

1 BOARD MEMBERS PRESENT:

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MR. MIKE WERDEN, Chairman

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MS. JENNIFER RASMUSSEN, Member

MR. GEORGE KOZIOL, Member

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MR. BOB BUCARO, Member

MR. JOE BANNO, Member

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MS. ANGELA ZUBKO, Village Planner

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MS. ROBERTA GRILL, Acting Community Development Director,

7

also serving as Secretary.

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ALSO PRESENT:

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MS. LYNN MEANS, Traffic Consultant

MR. RICHARD J. MCMAHON for Petitioner

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MR. MATTHEW ATKINS for Petitioner

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1 CHAIRMAN WERDEN: Okay. It's 7:00. I'd like
2 to call to order the meeting of the Zoning Board of
3 Appeals, the Village of Bartlett, Counties of Cook,
4 DuPage, and Kane. Please call the roll.

5 MS. GRILL: Mike Werden?

6 CHAIRMAN WERDEN: Here.

7 MS. GRILL: Linda Hanson? George Koziol?

8 TRUSTEE KOZIOL: Here.

9 MS. GRILL: Joe Banno?

10 TRUSTEE BANNO: Here.

11 MS. GRILL: Bob Bucaro?

12 TRUSTEE BUCARO: Here.

13 MS. GRILL: Jennifer Rasmussen?

14 TRUSTEE RASMUSSEN: Here.

15 CHAIRMAN WERDEN: We have before you the
16 August 2nd, 2018, meeting minutes. The chair will
17 entertain a motion to approve.

18 TRUSTEE KOZIOL: So approved.

19 TRUSTEE RASMUSSEN: Second.

20 CHAIRMAN WERDEN: Moved by George, seconded by
21 Jennifer. Please call the roll.

22 MS. GRILL: George Koziol?

23 TRUSTEE KOZIOL: Yes.

24 MS. GRILL: Joe Banno?

1 TRUSTEE BANNO: Yes.

2 MS. GRILL: Bob Bucaro?

3 TRUSTEE BUCARO: Yes.

4 MS. GRILL: Jennifer Rasmussen?

5 TRUSTEE RASMUSSEN: Yes.

6 MS. GRILL: And Mike Werden?

7 CHAIRMAN WERDEN: Yes.

8 The main item on the agenda tonight is
9 Bucky's. Case number 18-06. Are the petitioners
10 present.

11 MR. MCMAHON: We are.

12 CHAIRMAN WERDEN: Please step up to the
13 microphone. Raise your right hand.

14 (Witnesses sworn.)

15 CHAIRMAN WERDEN: Okay. Do we have the
16 mailings, the newspaper, and a picture of the sign?

17 MS. ZUBKO: Yes, we do.

18 CHAIRMAN WERDEN: Mark those Exhibits A, B, and
19 C.

20 Go ahead. Present your case.

21 MS. ZUBKO: Sure. The Petitioner is requesting
22 to annex two vacant parcels consisting of 2.18 acres
23 to -- and to rezone the subject property upon
24 annexation from the ER-1 zoning district to the B-3

1 neighborhood shopping district.

2 The Petitioner is also requesting a
3 preliminary site plan review for a proposed
4 5500-square foot convenient store to accompany an
5 automotive service station with 10 gas pumps. A
6 3200-square foot car wash is also being proposed
7 along the southern portion of the subject property.
8 The preliminary site plan review will be discussed
9 by the plan commission next week.

10 The proposed convenience store will be
11 oriented towards Route 59. It will consist
12 primarily of CMU block. Since I wrote this memo,
13 they have actually changed the block size from 8 by
14 8 to 8 by 4 so it will look more consistent with the
15 brick look to it. It will still have stone veneer
16 on the columns, and there will be metal canopies
17 that would add architectural elements over all the
18 windows. The tallest portions of the building
19 consist of three towers that will be 26 feet
20 8 inches in height. And the average height would be
21 21 feet 4 inches, meeting the zoning code
22 requirement of 25 feet. The car wash will
23 architecturally match the convenience store with the
24 CMU block and will be 18 feet in height also meeting

1 the zoning code requirements.

2 The Petitioner has requested one curb cut
3 along Route 59 for access to the automotive service
4 station, which would be located directly across from
5 Norwood Lane. The Village approached the Petitioner
6 regarding the installation and associated costs of a
7 proposed traffic signal at this location.

8 The Village staff discussed with the
9 Petitioner a 75/25 split for the costs with
10 Petitioner paying the 75 percent of the share.
11 Discussions will continue on this subject.

12 As we all know, Route 59 is under the
13 jurisdiction of IDOT so we'll be working with them
14 in the future as well to discuss this future traffic
15 signal.

16 It has been Bartlett's policy when
17 reviewing commercial site plans adjacent to one
18 another that the number of curb cuts be minimized
19 and a cross-access easement be utilized between the
20 adjoining properties. This encourages the optimum
21 traffic movements and circulation patterns between
22 commercial entities while providing safe access to
23 public roadways. The preliminary site plan as
24 proposed does not include a cross-access easement.

1 The site plan identifies 59 parking
2 stalls, including two handicap stalls, which exceeds
3 the zoning ordinance requirement of 39 parking
4 stalls. They also meet the requirements for
5 stacking for the car wash as well.

6 The Petitioner is proposing to install two
7 eight-foot tall retaining walls along with an
8 eight-foot tall vinyl stone fence along the western
9 property line. A six foot tall vinyl fence is
10 proposed along a portion of the northern property
11 line. And as shown on the cross-section, the
12 subject property is approximately 19 feet lower than
13 the residentially zoned properties to the west.

