

MINUTES OF THE CITY OF PONTIAC PLANNING & ZONING BOARD

The City of Pontiac Planning and Zoning Board held a meeting on Monday, June 10, 2019 at 4:30 p.m. in the City Hall Council Chambers to consider the following:

Wally's Pontiac, LLC, an Illinois Limited Liability Company, as Petitioner, has filed a Petition with the City requesting approval of a final plat of a three lot commercial subdivision of the following described real estate consisting of approximately 19.7 acres of land, which is assigned a B-3, Business and Wholesale District, zoning classification, to be known as Wally's Commerce Center Subdivision, and requests a waiver of the requirement of filing a preliminary plat for said subdivision. The Petition also requests that a special use permit be granted to the Petitioner to construct and operate a service station as part of a large highway travel center on Lot 2 of the proposed subdivision in said zoning district. The Petitioner is also requesting variations from the Pontiac Zoning Ordinance in connection with the development which would vary the requirements of Section 6.06 Non-Residential Landscape Requirements; Section 7.06 Foundation Plantings; Table 7.06.3 Sign height, Sign area, and Sign setbacks; Section 7.08.3.b.1 Businesses in Proximity to Interstate 55; and a variance to permit the location of signs on City right of way, being off premises signage. Petitioners are requesting a license from the City to permit the off premises signs to be constructed and maintained on City owned right of way, and to permit the Petitioner to plant and maintain landscaping within the City right of way. The subject real estate is located on the west side of South Deerfield Road in the City and is legally described as follows:

A part of the Northeast Quarter of Section 29, Township 28 North, Range 5 East of the Third Principal Meridian, Livingston County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 1 in the First Addition to Trainor Commercial Subdivision in the City of Pontiac, Illinois, said Southwest Corner being on the East Right-of-way Line of F.A.I. Route 55. From said Point of Beginning, thence South 50 degrees 39 minutes 00 seconds West 500.47 feet along said East Right-of-Way Line; thence South 27 degrees 29 minutes 00 seconds West 281.68 feet along said East Right-of-Way Line; thence South 04 degrees 01 minutes 00 seconds West 310.69 feet along said East Right-of-Way Line to the South Line of the Northwest Quarter of said Northeast Quarter; thence North 89 degrees 48 minutes 02 seconds East 1071.98 feet along said South line to the West Right-of-Way Line of Deerfield Road in the City of Pontiac, Illinois; thence North 00 degrees 11 minutes 59 seconds West 50.00 feet along said West Right-of-Way line to a point of curve; thence Northeasterly 367.92 feet along said West Right-of-Way Line being an arc of a curve concave to the East with a radius of 1,521.48 feet and the 367.02 foot chord of said arc bears North 06 degrees 43 minutes 40 seconds East to a point of tangency; thence North 13 degrees 39 minutes 19 seconds East 16.70 feet along said West Right-of-Way Line to a point of curve; thence Northeasterly 348.52 feet along said West Right-of-Way being the arc of a curve concave to the West with a radius of 1,436.63 feet and the 347.67 foot chord of said arc bears North 06 degrees 42 minutes 19 seconds East to a point of tangency; thence North 00 degrees 14 minutes 41 seconds West 155.01 feet along said West Right-of-Way Line to the Southeast Corner of said Lot 1; thence South 89 degrees 45 minutes 19 seconds West 250.00 feet along the South line of said Lot 1; thence

South 00 degrees 14 minutes 41 seconds East 54.97 feet along said South Line; thence South 89 degrees 45 minutes 19 seconds West 370.04 feet along said South Line to the Point of Beginning, containing 19.7 acres, more or less.

The following members were present: Bill Abraham, Rick Baier, Paul Giordano, Tim Lewis, and Pat Martin. Bill Cole and Matt Stock were absent. Also present were Bob Karls, City Administrator, Alan Schrock, City Attorney, Bob Russell, Mayor, David Wilson, Building and Zoning, and Brian Verdun, City Engineer. Michael Rubenstein and Kevin Camp were also present to represent for Wally's Pontiac, LLC. With a quorum being present, the meeting began at 4:30 p.m.

Tim Lewis made a motion to approve the minutes from the May 13, 2019 meeting and with a second from Bill Abraham and with a unanimous yes vote, the minutes were approved.

