



BUCKY'S DEVELOPMENT, 1333 HALF DAY ROAD, HIGHLAND PARK

QUESTIONS & ANSWERS

January 12, 2016

The following document provides an overview of the 1333 Half Day Road redevelopment and expansion of Bucky's gas station and addresses a series of questions related to the construction at the site. If you have any questions pertaining to this information or additional questions that should be included to this list, please contact the City Manager's Office at 847-926-1000 or gneukirch@cityhpil.com. Information about this project can be found on the City's web site at www.cityphil.com/Buckys.

Ghida S. Neukirch
City Manager

Staff Team:

Ramesh Kanapareddy, Director of Public Works
Joel Fontane, Director of Community Development
Joe O'Neill, City Forester, Dept. of Public Works Forestry Section
Lee Smith, Interim Planning Div. Manager, Community Dev.

1. Overview of the Project:

ANS: *Demolition of an existing gasoline station, attendant kiosk, and motor vehicle washing facility and construction of a new gasoline station, convenience food mart without outdoor patio, motor vehicle washing facility and outdoor sales space.*

2. When was the project approved?

ANS: *On May 11, 2015 the City Council approved the following items concerning the Proposed Gas Station, Convenience Mart and Car Wash Development at 1333 Half Day Road:*

- (a) An Ordinance Granting a Special Use Permit for a Planned Development; and*
- (b) A Resolution Approving a Development Agreement.*

3. What was the approval process for the project?

ANS: *The following public meetings were held by the Design Review Commission, the Plan Commission and the City Council to consider this project. Although initially approved in 2013, the project experienced delays and the initial approval expired. Therefore, the applicant reapplied with essentially the same project and went through the City's development review process again in early 2015.*

2013 Considerations and Approval

- *June 18, 2012: Design Review Commission conducts a pre-application meeting*
- *January 15, 2013: Plan Commission Conducts a Public Hearing to consider the proposed plans. No members of the public testified.*
- *February 4, 2013: DRC conducts a public meeting at which this item was continued to allow applicant time to address recommended changes in plans. The proposed lighting plan was approved.*
- *February 5, 2013: Plan Commission voted 4 to 1 to recommend approval to the City Council*
- *March 3, 2013: DRC conducts a public meeting to consider revised plans. The plans were approved 5 to 0. One member of the public testified.*
- *April 8, 2013: City Council Consideration of the PC's and DRC's recommendations*
- *May 13, 2013: City Council votes 7 to 0 to adopt an Ordinance approving the development and Development Agreement.*

2015 Considerations and Approval Process

- *February 17, 2015: Plan Commission conducts a public hearing to consider the development again. At that meeting the Plan Commission voted 4 to 0 to recommend approval to City Council. No members of the public testified.*
- *March 23, 2015: City Council Consideration of Plan Commission recommendation*
- *May 11, 2015: City Council votes 7 to 0 to adopt an Ordinance approving the development again and adopts a resolution approving the related Development Agreement.*

4. What variations were granted by the City with respect to required setbacks?

ANS: *The following modifications were approved by Ordinance and reflected in the approved plans. No setback relief was requested for the buildings, gas station or canopies. One yard set back modification was approved to allow an 8-foot fence in a front yard along Lynn Terrace to provide screening for the neighborhood. This was approved in an effort to provide enhanced screening between the commercial property and the residential area.*

1. *Permitted Driveway Width.* *A variation from Section 93.235(G) of the City Code to increase the permitted width of the driveway located at the property line of the Property abutting Half Day Road, from 30 feet to 52 feet;*

2. Use of Outdoor Sales Area. A modification from Section 150.408(B)(3) of the Zoning Code to permit utilization of the outdoor sales area of the Proposed Development throughout each year;
3. Prohibited Fence. A modification from Section 150.707(A)(8) of the Zoning Code to permit the construction of an otherwise-prohibited fence in a required front yard;
4. Prohibited Accessory Structure. A modification from Section 150.707(D)(1) of the Zoning Code to permit the otherwise-prohibited construction of an accessory structure in a required front yard;
5. Minimum Stacking Spaces. A modification from Section 150.808(D)(6)(a) of the Zoning Code to decrease the number of required stacking spaces at the entrance of the Proposed Car Wash, from 30 spaces to 11 spaces; and
6. Required Landscaping Islands. A modification from Section 150.2220(C)(2) of the Zoning Code to increase the maximum number of parking stalls permitted to be located between tree planting islands installed within the parking area on the Property, from 10 parking stalls to 17 parking stalls.