14 The Petitioner is requesting a plat of
15 consolidation once this is annexed. And the
16 Petitioner is requesting five different variations.
17 The first is the one foot reduction from the
18 required 50-foot front yard for the gas pump canopy.
19 The reduction in the front yard request is
20 consistent with other variations granted for
21 canopies along Route 59. And the front yard
22 variations -- oh, granted along Route 59 already.

23 The second is a six foot reduction from
24 the required 20 foot side yard for the car wash.

1 The reduction in the required side yard setback from
2 the car wash is consistent with another variation
3 approved along Route 59 for KinderCare.

4 The third is to eliminate the required
5 foundation landscaping, area landscaping. This has
6 only been approved once for Sonic and that variation
7 granted eliminated the east and west foundation
8 landscaping to allow space for servers to deliver
9 the food in order -- to the parked vehicles.

10 The fourth is to reduce the perimeter
11 landscaping on the east property line, which is the
12 required number of large deciduous trees from nine
13 to five, which is a Type 2 landscape screening.

14 We have also never agreed to this
15 variation before in the Village. Sonic was granted
16 a variation in 2016 to eliminate the perimeter
17 landscaping along Stearns. But eight years after --
18 or after -- eight years after it was originally
19 approved, it was required landscaping, but this was
20 a result of the right-of-way taking for the Stearns
21 Road intersection improvements.

22 And the last variation is to eliminate the
23 required trees in four of the six parking islands.
24 This request to eliminate the trees has never been

1 granted by the Village either. Ashton Gardens was
2 granted a variation to allow one tree per double
3 island rather than the required two trees, but never
4 to eliminate the trees altogether.

5 They are requesting a couple special uses
6 to allow for the gas station and the car wash. The
7 Petitioner has designed the car wash to have a dryer
8 portion of the tunnel wash furthest away from the
9 residential uses to the west. There will be four
10 vacuums on the north of the car wash, and the
11 retaining walls and proposed eight foot tall fence
12 along the west side of the subject property should
13 serve as a sound barrier to minimize any noise
14 emitted from the car wash and vacuums.

15 Internal vehicular circulation for the car
16 wash would primarily consist of a counterclockwise
17 pattern with all vehicles queuing behind the
18 convenience store entering the car wash along the
19 west side. Vehicles will travel through the car
20 wash and exit the building from the east, and they
21 would either exit the site onto Route 59 or proceed
22 to the gas pumps or the convenience store.

23 The Petitioner is also requesting a
24 special use to allow outdoor sales and storage

1 including propane and seasonal items. These areas
2 are located in front on the east side of the
3 convenience store.

4 The Petitioner is requesting the special
5 use for packaged liquor sales, including beer, wine,
6 and liquor. This would be the first service or gas
7 station permitted to sell packaged liquor in the
8 Village.

9 Underground stormwater will be located
10 below the southern parking lot between the
11 convenience store and the car wash. The preliminary
12 engineering plans are being reviewed by the village
13 engineer, and final engineering including stormwater
14 calculations will be required during the final site
15 plan review process.

16 A traffic study was prepared by Quigg
17 Engineering and was reviewed by our traffic
18 consultant, which they -- the Quigg Engineering
19 traffic review states that a traffic signal is
20 warranted at the intersection of 59 and Norwood
21 Lane. And our traffic consultant concurs with that
22 study as well. And the future lane use plan does
23 identify this area for commercial uses. That is the
24 end of my presentation.

1 CHAIRMAN WERDEN: And as I recall, the traffic
2 signal part is not perceived to be a hard thing,
3 right? I mean, IDOT is going to give kind of
4 preliminary, I don't know, not approval, but they
5 kind of agreed that it would need it;
6 right? They are not fighting it?

7 MS. GRILL: Well, why don't we let the
8 Petitioner address that issue a little bit more and
9 then we'll discuss that if you'd like.

10 MS. ZUBKO: Petitioner does have a short
11 presentation that they would like to make as well.

12 CHAIRMAN WERDEN: Okay. Why don't we go ahead
13 with your presentation.

14 MS. GRILL: For the record, our traffic
15 consultant, right, Angela, is here tonight?

16 MS. ZUBKO: Yes.

17 MS. GRILL: Lynn Means is here tonight to
18 answer any traffic questions as well.

19 CHAIRMAN WERDEN: Okay. Good.

20 MR. MCMAHON: Good evening. I'm
21 Richard McMahon with Buchanan Energy or Bucks, Inc.,
22 as a development arm of Buchanan Energy. Thank you
23 very much for making the time to allow us to present
24 to you folks what our plans are for this.

1 It's been over three years that we've been
2 working on this. To do this, we had to negotiate
3 with all the residential owners. Actually, all the
4 owners of the subdivision across the street because
5 there are residential restrictions on these
6 two lots.

7 This subdivision was platted in 1967, and
8 the market has pretty well voted for the fact that
9 it's not -- they are not very good residential lots
10 as 59 has grown over the years. So we have
11 contracts with every one of the residential
12 landowners to buy the restrictions release on the
13 property if this all should go through.

14 As Angela so very aptly told you, we're
15 petitioning to annex the property into the
16 community. So this is the type of store, and Angela
17 has already shown some of these things. This is
18 what it would look like from an aerial. I want to
19 point out that, you can see the walls in the back
20 because we're actually bringing the ground down. We
21 have to remove a lot of soil to bring it down to
22 street level.

23 And then this is nighttime, what it will
24 look like. You see that there is no light trespass

1 off the sites. LEDs have, you know, come a long
2 ways now. They no longer have those pearls of light
3 underneath the canopies when you had Halogen lights
4 hanging in the canopies. These are all flat with
5 the deck and highly directional.

