

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES
HELD NOVEMBER 19, 2014**

Approved

1. CALL TO ORDER

A Special Meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Wednesday, November 19, 2014 and was called to order at approximately 7:02 pm. Village Clerk Peterson was appointed Recording Secretary.

2. ROLL CALL OF MEMBERS

The following Trustees were physically present at said location:
Trustees Burke, Daulton Lange, Mitchell, Raclaw, Schaller, Schofield, and President Richardson.

The following Trustees were allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None

No Trustee was denied the opportunity to attend the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: None

Staff Present: Village Administrator C. Martin and Village Clerk L. Peterson

Others Present: Village Attorney J. Bateman, Treasurer Hirsch, and Plan
Commission Members E. Carpenter, C. Puleo, M. Gerak.

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF AN ORDINANCE GRANTING SPECIAL USES TO SPEEDWAY, LLC FOR A BUSINESS PLANNED DEVELOPMENT AND FOR A VEHICLE FUELING STATION, VEHICLE WASH, AND CONVENIENCE STORE AT 28540 WEST NORTHWEST HIGHWAY AND 22055 N. KELSEY ROAD

Village President Richardson introduced the item, reviewed the schedule for the meeting and thanked the officials, consultants and residents who participated in the process. He indicated the Board was open to listening to and receiving comments from all interested parties.

Trustee Burke announced he was recusing himself and would abstain from voting and participating in the discussion of the petition because he knows people from Speedway and other such businesses due to the nature of his business which works with businesses similar to the petitioner. He noted the Village Attorney advised that there was no conflict, but he wanted to avoid the appearance of any conflict. Mr. Bateman confirmed there would not be a conflict if he participated.

STAFF REPORT

Village Administrator Martin provided a review of the application and public hearings held by the Plan Commission relative to this petition. He reviewed the documents that were provided in the Board folder and that were distributed prior to the special meeting.

PETITIONER PRESENTATION

Rich Yost, Speedway, gave an overview of the proposed plan and background information regarding Speedway. He reviewed site information and proposed operations. He explained the market dynamics used to determine Lake Barrington as a site for the business and the economic benefits to the Village.

Kimberly Strnad, Corporate Design + Development Group, shared information from the Village's Comprehensive Plan. She also explained the transition of the station design that had evolved through the review process, from the starting elevation and site plan to the current plan to be considered by the Village Board, highlighting fifteen (15) architectural changes that had been made in response to, and as a result of, that process. She presented the landscape plan, signage plan, and canopy design and noted that the canopy was further reduced in size prior to this special Board meeting.

Todd Abrams, WT Civil Engineering, reviewed the existing conditions on the site. He presented the utilities plan, grading plan, and stormwater management and stormwater quality design. He explained the filter and stormceptor systems used to improve stormwater quality.

Luay Aboona, KLOA, reviewed the traffic study which used the highest traffic volumes from two traffic counts for analysis. He shared IDOT comments regarding Northwest Highway and the intersection and he indicated Kelsey Road access was still being reviewed by Lake County Division of Transportation. He noted the proposed location would not have a significant impact on traffic because the business would mainly attract customers from pass by trips from existing traffic.

Eric Swaisgood, Speedway Environmental Group, provided information on the 24 hour leak detection and how the release containment and response protocols operate. He shared the findings from a Geotech report regarding nearby private and public wells and the features and functioning of the underground storage tanks. He also reviewed Speedway's fuel safety measures.

Chris Kalischefski, Corporate Design + Development Group, presented information from the sound and air quality studies that had been conducted. Vapor recovery and state standards were explained. He commented on the public hearing process and Plan Commission vote. He pointed out how the presentation given by the Speedway representatives applied to the five Village requirements for approval of a Special Use Permit.

Board Queries

Representatives from Speedway answered Board member questions.

Trustee Schofield: The petitioners confirmed information on containment if there is a power outage and that the stormceptor and detention areas were sized for the specific site. Food quality standards and internal evaluations and inspections were explained.

Trustee Daulton Lange: The decommissioning of Stage 2 Vapor Recovery, Stage 1 Vapor Recovery, vapor recovery for fueling tankers, and the inclusion of built-in vapor recovery in vehicles were further explained. Confirmation was provided regarding municipal well setback standards as required by Village Code and how distances to the municipal wells were measured. Lighting standards for gas stations as set by the Illuminating Engineering Society of North America (IESNA) were reviewed along with procedures on how to request a change in the traffic signal timing with IDOT . Operation of the car wash was also discussed.

Trustee Schaller: The impact of fuel pump type and layout on vehicle circulation was further explained. It was confirmed that the proposed business was not designed to be a “truck stop” and will not service semi-trucks as such facilities have specific needs and standards not included in the proposal such as high flow diesel dispensers and ample space for parking and circulation. Details from the traffic study as it relates to egress onto Kelsey Road were discussed. Risk and incidence rate of release and spills were further detailed.