Setbacks

North Property Line: Car wash building is setback 20 feet from the property line and screened from the abutting property by an 8' high solid board fence. Landscaping is provided along the fence (see approved Landscape Plan for details).

East Property Line: Parking spaces are setback 15 feet from the property line and screened from abutting properties by an 8' high fence. Landscaping is provided along the fence (see approved Landscape Plan for details)

5. What was the notification process?

ANS: *Notification of the development was provided in accordance with the Municipal Code. A Public Hearing was held which entailed notification to abutting properties within 400' of the subject site. A map of the notification area is posted on the City's web site. The notification for the Design Review Commission process includes first class mail to adjacent single family residences. Signs were also posted on the proposed development site.*

6. Who and how exactly is the 400' determined for purposes of notifications?

ANS: *The boundary area is determined by City staff using the City's geographic information system. City Code requires notification of public hearing to all those property owners within a 250' boundary excluding right of ways. The list of property owners contacts are included on the City's web site at www.cityhpil.com/buckys. The certified mail receipts are included as well as a*

map of the subject area. The 250' is comparable to numerous other municipal regulations and it's the Illinois Municipal Code requirements for those communities who otherwise do not have regulations. The City provides notification beyond the regulation and uses the 400' as its guideline.

7. Where can I obtain the approved plans?

ANS: *please visit www.cityhpil.com/Buckys*

8. What was the approval process for the removal of all the trees?

ANS: *Prior to a commercial development project, a tree survey is prepared by the applicant's contractor and plans are developed that identify the trees on the property including those proposed to be removed. These plans are submitted to the Dept. of Community Development as part of the plan review process. These tree removal plans are forwarded to the Dept. of Public Works Forestry Section for review and comment related to the identification of existing heritage trees, tree removal and related fees. The Dept. of Community Development and the Design Review Commission consider a landscape plan and proposed plantings for a development site. The Design Review Commission makes a recommendation to the City Council for consideration. After City Council approval the applicant submits building and site plans to the Dept. of Community Development, Building Division for plan review and approval of the issuance of permits. Tree removal proceeds once permits are issued by the City.*

9. Is Bucky's obligated to keep and maintain all trees and natural buffer indefinitely? Should a tree die for any reason, would Bucky replace the tree with equal or greater height?

ANS: *Yes, Bucky's is already required to maintain the trees on its property. The City will enforce the regulations set forth in Article XXII (Landscape Planting and Screening) of the City's Zoning Code. Also, the original Development Agreement obligates the developer to install and maintain landscaping in accordance with the property's landscape plan and with additional requirements. The proposed First Amendment to that agreement, which will be considered by the City Council on Monday evening, would impose additional landscaping requirements through an "additional screening plan" with which the developer will have to comply.*

Specifically, pursuant to these laws and agreements, the City will require Bucky's to replace any dead, dying or hazardous trees so the property is maintained in accordance with the final approved Landscape Plan. The proposed amendment to the Development Agreement requires that the developer modify, enhance and increase the type and location of the landscaping to be installed on the property and on a portion of the Lynn Terrace right-of-way that is owned by the City and adjacent to the Property. After one year, the City will maintain the landscaping on the public right-of-way.

In the event the planted landscaping needs to be replaced, it would be required to be replaced at the same height at the time of installation. It is not practical to have the same height at the time of removal due to site constraints, availability of trees, and physical limitation of installing or transplanting large diameter trees. The City will ensure Bucky's maintains its property in terms of landscape and appearance.