6 This is -- Angela showed you a little bit
7 before. We didn't know she would have this in here,
8 an indication of how we are -- the street level is
9 on the right-hand side of the drawing. And you can
10 see that we've had (inaudible) into the ground and
11 then it goes back up into its original level behind
12 the store, and it's retained by two eight foot
13 masonry walls on which top of that there'll be a
14 fence, an eight foot fence.

15 The gray over to the left is a depiction
16 of the Walshes' house and how the visuals would be
17 if you were standing in their dining room or kitchen
18 looking out, and so you can't see the building.

19 This is the landscape plan. I will be
20 more than happy later on to go back and discuss and
21 answer any questions you might have about it.
22 Because of the carving into the hill and having to
23 build walls, that requires to make quite a few
24 different adjustments to our design. We've

1 originally come in with a 7000-square foot store,
2 which is what we have in Glendale Heights on the
3 corner of North Avenue in Glen Ellyn. But as we
4 were working with trying to maintain our require --
5 what we feel needed to be useful, the distances
6 between the store and canopy and the canopy and the
7 front of the curb out on the street, we found we
8 were having a hard time giving you the landscaping
9 that you wish along 59. So we did something. We
10 reduced the size of the store. We haven't built one
11 of these yet, but we have them ready to build in
12 Winfield and in some other communities. And that
13 gave us 10 more feet by reducing the depth of the
14 store by 10 feet, and we were then able to then add
15 the landscape into the front yard. That the -- what
16 you see here is we've counted up all the trees and
17 shrubs. Now, a lot of them are along the back
18 facing the residential on top of the hill, but
19 they're spread throughout the property. So there's
20 264 of them.

21 This would be the view from the Walshes'
22 is how this property is designed so that you don't
23 see what is on the other side of the property. This
24 is the fence, an example of the fence that was

1 stipulated that we'll be putting on the top behind
2 our store and behind the two residences. They are
3 immediately behind our property to the west.

4 And this is a sample of the fence that
5 will go on the north side between our site and the
6 Abrahams' property.

7 Now, in variation A in Angela's
8 presentation is a one foot reduction from the
9 50-foot front yard canopy setback. And we're
10 showing that there in the red. You'll see it before
11 you. It's 49 feet. I don't think there's going to
12 be much in the way of issues on that.

13 Variation B is a six-foot reduction on the
14 20-foot side yard setback for a car wash. You can
15 see that there is measured 14 feet right there in
16 the red at the west end of the car wash. And, of
17 course, that's the parking lot for the restaurant
18 next door. And there it is. You can see what we
19 superimposed an aerial on. So you can see it's not
20 going closer to the residence.

21 Variation C that we're asking for to omit
22 the foundation landscaping on the west or backside
23 of the convenience store. We've worked with staff,
24 and instead of putting landscaping around the front

1 and sides of the store, we're going to put planters
2 in, and supported -- staff supported that
3 compromise. But along the back, there really is no
4 need, in our belief, to put shrubs. I think they
5 die, they become trash collectors, and what you're
6 actually seeing in this rendition is what we're
7 asking to have omitted is it seems that placing
8 shrubs along the backside of the store between it
9 and that driveway is -- it's doesn't add anything,
10 and it just causes some problems for maintaining --
11 maintenance and snow plowing.

12 Variation D is to reduce the perimeter
13 landscaping along the east property line or front of
14 the store from nine trees to five. Now, it might
15 seem like that's kind of an arbitrary request, but
16 our business is different from the majority of the
17 businesses you see in your community in that we're
18 not a destination. People want to go in at night.
19 They want to see that they can see in, see what's
20 going on underneath the canopy, and during the day
21 they want to see how busy it is.

22 And I go back to talking about something
23 that happened to me many years ago at one of my
24 stores. I had a truck stop in Rochelle. And it was

1 out in the middle of nowhere. And one time at night
2 after a zoning hearing, I stopped, and I was fueling
3 up. And a car full of four young ladies got out in
4 the next aisle over, and they were fueling up. And
5 they were high school age. And I asked them, why
6 did they pick this store to come to. And they said,
7 well, we were at a basketball game over in DeKalb
8 over at Northern Illinois, and we on got 88, and we
9 turned the wrong direction. And the lights and
10 being able to see was something that made them safe.

11 The transactions that you do in a gas
12 station are different than any other transaction you
13 do in your life during the day. You're pulling your
14 wallet out, or your purse out, and you're opening it
15 up and getting a credit card out in the open rather
16 than inside a store where there's other people.

17 So the perception of being able to see
18 what's going on underneath the canopy, we believe,
19 is extremely important. And what I'm going to show
20 you is here are your -- this is your Shell on
21 Stearns and Bartlett. It's landscaped with the
22 trees per your code, and you can hardly see it. As
23 the trees grow and they mature, and here's one at
24 Gary and North Avenue. And then we have the Pilot

1 that was recently built in Carol Stream on Gary and
2 North Avenue, and you can see just trees and how
3 they obscure the sign, and you can't really see
4 what's going on inside the property. And then this
5 one is 64 and Kirk in St. Charles showing how the
6 tree even though it's cut up over six feet per your
7 ordinance, they tend to obscure things over time as
8 they grow. And here's what we're asking for. This
9 is our artist rendition of what it will look like
10 with the five rather than the nine and with the
11 landscape along the base as I indicated before.
12 Rather than asking for a variation in the front
13 yard, we made the store smaller.

14 And then variation E, what we are asking
15 to omit four of the six trees in the parking lot to
16 aid interior visibility. Once again, on the face of
17 it, it seems like it's an arbitrary thing that we're
18 asking for. But once again, I want to call your
19 attention to the fact that what goes on in a
20 convenience store like this and a gas station is
21 different than what goes on everywhere else.