Trustee Raclaw: Further explanation was given on how the number of pumps and what operations to include at the proposed location to meet the needs of the community were determined. Convenience store hours and related operations were discussed.

Trustee Mitchell: Cash handling procedures and security were explained. It was confirmed “adult magazines” would not be sold. Discussion was held on what would happen to the property and USTs if Speedway ceased operations. Information was provided regarding fire suppression at the pumps, fuel delivery and snow removal operations. Speedway is involved with the community though it varies store to store. Accident incident information was shared. Alcohol sale procedures, disciplinary action for alcohol sales related incidences and internal evaluation of operations were shared. Geotech boring analysis as it relates to the shallow aquifer system was discussed.

President Richardson: Landscaping and stormwater management were reviewed in more detail. Release and fire suppression response and personnel training related to spill and emergency response were described. Growth factors and impact on traffic were discussed. Tank technology and release response were described in more detail. Data collection techniques and study quality related to the sound and traffic studies were discussed. Calculation for the number of pumps at the site was reviewed again. Kelsey Road access was discussed further. Filtering and reuse of the wash water, and containment and removal of wastewater from the car wash were described. Salt management plan was discussed.

President Richardson called a recess at 9:45 p.m. The Board reconvened at 9:56 p.m. with all members present as the original roll call.

Board Queries Cont'd

Trustee Daulton Lange: Upon inquiry regarding mosquito abatement, it was confirmed the stormwater management basin is a dry basin that will not retain water. Details were provided on the basin design and planned native wetland plantings.

VILLAGE CONSULTANTS

Jim Huff, Huff and Huff, has assisted the village in the past with other environmental issues. Mr. Huff presented his environmental engineering analysis of the site plan and the site's proposed

business operations. He addressed the potential threat to groundwater which affirmed the petitioner's Geotech findings and also provided information on underground storage tank technology. He concluded that, in his professional opinion, there was no threat to area groundwater because of the geology, the improved technology of the environmental protections now required and regulatory oversight of gasoline station operations by state and federal agencies.

He addressed risk to air quality. He provided information on benzene, a primary toxicant in gasoline, and shared information from a number of studies related to the potential exposure risks associated with airborne benzene coming from gasoline station operations. He specifically addressed a 2010 Spanish study on roadway diffused benzene. Explanation was given on how decreased gas consumption and improved vapor recovery technology and standards have dramatically improved air quality. He made general recommendations on how any school that is sited for construction on the property to the north of the proposed Speedway site could be configured so as to address air quality concerns from both vehicular emissions coming from Northwest Highway and gas station operations. Mr. Huff specifically noted that trees provide an important barrier to the transmission of airborne benzene and he recommended that the petition's plan for retaining the current row of existing mature trees be maintained and supplemented, as needed, with additional landscaping. He also suggested that a study be conducted when the Village receives a proposal for a new school so that all current data and findings can be incorporated in real time into a final site design for a new school.

Huff and Huff - Board Queries

Mr. Huff answered Board members' questions.

Trustee Daulton Lange: Ambient vehicle emission from idling vehicles was discussed.

Trustee Schaller: Mr. Huff confirmed he did not feel there is a threat to the groundwater.

President Richardson: Further discussion was held on vehicle emissions as it relates to the potential school and the recommended air intake system to improve air quality. Mr. Huff affirmed the Village's requirement for the petitioner to have monitoring wells and conduct groundwater sampling and underground tank design was further described. He indicated he would have no concern if he had a child at a school next door to the proposed gas station and further noted the traffic on Northwest Highway would be a larger contributor of vehicle emissions than the gas station. He could not provide information regarding the aboveground tank located at a landscape company down the road.

Geoff Perry, Gewalt Hamilton – Stormwater Management

Mr. Perry indicated that 57 comments were provided following review of the design plans and that many of the items were intended to be deferred to final engineering. He shared comments regarding stormwater management and quality, and compliance with the Lake County requirements. He concluded that the plan would require some fine tuning and tweaking, but he felt the final plan would substantially be the same as what was provided for this meeting.

Gewalt Hamilton – Stormwater Management - Board Queries

Mr. Perry answered Board members' questions.

Trustee Schofield: Enforcement of the stormwater maintenance was reviewed.

Trustee Schaller: Explanation was given on how the stormwater management system would handle a 100 year rain.

Trustee Mitchell: The Village Engineer acts as the Village's Lake County Watershed Development Ordinance enforcement officer.

President Richardson: It was confirmed that Speedway would be responsible for maintenance of the restrictor pipes. Mr. Perry confirmed he did not have any substantial material disagreement with the stormwater management plans.

