STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF K A N E       )

I, RONALD LeGRAND, SR., depose and  
say that I am a digital court reporter doing business in the State of Illinois;  
that I reported verbatim the foregoing proceedings and that the foregoing  
is a true and correct transcript to the best of my knowledge and ability.

\_\_\_\_\_  
RONALD LeGRAND, SR.

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, A.D. 2016.

\_\_\_\_\_  
NOTARY PUBLIC