22 If you go to a Whole Foods, and you park
23 in the parking lot, you get out of your car, you
24 lock it, and you walk inside and that's when you're

1 doing your business.

2 Here, you're coming in, and you're moving
3 around. You're jockeying for a position underneath
4 the canopy and whatnot. And then in ours with the
5 car wash and the vacuums, you're moving around.
6 There's a lot of counterclockwise and people going
7 different directions, and we're asking for relief
8 from having to plant a tree on the four islands that
9 you see the arrows on.

10 But I want to point out that we're adding
11 the trees on the corners of -- the front corners of
12 the store. So it looks like we're saying we don't
13 want to put any on it. We feel, for instance, that
14 on the backside of the store as you're turning to go
15 around to get in line for the car wash, having
16 those -- not having trees, but having shrubbery and
17 a considerable amount of shrubbery on those islands
18 instead. It's just conducive to the fact that this
19 is a vehicle-driven business. You're moving around
20 driving, trying to see what's going on so -- and
21 then the one down at the front end of the car wash,
22 put a tree there, we feel is kind of almost like
23 violating what some communities call the visual
24 triangle where you have intersections. There's a

1 lot of activity going on right there, and a tree
2 when it goes in for the first five years, they look
3 good, you know, from our standpoint. They are
4 small, whatever. But over time, as I showed you in
5 those other pictures, they become mature, and they
6 start blocking and change the visuals and, we feel,
7 the safety of the property.

8 This is just -- this is Whole Foods. This
9 is an area down 75th and Lemont in Woodridge. This
10 property is slightly bigger than ours, and those are
11 just deserts -- or oceans of asphalt. And you can
12 see why the ordinances were created that every 10
13 parking spaces or 20 parking spaces, in a parking
14 lot there should be an island of trees because no
15 one really wants what was put down there in the '70s
16 and '80s where you have, you know, seven acres of
17 uninterrupted concrete. So we feel that while that
18 was appropriate, that's a motivation behind having
19 the trees on the islands. In our instance, because
20 the business is different, we're asking for a
21 variation from your ordinance.

22 And I'll be more than happy to answer any
23 questions to the best of my ability. Thank you.

24 MS. GRILL: Could you address the question

1 asked by the chairman regarding the traffic signal
2 since you have --

3 MR. MCMAHON: Yes. When we approached
4 Bartlett, we knew from our studies and our
5 experience that we could build a store and operate
6 it without a traffic signal. So traffic -- we
7 bought an interior location, but in effect it would
8 have its own driveway. But we visited, and we
9 listened to staff at Bartlett, and there's been
10 always a lot of people across the street that would
11 like to have a traffic signal on Norwood.

12 And, you know, before they get this
13 intersection fixed up over here, the traffic stacks
14 up at the light going south on 59 at 5:00 past this
15 property and out and beyond. It's tough. And I
16 know it because I've been driving down 59 since 1987
17 when I moved into the area, and that Mobil across
18 the street is ours so we're pretty in tune to what's
19 going on.

20 So Bartlett said, well, we'd like to have
21 a light. We started talking. And we've
22 preliminarily agreed to split the cost of the light.
23 And I think about two years ago, maybe three, the
24 community had done some estimates on the cost to

1 install a traffic signal. And I believe it comes
2 out to approximately \$600,000. We're going to get
3 into the granule parts of that with the Village
4 because some of that \$600,000 are things that we're
5 going to be doing with the street anyhow as to
6 what's what. But we have no problem with agreeing
7 to pay 75 percent of the traffic signal's
8 installation as part of this, as a community amenity
9 should we be approved.

10 When we went -- I have a traffic engineer
11 that I've used for years that understands the
12 C-store business. And I use his firm and him to do
13 the original traffic studies to try and justify IDOT
14 allowing a warrant to be issued for a traffic signal
15 there.

16 They don't care if you come in with a bag
17 of \$600,000 and plop it down in front of them, and
18 say we want a traffic signal. It's okay. Show us
19 that it's needed because they don't want a lot of
20 traffic signals on roads, especially like 59 that's
21 designated as, I think, freeway. But what their
22 interest is is to control the number of signals so
23 traffic moves freely.

24 Our engineer or our traffic engineer

1 presented a study, and IDOT said it doesn't hold
2 water for a signal. And they -- there's seven
3 possible warrants if I remember correctly, and they
4 shot down the two or three that this traffic
5 consultant was trying to use to justify putting a
6 signal there.

7 So I went back to plan B, and there is a
8 traffic engineering firm in Springfield across the
9 street from IDOT's headquarters, and they hire
10 people that retire out of IDOT. And I have dealt
11 with these folks before. I have used them on some
12 very difficult ones such as the store that we built
13 just recently and opened in Addison on the corner of
14 53 and Lake Street.

15 What District 1 IDOT was going to give me
16 and what I wanted were two completely different
17 things. And with these folks down in Springfield,
18 we were able to get what we felt was access onto the
19 site that was a good compromise between business
20 people and safety.

21 So I hired these folks, went down and
22 visited them again. I've known them since the late
23 '80s some of these folks, and they came back up.
24 And they have a better understanding of what it

1 takes to communicate with IDOT. It's called Quigg
2 Engineering. And Quigg Engineering re-wrote it all
3 up and did a whole new study and hired people to put
4 out the cameras they need to count the traffic.
5 They knew how to put this together, and they went
6 and presented it, and they said that they feel the
7 signal is justified on the basis of two warrants.