Dan Brinkman, Gewalt Hamilton – Traffic

Mr. Brinkman reported *Traffic Study Review #1* was provided to the Village following review of the plans and KLOA traffic study. Route 14 is under IDOT's jurisdiction and Kelsey Road is under LCDOT's jurisdiction. He shared how he reviews the plans in relation to those entities' standards. The comments provided by Gewalt Hamilton and Lake County DOT were similar. He noted LCDOT and a Lake County Board member also met with residents. LCDOT is expecting a response from the petitioner. IDOT and LCDOT have the final authority for their respective roadways.

Dan Brinkman, Gewalt Hamilton – Traffic - Board Queries

Mr. Brinkman answered Board members' questions.

Trustee Schofield: Mr. Brinkman briefed the Board on IDOT's and LCDOT's review and permitting processes.

Trustee Daulton Lange: The comments provided by IDOT and LCDOT were typical. IDOT's comments were focused on stormwater management and construction and LCDOT's had a detailed technical focus. He did not see any red flags from either entity that would indicate protraction of the process and he indicated the request for roadway improvements from the County is a typical type request.

Trustee Schaller: It is likely access will be given from both roadways to the site. He commented on egress from the site onto Kelsey Road and noted the County has not weighed in yet.

Trustee Raclaw: Mr. Martin shared information regarding a meeting with LCDOT that was held at the request of residents to explain their plan review, traffic study and permitting process.

Trustee Mitchell: The Route 14 access drive was described more in detail.

PUBLIC COMMENT

President Richardson shared that though this was a Special Board meeting and not a Public Hearing that the Village welcomes the public to share their comments.

Brian Battle, Board President, CUSD 220: Mr. Battle spoke of CUSD 220's good relationship with the Village and its ownership of the school property. He read a position statement approved by the School Board which acknowledged and shared concerns of nearby residents as well as the School Board's full confidence in the Village and the integrity of the Village's process for considering the petition. He stated the District's desire to provide for the safety of the students, their parents and District staff as well as protecting the value of District's property. The District

wants to ensure a school can be built without the constraints of a commercial development and a request was made to the Village to make sure the final plans take into account the safe passage of students and staff. It was noted the potential to build a middle school on the adjacent District site is still viable, but not before 2020. He concluded that though the District would not have recommended a gas station as a first choice for the site, the District wants to be a good partner to the Village and reiterated the School District's confidence in the Village to address the concerns of CUSD 220.

President Richardson thanked the District for its confidence.

Martin McLaughlin, Village President, Barrington Hills: Mayor McLaughlin spoke on behalf of Barrington Hills residents. He shared concerns for a significant change in character along the Route 14 corridor and how the proposed operations of the business would adversely impact their homes. He affirmed the need for a gas station in the area, but that the size and scope of the proposed site was a source of concern to him as well as to some Barrington Hills residents. He promised Barrington Hills would not have a competitive gas station of comparable size on the other side of the intersection. In a cooperative effort as members of BACOG, Barrington Hills would like to be a partner with Lake Barrington in development plans for that intersection in the future. He asked the Board to further vet the project for light, environmental, safety and traffic issues.

Jim Foote, Lake Barrington resident, believes the Special Use Permit should be denied. He raised concerns for safety, inconsistency with the Village's countryside character, impact on nearby property values, and crime. He shared his evaluation on ingress and egress at the site, and the increase in traffic volume from the proposed business and the additional potential impacts on traffic from future business development and middle school.

Timothy Lowery, Linden Drive, commented on Mary Gerak's dissent, staff report and Plan Commission's evaluation. He spoke about the community's encouragement for children to make healthy choices and the products sold by the petitioner. He raised concerns with law enforcement, decreased property values, and having a school located next to a gas station. He expressed his desire for the Board to vet information presented at this meeting and to deny the permit.

Brad Martin, Pheasant Ridge, raised concerns regarding risks to groundwater and the environment, and he commented on the proposed sales tax revenue, the business and the responsibility for officials to represent the residents. He shared past Board comments and action he plans to take if the proposal is accepted.

Krissy Lohmeyer, Pheasant Ridge, provided statistics and information regarding the petition that was circulated in the community. Residents want a smaller gas station or none at all. She expressed disappointment in the Plan Commission process. She urged the Board to listen to the voters and deny the SUP.

Brian Schumann, Pheasant Ridge Subdivision, questioned why the Village is catering to a regional market and not keeping with the character of the Village. He addressed a comment made by a member of the Plan Commission and shared his desire to have his taxes increased versus having a gas station to raise sales tax revenue.

Chris Pearson, Lake Barrington resident, questioned the size and scope of the operations and the need for the business in the community. He expressed concern for contamination of the

groundwater supply and shared information regarding USTs and releases, chemicals found in fuel, and the recommendation for a wellhead survey. He asked the Board to protect groundwater and air quality by voting “no” to the gas station.