Mr. Rubenstein presented Wally's to the Board and mentioned that the City of Pontiac was chosen due to the geography and location and will add revenue for the City. Mr. Rubenstein stated that Wally's is a convenience store that will also have fuel pumps but will mostly cater to the convenience of traveling families. Kevin Camp, Civil Engineer for Wally's, presented the design and development of the property to the Board. Mr. Camp discussed the landscaping design as well as the signage, entrances, and roundabout that will be placed on this property. Bill Abraham showed concern that the signage may be placed on the City Right of Way as well as exceed the height allowance however Alan Schrock assured the Board that the height requirement has not been exceeded and that the sign that will be placed in the City Right of Way will have a license agreement with the City. Brian Verdun discussed with the Board that typically in a Subdivision, a preliminary plat would be designed however he recommends that the preliminary plat be waived and go straight to the final plat. Bob Karls then spoke of the property being located in a B-3 "Business and Wholesale" Zone which requires Wally's to have a Special Use Permit. Mr. Karls stated that the Special Use Permit shall be put in place due to the utilization of Interstate 55. The Special Use is to ensure adequate stacking, parking, and site preparation for the use. David Wilson then spoke of the landscaping requirements for the property. Mr. Wilson mentioned that a variance be granted to substitute the foundation landscaping planting bed requirements from 50% to 25% on the east and 25% on the west entrances. Mr. Wilson also mentioned that a variance be granted to substitute the required Right of Way landscaping along Interstate 55 with the proposed landscaping in the offsite roundabout. Bob Russell presented the proposed signage to the Board, stating that businesses along Interstate 55 follow specific requirements regarding height, location, and size. Petitioners are requesting off-premises signage as well as maintaining landscaping around signage on City Right of Way. Mr. Russell mentioned that the signage on the off-premise sign will be an Informational Sign and will allow neighboring businesses to add signage as well. Paul Giordano opened the floor to the public and Rojan Patel, representing for BP, asked how many fuel pumps were going to the site. Mr. Rubenstein stated that 76 pumps will be placed on the site, with both ethanol and diesel. Mr. Rubenstein also mentioned that there will be no gaming. Mr. Patel stated concern over the number of pumps located on the site as he owns 2 neighboring fuel stations. With no further objections, Mr. Schrock noted that Hampton Inn, a neighboring business, sent a letter in support of Wally's being built. Mr.

Giordano then closed the public comments. Alan Schrock mentioned that because of the unique situation, a motion was written that states:

- 1) That the Petition filed herein by Wally's Pontiac, LLC, is in proper form, and that due and proper notice of today's public hearing was given as required by statute and ordinance.
- 2) That the requirement of a preliminary plan for the three lot commercial subdivision to be known as Wally's Commerce Center Subdivision be waived as a preliminary plan is unnecessary under the circumstances, and that the Planning and Zoning Board should recommend that the City Council waive the preliminary plan requirement.
- 3) That the Final Plat of said subdivision as filed conforms with the requirements of the City of Pontiac Subdivision Ordinance and that the Planning and Zoning Board should recommend that the City Council approve the Final Plat for said subdivision as filed.
- 4) That all the requirements under the City of Pontiac Zoning Ordinance for the approval of a Special Use Permit to allow the Petitioner to operate a service station with fuel sales as part of a large highway travel center on Lot 2 of said subdivision, including those set forth in Paragraph 5.17 of Part C of Section 5 of the City of Pontiac Zoning Ordinance, have been satisfied, and that the Planning and Zoning Board should recommend that the City Council approve said Special Use Permit.
- 5) That the requirements for all the variances requested by the Petitioner, including those set forth in Paragraph 5.36 of Part Ha of Section 5 of the City of Pontiac Zoning Ordinance, have been satisfied, and that the Planning and Zoning Board should recommend that the City Council approve the said variances.

Bill Abraham made a motion to recommend to the City Council to approve the variances as presented. Tim Lewis seconded the motion and the motion passed with all present voting yes. With no future business, Tim Lewis made a motion to adjourn the meeting and with a second by Pat Martin and a unanimous yes vote, the meeting was adjourned at 5:04 p.m.

Minutes written
and submitted by,

Brittney Miller
Building and Zoning