8 IDOT threw one warrant out. They won't
9 believe that one. And that is something to do with
10 platooning the traffic. And I'm not an expert on
11 it, but the other one based on the traffic counts
12 and the movements of the intersection, IDOT
13 scratched their head and they said, okay, we'll
14 listen. And they came back with a couple things
15 that they wanted added to or addressed. So we
16 resubmitted it. Submitted it again about six weeks
17 ago. And a week ago, I asked Quigg to find out
18 where this study was, and it is in process.

19 And they recited the fact that it was the
20 holidays and whatnot. And, you know, IDOT will look
21 at it, and I think they'll give us an answer if not
22 before the end of the year, then probably the
23 beginning of January. And we're hopeful because
24 they kind of made noises in their rejection that

1 indicated that there were certain things that the
2 rejection pushed into a positive. So we'll work
3 really hard on that. We don't feel we needed it to
4 be successful. It's an expensive thing to do, but
5 as we want to join the community, we thought that
6 this would be the right thing to do, and it will
7 certainly add to, I think, the liveability of the
8 folks across the street that use Norwood and
9 Brewster Creek Shopping Center.

10 CHAIRMAN WERDEN: That's because a lot of times
11 a left-hand turn is very hard. Thank you for
12 addressing that.

13 Another comment. When you were talking
14 about removing trees from some of the islands, you
15 said something about some shrubbery to replace that?

16 MR. MCMAHON: There will be low shrubbery
17 there, yes.

18 CHAIRMAN WERDEN: Okay. So, again, it's not
19 just going to be asphalt and cement?

20 MR. MCMAHON: Oh, no. We'll have landscaping.
21 And do you want to --

22 MR. ATKINS: Go back to landscaping.

23 MR. MCMAHON: Matt's on my staff. He can
24 answer some of those questions better.

1 CHAIRMAN WERDEN: I mean, it makes sense what
2 you were saying about not wanting trees blocking
3 visibility. People want to feel safe in there. You
4 know, just looking at it at first, tree removal, I
5 thought, oh, now, it's going to be a sea of asphalt.
6 But I mean, what you're saying makes sense. And the
7 shrubbery would stop that from being a sea of
8 asphalt --

9 MR. ATKINS: Correct. All four of those
10 islands that have arrows pointing to them, the four
11 in question, they are all covered completely with
12 shrubbery.

13 CHAIRMAN WERDEN: Okay.

14 MR. MCMAHON: So we're just asking to take the
15 top dimension out of it, to keep low shrubbery on it
16 and not to have trees on those four islands.

17 TRUSTEE KOZIOL: Initially, when I saw the
18 request for reduction of trees from taking out the
19 ones along Route 59, at first I was sort of against
20 it, but when I look at the plan, it makes sense. It
21 makes the property more attractive. You're going to
22 see it more easily. And, you know, lighting and
23 safety, I think I now agree. I understand the
24 reason for the removal of those trees. It makes

1 sense.

2 The other one I'm still a little concerned
3 with is the removal of the additional flow of trees.
4 And until I saw this map where you have the arrows,
5 I didn't fully understand where the trees were not
6 going to be. I still would ask if it's possible on
7 the island at the upper left, if it would be
8 possible to put a tree on that one instead of just
9 nothing.

10 MR. MCMAHON: Prefer to keep low shrubbery
11 because that's right where the sale area is for the,
12 you know, person stopping there, lowering their
13 window, and that's right there where they are
14 entering their codes or putting their money into the
15 machines for the gate then to go up.

16 CHAIRMAN WERDEN: We appreciate the
17 clarification. That's the good thing that comes out
18 in the hearings today. Because I was the same way,
19 I thought, oh, no, the trees, because we have a more
20 favorable ordinance towards keeping the beauty
21 there.

22 MS. GRILL: If I could just state for the
23 record, the landscape ordinance requires shrubs and
24 trees on every island. So shrubs are part of the

1 requirement as well.

2 MR. MCMAHON: And we're certainly putting
3 shrubbery in.

4 TRUSTEE BUCARO: Is this a similar landscape
5 design at your other facilities as far as no trees,
6 only shrubs?

7 MR. MCMAHON: This one is landscaped more along
8 the front than some of our newer facilities that
9 we're putting in. So, actually, we'll have more
10 here as far as on the islands. Some of our stores
11 don't even have islands, for instance, at the end of
12 a parking array such as if I remember correctly
13 Glendale Heights -- Addison.

14 We just have parking arrays that go all
15 the way across the front of the store and don't have
16 the islands. So this one is an upscale landscaping
17 than we're putting in other stores without the
18 trees. We still prefer not to have the trees,
19 but -- and we'll have them out front, and we'll have
20 planters also.

21 CHAIRMAN WERDEN: You know, to some extent,
22 it's more prudent not to have quite so much along
23 Route 59 because some day they probably will widen
24 that further.

1 I remember years ago when Home Depot went
2 in, they talked about the State didn't have enough
3 right-of-way, and they had approached IDOT, and IDOT
4 was trying to get them to even leave more room for
5 some day when it would be six lanes. And they said
6 we'll work with you and give you your four lanes.
7 You're going to have to take us to court for the six
8 lanes. And that was years ago.

9 And as you see things progressing, you can
10 envision the need for six lanes at some point. And,
11 unfortunately, a lot of landscaping gets taken out
12 and never gets replaced when they have a project
13 like that. And so I like to see the idea of just,
14 you know, a little bit here, but sprucing up the
15 interior we're not going to lose when 59 gets
16 widened. This is what should have been done years
17 ago.

18 TRUSTEE KOZIOL: Just to make a couple of
19 comments about landscaping also. The rear of the
20 building where it's the cars stacking lane. Boy,
21 that really makes sense to not put vegetation around
22 the building. It just becomes a maintenance
23 headache. And who's going to be back there except
24 the people who are passing through in their vehicle

1 for a short period of time. That was a good idea.