10. Did the contractor pay or anticipated to pay any fees in lieu of planting landscaping?

ANS: *The contractor will have outstanding tree replacement fees owed. Some of this will be met by the required tree planting approved by the DRC. The latter is required to be planted on site. The City can waive this requirement and collect a fee if the site is overcrowded with landscaping. The City uses the fee for tree planting on public right-of-way.*

11. What does the final plan look like?

ANS: *See approved plan attached.*

12. Did the contractor remove more trees than anticipated?

ANS: *No*

13. Who(m) from the City was tasked with surveying, verifying and approving the trees for removal?

ANS: *Dept. of Public Works, Forestry Section*

14. Could the trees on Bucky's private property been removed without City approval?

ANS: *Chapter 94 of the City's Municipal Code permits any property owner to remove any landscape less than 8" in diameter without a permit, as well as any willow trees and buckthorn regardless of their size. Other trees on private property are prohibited from being removed without City approval.*

15. Why were all the trees, including the Heritage trees, removed?

ANS: *Not all of the trees were removed. There were trees were preserved along the north property line. No heritage trees were removed. All trees within the construction footprint were removed. In addition, trees so close they would not survive the construction process were removed.*

16. Who(m) from the City was tasked with overseeing this tree removal to ensure strict accordance to Highland Park code?

ANS: *The City's Forestry Section reviews and inspects the tree removal process.*

17. To what extent does the Lake County zoning code need to be followed?

ANS: *The Lake County Zoning Code does not apply within the corporate limits of Highland Park. The only applicable zoning regulations in this matter are those contained in the Highland Park Code. The entirety of the property is zoned B3 (Highway Commercial District) per the City of Highland Park Zoning Code. Motor Vehicle Stations are allowed as a conditional use.*

18. Regulations Related to Location of Gasoline Storage Tanks –

ANS: *Underground Storage Tanks are regulated by Illinois Environmental Protection Agency (IEPA) and the State Fire Marshal's office. Location of underground storage tanks is regulated by the State Fire Marshal's office per the Administrative Code set forth. The setback to residential properties is also included in this Administrative Code. "TITLE 41: FIRE PROTECTION CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL PART 175 TECHNICAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS AND THE STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM AND OTHER REGULATED SUBSTANCES SECTION 175.430 CLEARANCE REQUIRED FOR USTS"*

<http://www.sfm.illinois.gov/Portals/0/docs/Commercial/UndergroundStorageTanks/Title41Chapter1Part175.pdf>

19. Can the vacuums be relocated? The vacuums are required to meet performance standards set forth in the Zoning Code.

ANS: *The City has requested that the vacuums be relocated and are awaiting response from Buchanan Energy.*

20. What are the hours for the vacuums?

ANS: *We have proposed that the vacuums may only operate from 7:30 a.m. to 9:00 p.m. Bucky's has only agreed to the start time of 7:30 a.m., and proposes that the vacuums would be available until the car wash closes at 11:00 p.m. This information is reflected in the proposed amendment to the Development Agreement. Please note that Article VI of the City's Zoning Code sets forth Performance Standards for lighting, heat, noise, odorous matters, vibration and other areas. The vacuums will be required to meet the performance*

standards. Below please find a link to this section of the Code:

<http://www.cityhpil.com/DocumentCenter/Home/View/689>

21. Can the fence on Bucky's property be a sound barrier fence?

ANS: A sound barrier wall is usually much thicker than a standard fence and requires a much higher height than 8' to make it sound proof.

22. What the plans to replace a proper sound barrier?

ANS: Aside from the trees there was no existing "sound barrier" to be replaced. A new 8' high stockade fence will be installed in addition to landscaping and trees. The approved fence is a 8' high wood simulated PVC fence. For comparison purposes, the fence installed on Rt. 22, west of Rt. 41 due to expansion of Rt. 22, is a paneled wood, decorative fence and not a sound barrier fence.