2 MR. MCMAHON: Be worried about cigarettes and
3 gum wrappers.

4 CHAIRMAN WERDEN: And salt from the snow
5 removal and things like that. They would catch a
6 lot of candy bar wrappers and who knows what else.

7 TRUSTEE KOZIOL: It's a problematic area by
8 putting in shrubbery. And just all kinds of stuff.

9 And another comment on the shrubbery, the
10 west side of the fence, I thought that was kind of
11 unique. I don't remember seeing something like that
12 in anything else that we've done. And in all
13 honesty, the homeowner's point of view west of that,
14 I like it. That's a good idea.

15 CHAIRMAN WERDEN: And that's the part where
16 it's a much higher elevation; right?

17 MR. MCMAHON: Yes, sir. We actually had people
18 come out and -- that do these 3D things and actually
19 stood on their property, and actually use cameras
20 that are set up so they know exactly where they are
21 and shot this. And then we were very, very
22 particular that this is how it was going to look and
23 how we designed it. You'll notice that the land
24 goes down, and then it rises back up.

1 The property line is about where the swale
2 is so that land built up with the trees along it is
3 ours. We'll landscape it that way. But, you know,
4 from the neighbors' viewpoint, it provides something
5 of an enhanced beauty more than just a fence or just
6 the top of the building.

7 TRUSTEE KOZIOL: And I know this isn't part of
8 the discussion on any kind of variance, but I like
9 your choice of the fence. My initial reaction was,
10 oh, we're going to have another eight foot wood
11 fence. This is more -- much more attractive for
12 both sides.

13 CHAIRMAN WERDEN: Yes.

14 TRUSTEE KOZIOL: The property owner and the
15 people that are going to have to look at it. So
16 that was a good choice, I think.

17 CHAIRMAN WERDEN: What was the material on the
18 fence for the north side of the property?

19 MR. MCMAHON: It looks like wood, but it's not
20 wood. We don't like wood fences in our organization
21 because eventually they start to fall apart and turn
22 gray.

23 CHAIRMAN WERDEN: Yes.

24 MR. MCMAHON: And these are -- we did bring

1 samples of it because -- but they're vinyl, and they
2 withstand hurricanes and whatever, and they are
3 granular. They have the grain in them so it's not
4 like --

5 CHAIRMAN WERDEN: From a distance, it really
6 looks like wood, and it will continue to. I hate
7 those wood fences because they look nice for three
8 or four years, and that's it. Very good. Okay.

9 TRUSTEE KOZIOL: Comment that I was going to
10 make anyway, before the change was put through,
11 initially, when I saw the proposal for the eight
12 inch cinder block, boy, I really didn't like that,
13 and it just didn't fit with the rest of the
14 buildings in the area. I have to applaud you for
15 the change.

16 MR. MCMAHON: I think you need to thank Angela.
17 She pointed it out, and I do -- I'm a Nebraskan, but
18 I've lived here forever. The gentleman that started
19 this company in 1981 is a high school kid who's in
20 Omaha. And we built these stores so building stores
21 that are architectural features like nobody else in
22 the industry here. But as they are trying to cut
23 costs, they are looking for different ways to build.

24 And somewhere along the line, they came up

1 with the idea that the 8 by 8 by 16 CMU block was
2 easier to put in because it's less -- less of them
3 put in, and it's cheaper. About a hundred thousand
4 dollars cheaper.

5 But Angela picked up on this and my
6 initial reaction to Angela was, this isn't going to
7 happen, you know. This is the way we build them.
8 But I listened, and I went back, and I looked at it
9 and looked at it and whatever. And then I talked to
10 our people and so we're going with a 4 by 4, the
11 smaller size, by 16, that's a \$40,000 addition to
12 the cost of the building, but because Angela is so
13 persuasive, we're going to do it.

14 TRUSTEE KOZIOL: Is that brick going to look
15 more like stone or brick versus the flat cinder
16 block?

17 MR. MCMAHON: Yes. It's -- we didn't bring any
18 with us because we didn't know, but it is textured.
19 It's not a flat --

20 TRUSTEE KOZIOL: Like my comment about the
21 fence, you'll see something there, not just a flat
22 surface.

23 MR. MCMAHON: Absolutely.

24 TRUSTEE KOZIOL: Good choice.

1 CHAIRMAN WERDEN: Yes.

2 MR. MCMAHON: And Angela went out, and she
3 looked at the one we're building in Carol Stream.
4 And the engineers and the folks in Omaha went to the
5 8 by 8 by 16, and I really didn't know that. And
6 then I looked at it and looked at it again, and it
7 looked like it was out of scale for the size of the
8 building, and she was right. So I talked to the
9 folks, and they agreed.

10 TRUSTEE KOZIOL: So whether people notice that
11 it's not cinder block type product because it's
12 going to look more like brick.

13 MR. MCMAHON: Correct.

14 CHAIRMAN WERDEN: Would it be appropriate to
15 bring in your traffic person now since you have
16 somebody here?

17 MS. GRILL: We can.

18 MS. ZUBKO: If you have any questions, she
19 can --

20 MS. GRILL: She can address any questions you
21 may have.

22 CHAIRMAN WERDEN: Okay. Just -- obviously,
23 there's going to be some traffic, but if the light
24 goes in, it should not be an adverse situation. Are

1 we able to get timing on the lights because a short
2 stretch there on 59, that will have quite a few
3 lights.

4 MR. MCMAHON: We have to -- part of the whole
5 thing is that that light would have to be connected
6 and synchronized with the lights at Stearns so it
7 will work together.

8 CHAIRMAN WERDEN: Okay.

9 MS. GRILL: I think what our traffic consultant
10 can tell you is that we don't have a definite answer
11 yet on the signal. I'll let Lynn elaborate on that
12 a little bit more.

13 MS. MEANS: Good evening. Yes, it is currently
14 being -- we don't have a final answer from IDOT, but
15 it would serve a great benefit for multiple reasons,
16 obviously, as noted for left turns entering and
17 exiting, the safety of those vehicles per the site
18 as well as across the street at Norwood. So we do
19 see a great benefit to have that signal there.

20 It also serves, as noted, for the
21 progression along 59. It's at adequate distance,
22 which IDOT would permit an addition of a new traffic
23 signal. IDOT does have spacing and strict
24 requirements along their strategic regional arterial

1 routes such as Illinois 59 that they don't want to
2 put signals in that are less than a thousand feet
3 spacing. Ideally, it's a quarter mile, and I think
4 they are pretty close to that distance. It would be
5 a similar distance to the signal that's to the south
6 at Apple Valley Drive and the Home Depot. So you
7 would expect a similar-type progression of the
8 signal from Stearns and that intersection. And as
9 noted, the timings would be to get progression along
10 Illinois Route 59. So they are going to get most of
11 the green time and most of the progression along the
12 corridor, but you would still get adequate time to
13 get vehicles to turn in and out of the site as well
14 as across the street.

15 CHAIRMAN WERDEN: Any questions?

16 TRUSTEE KOZIOL: How confident are you that
17 IDOT is going to give the final approval to put this
18 traffic signal in, if you had to put a number on it?

19 MS. MEANS: Do we have a coin? We could flip
20 it. From my initial feedback and even meetings
21 before that we had with IDOT, they weren't adverse
22 typically based on, as I mentioned, some of the
23 spacing requirements.

24 Often, when you're -- when they put in a

1 new signal like the first study as was mentioned by
2 the Petitioner, looked at just the traffic volumes
3 on Norwood Lane, the existing traffic volumes coming
4 in and out. And those volumes did not satisfy the
5 warrant of the signal. This site's traffic
6 generates enough traffic over the course of a day,
7 over eight hours. Each hour, the exiting traffic is
8 high enough to warrant the traffic signal. And so
9 we would have some pretty high confidence that based
10 on that information that a signal would be installed
11 because that's something that they do look for.

12 Often with IDOT, they're somewhat hesitant
13 to install a signal based on the future just because
14 you can have a tenant that comes in and out that may
15 be a high traffic generator per se, then they may
16 leave. With a development like this, this is a use
17 that is strong and consistent and would also be a
18 long-lasting generator of traffic there so they need
19 to put in a signal for people to come out, where
20 they would have such confidence that this use would
21 remain and continue to warrant a traffic signal at
22 that location.

23 TRUSTEE KOZIOL: It seems like the traffic
24 signal for you is a good idea. It's also a great

1 idea for the people on the east side of the street.

2 Boy, are they getting a beautiful gift.

3 CHAIRMAN WERDEN: It would be nice to have more
4 than just right in, right out patrons coming in.

5 You need some left in and left out also.

6 MR. MCMAHON: The secret of our business is why
7 we didn't need the traffic signal to make it work
8 and why this is something we're doing as an amenity
9 for the community is, keep in mind, that we're in
10 DuPage County on this site. And the folks coming
11 down our side of the street coming out of Cook
12 County where the taxes are higher on cigarettes and
13 motor fuels especially. It's -- our experience is
14 when you're on the tax advantage side of the county
15 line, you get a lot more capture with the traffic
16 because people are aware of that. And so it would
17 work for us without having people make a left-hand
18 turn going north on this location, whereas it
19 wouldn't on others because of that tax jurisdiction
20 change.

21 TRUSTEE KOZIOL: I would envision traffic
22 trying to make a left turn off of northbound 59 into
23 your business would have a difficult time at many
24 hours of the day.

1 MR. MCMAHON: I agree, but there was enough
2 going south on 59 for it to work, but, you know,
3 it's -- we want to be in the community. We're
4 already there on the corner with a small station
5 there. We may decide what we're going to do with
6 that after this one is up and going, but we want to
7 be members of the community. And so what we do
8 is -- the community across the street, the neighbors
9 over there, and I go to the McDonald's there, and
10 it's -- I'm aware of how hard it is even though I
11 don't live in Bartlett.

12 CHAIRMAN WERDEN: Anyone else from the Board?

13 TRUSTEE BUCARO: I have a question for staff
14 regarding the island landscaping and trees. Just in
15 general, when was that ordinance effective, if you
16 have an idea?

17 MS. GRILL: It's part of the original landscape
18 ordinance, and I believe the date is 1993.

19 TRUSTEE BUCARO: Okay. So the shopping center
20 across the street from this development, there's not
21 a tree to be had and hardly any shrubs to be had in
22 any of those islands. So that predates the
23 ordinance?

24 MS. GRILL: Yes. It was '89. I was not here.

1 TRUSTEE BUCARO: And it was kind of the same at
2 the old Dominick's lot. I mean, there are some
3 trees, but there are a number of islands that don't
4 have anything.

5 MS. GRILL: And some of those trees have died,
6 and that property owner has been made aware of that
7 so those could be put back in. But, yes, the
8 Dominick's site was in when the ordinance was in
9 effect.

10 CHAIRMAN WERDEN: Anyone else?

11 TRUSTEE KOZIOL: I have one additional
12 question, which is a result of what I read on the
13 Buck's letter to President Kevin Wallace where they
14 talk about the existing Mobil station will probably
15 eventually be closed. Is that true?

16 MR. MCMAHON: We don't know. It probably could
17 be, but we have to see what happens when this one is
18 up and running and what happens. We will miss the
19 Stearns traffic unless people are willing to come up
20 and with a new traffic signal, turn in, and then go
21 in and head back down.