23. Will there be music in any outdoor area of Bucky's lot?

ANS: We are not aware of any music that Bucky's intends to play in the outdoor area on their property.

24. Can all lighting on the Bucky's property be facing downward instead of out?

ANS: The City understands that excessive or misdirected lighting can intrude on the privacy of others when light or glare trespasses over property lines. A Lighting Plan, approved as part of the original Planned Development and Development Agreement, is available for review at <http://www.cityhpil.com/DocumentCenter/View/7188> (see page 45 of the linked document). Light levels at the property line should not be directed or illuminate onto the residential property boundaries; according to the Lighting Plan, the light level at the property line will be no more than 0.1 foot-candles (a common measurement of illumination).

25. Did the packet include information about the relief requested for the front yard setback (Lynn Terrace) on the second Council approval?

ANS: The ordinance and appropriate plans were included in the packet.

26. Will temporary fencing be installed?

ANS: Yes. A combination of permanent and temporary fencing will be used.

27. How will Bucky's address the concern with garbage in outdoor bins and ensure that it can never overflow or bins be left open. These bins back up to our neighborhood and with the new food mart they are putting in, we are concerned about animals and smell.

ANS: The Development Agreement requires that Bucky's provides a sufficient quantity of separate containers for the collection and disposal of refuse and of recyclable materials to ensure that the collection and disposal complies with the applicable requirements of the City Code. If garbage is overflowing and bins left open, thereby creating a concern, the matter can be addressed and enforced through the City's Property Maintenance Code and through the Agreement.

28. What is the timeline for construction and planting of landscaping?

ANS: The City is consulting with the Construction Manager for the overall timeline for the project.

29. What are the business hours of operation - particularly with respect to the car wash?

ANS: The gas station and convenience market will be open 24 hours day. The Proposed Car Wash may not be operated on the Property prior to 5:00 a.m. or after 11:00 p.m. on any day, in accordance with the original Development Agreement. We understand there is a concern with the hours of operation noted here. This has been shared with the representative of Bucky's. We will keep you apprised of this matter.

30. Is there a concern about the water from the car wash going into the sewer on Lynn? Concern that when there is heavy rain, Lynn, North and Trailway back up with water from the stream by Sleepy Hollow overflowing.

ANS: No. Site drainage plans calls for on-site detention for the increased impervious area. The detention area release will be restricted to ensure the same rate of release to City sewer as it existed prior to construction. In addition, construction plans are also reviewed prior to issuance of building permit.

31. Will the contractor review the area and hire an exterminator if necessary?

ANS: The City is unaware of any problems related to animals or pests. If residents experience any concern, they are encouraged to contact the City and we can follow-up accordingly.

32. How much exactly is the developer paying in fines for this action?

ANS: This will be determined through the City's administrative hearing process.

33. Is there a safety concern now that the neighborhood can be seen from Rt. 41?

ANS: *No*

34. How close is the commercial district to the homes?

ANS: *The existing B3 District abuts the home at 1254 and 1264 Lynn Terrace*

35. Does the City confirm with the State Fire Marshall that the proper permit required from them has been issued for the installation of the USTs?

ANS: *Yes. Fire Inspector Gilbert has a telephone call into the State Fire Marshal's office to confirm if a permit application has been submitted and to identify when the permit will be issued for this site. The State and City sends Inspectors together during the process of tank removal and placement; without a State permit and a State and City inspection, installation of the underground storage tanks cannot take place without violation.*

NEXT STEPS

The City has contacted the developer to improve the landscape buffer to include taller and more trees on site where practicable. Options are being explored in light of the resident concerns.

A neighborhood meeting is scheduled for Monday, November 23, 2015 at the Public Services Building, 1150 Half Day Road, to discuss the project, project schedule and adjustments to improve the buffer to neighboring residential properties.

If you know someone who is not receiving communication from the City, please contact the City Manager's Office at gneukirch@cityhpil.com or call 847-926-1000.

Thank you very much for your feedback, questions and recommendations.