22 From a truly business standpoint, we will
23 look at it, and if it doesn't carry its weight
24 economically at that point, we will raze it and yank

1 the tanks out and make sure the ground is proper and
2 then put it on the market for sale for an
3 alternative use.

4 TRUSTEE KOZIOL: You just answered the question
5 what I didn't ask.

6 MR. MCMAHON: All right.

7 TRUSTEE KOZIOL: Which is what happens if the
8 property gets sold and closed down. Do you -- who
9 gets stuck with the remediation to put it back to
10 useful service of the land. We have a service
11 station in town today that I wish would go away, but
12 it doesn't. I find it hard to believe that somebody
13 wants to pay taxes on it and doesn't get a business
14 on it. So you answered my question. That clean up,
15 your tank removal would take place?

16 MR. MCMAHON: Yes. And the law in Illinois is
17 such that within six months after stopping sale of
18 petroleum, those tanks have to come out. You can
19 get an extension, but as big a company as we are,
20 we're not going to sit on that. We do this all the
21 time. The tanks come out, we remediate the soil to
22 get a no further remediation letter from the State
23 of Illinois, and then the property can be sold
24 without the environmental issues being a problem to

1 a purchaser or a bank that is funding the purchaser.

2 TRUSTEE KOZIOL: Very good. Thank you. Very
3 good.

4 CHAIRMAN WERDEN: Anyone else? All right. At
5 this point, we shall open it up to the public. Does
6 anyone in the audience have any comments?

7 MS. GRILL: I have one witness form, Mr. Tom
8 Walsh. State your name and address for the record.

9 MR. WALSH: Tom Walsh. 7N271 Sayer Road.
10 Directly behind said gas station. The only question
11 I had was the south fence, that is supposed to be by
12 the car wash; is that correct?

13 MS. ZUBKO: I will let the Petitioner answer
14 that for you. Is that your only question?

15 MR. MCMAHON: The south fence that's not shown
16 here, but that goes -- are you talking about that
17 goes west on the south of your property?

18 MR. WALSH: No. (Inaudible)

19 MR. MCMAHON: There is no fence on this side.
20 But if there's anything that is going around it --

21 MR. WALSH: That's showing the back. Is that
22 where the 14 feet is?

23 CHAIRMAN WERDEN: No fence there.

24 MR. MCMAHON: We're running a fence north -- I

1 mean, west on that side.

2 MR. WALSH: But you said you were going to
3 continue it east.

4 MR. MCMAHON: The ground drops down there.

5 MR. WALSH: Maybe you didn't.

6 MR. MCMAHON: Because your fence is going to go
7 all the way to the property line.

8 MR. WALSH: Thank you.

9 CHAIRMAN WERDEN: Anyone else?

10 Okay. At this point, any further
11 discussion from the Board? I want to say that I
12 enjoyed your presentation. You did a very good job.
13 It looks like a real well-planned operation, and I
14 would hope that things would be a success.

15 MR. MCMAHON: Thank you.

16 CHAIRMAN WERDEN: Any discussion or motions
17 from the Board?

18 TRUSTEE KOZIOL: I would make a motion to pass
19 along to the Village Board a positive recommendation
20 for Bucky's with all the variations approved for
21 Item Number 18-6.

22 TRUSTEE BANNO: Second.

23 TRUSTEE BUCARO: Second.

24 CHAIRMAN WERDEN: Okay. Moved by George.

1 Seconded by Joe. Any further discussion? At this
2 point, we shall close the public hearing portion.
3 Please call the roll.

4 MS. GRILL: Joe Banno?

5 TRUSTEE BANNO: Yes.

6 MS. GRILL: Bob Bucaro?

7 TRUSTEE BUCARO: Yes.

8 MS. GRILL: Jennifer Rasmussen?

9 TRUSTEE RASMUSSEN: Yes.

10 MS. GRILL: George Koziol?

11 TRUSTEE KOZIOL: Yes.

12 MS. GRILL: Mike Werden?

13 CHAIRMAN WERDEN: Yes.

14 Okay. We shall pass on a positive
15 unanimous decision to the Village Board. Stay in
16 touch with Angela, I guess, to find out when it
17 appears on their agenda.

18 MR. MCMAHON: Thank you very much.

19 CHAIRMAN WERDEN: Good luck.

20 MS. GRILL: I think you received your small
21 tokens of our appreciation tonight. Thank you for
22 your service. And if you hit a major milestone, you
23 get a little extra something in your bag. But,
24 again, thank you so much for serving. We appreciate

1 it. I think we're done.

2 CHAIRMAN WERDEN: Okay. Any motions to
3 adjourn?

4 TRUSTEE RASMUSSEN: So moved.

5 TRUSTEE BUCARO: Second by Bob.

6 CHAIRMAN WERDEN: All in favor?

7 (Ayes heard.)

8 THE COURT: Opposed? Okay. That's it.

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF K A N E)

4 I, Timi M. Fulfs, a Certified Shorthand
5 Reporter of the State of Illinois and Notary Public
6 of the County of Kane, do hereby certify that I
7 reported in shorthand the proceedings had at the
8 examination aforesaid, and the foregoing is a true,
9 complete and correct transcript of the proceedings
10 of said hearing as appears from my stenographic
11 notes so taken and transcribed under my personal
12 direction.

13 IN WITNESS WHEREOF, I do hereunto set my
14 hand and affix my notarial seal this 4th day of
15 January, 2019.

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Timi M. Fulfs, CSR, RPR
C.S.R. Certificate No. 084-003517
Notary Public, Kane County, Illinois

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