Noelle Schuman, Lake Barrington resident, described the neighboring properties and she shared her experience with the traffic cue at rush hour. She expressed concerns regarding air quality for the students at the proposed middle school and environmental risk from spills. She questioned how the business fits the comprehensive plan as it relates to the desire for a countryside character, serving the local community, and providing jobs to area residents. She shared information she collected from her observations of gas stations along 21 miles of Northwest Highway and questioned the size and scope of the business as it relates to nearby population and density. She commented on the number of signatures on the petition.

Judy Peavey Cooper, Kelsey Road, indicated her father was a founding member of the Village and was on the Plan Commission in the past. She commented on how the vision and past actions of the Village influenced the makeup of the Village as it is today. She expressed her hope for the Board to vote against the proposal, because it would change the character of the Village.

Kenneth Gebhardt, indicated he is the closest well owner and resident to the proposed site. His biggest concern was with security if there is a robbery. He felt the proposed business looked sterile and doesn't fit in with the Village.

Patty Meroni, Chairperson, Barrington Hills Roads and Bridges Committee, indicated she attended the resident meeting with LCDOT. She expressed concern for the petitioner's focus on Kelsey Road and lack of attention to the private wells and traffic and light impact on the homes in Barrington Hills on the south side of the intersection. She shared information regarding traffic, use and maintenance on Plum Tree Road and at the railroad track, and she expressed concern for the impact on safety on the south side of the intersection. She asked the Board to investigate traffic impact further before making a decision.

Jim Flannery, Barrington Harbor Estates resident, expressed that, in his view, the proposed business is a Lake Barrington and Barrington Hills issue and that the business does not fit the character of the Village. He asked Board members who vote in favor of the business to share their reasons why they voted for it.

Mike Rothmann, Lake Barrington resident, recognized Mr. Gebhardt, as the closest residential neighbor and shared potential air quality risk to him as it relates to the Spanish study he provided to the Plan Commission. Mr. Rothmann indicated he is an attorney and his presentation would be based from a legal standpoint on what the court would be reviewing if the permit is approved and a lawsuit filed. The main question would be whether or not the petitioner met the five criteria that are used to grant or deny a special use permit. He commented on the Plan Commission review of the criteria. He questioned the proposed scope of operations, impact and use as it related to Village ordinance. He raised concerns with production of information and the petitioner's studies. He reviewed several of the studies and documents provided by the petitioner and information he obtained as it related to meeting criteria in relation to traffic impact, air and water quality risks, and scope of operations. He concluded that the Village has a legal and defensible reason to deny the petition.

Christina Russo, Barrington Hills resident, distributed photos of nearby homes in Barrington Hills and raised her concern that the nearby wells in Barrington Hills were not examined. She named

the Barrington Hills officials and staff in attendance at the meeting. She asked that a more suitable development be found for the location, expressed her concerns for the property values, health, welfare and safety of adjacent neighbors, and she noted the proposed business is out of character with the area. She hoped the Village would not grant the SUP.

Susan Beattie, Flint Creek Farms resident, recounted how and why she moved to Lake Barrington. She wished the business could be located at Pepper Road and she commented on raising revenue and concerns that the business doesn't fit the community with the impact it would have on traffic and safety risks.

Jay Gerak, Pheasant Ridge Subdivision, indicated his spouse is one of the members of the Plan Commission who voted not to recommend issuing a SUP to the petitioner. He commented on the administration and communications of the public hearing process. He expressed concern for Village's public hearing notice requirements, the size and scope of the business, and production of information. He commented on the lack of community support. He reviewed the "LaSalle factors" as it related to the petitioner. He spoke about safety and environmental concerns with USTs and traffic impact. He recounted his experience with the T-Mobile SUP petition which proposed a cellular tower in Lake Barrington Shores that was considered in the past. He requested the Board to deny the SUP.

PETITIONER AND VILLAGE CONSULTANTS

Petitioner representatives addressed items raised during public comment related to the number of dispensers and fueling positions, traffic counts, well locations and recommendations to improve air quality.

Trustee Raclaw: Evaluation of the traffic counts and conditions was reviewed and it was confirmed it was conducted to acceptable traffic industry standards.

Trustee Mitchell: He raised whether or not the counts took into account the impact of the River and Roberts Roads project detour. Impact to perched groundwater was discussed.

The Village consultants addressed items raised during public comment related to the Spanish air quality study, UST release and risks of groundwater and perched water contamination, approach taken to conduct the traffic study, impact and possible road improvements related to the construction of a school, traffic growth rate, refueling and vehicle circulation on the site.

BOARD DISCUSSION

Trustee Schofield shared that she was using her past experience as village president to consider the petition and she recounted past proposals and projects in that part of the Village and her realization that subdivisions in the southeast corner of the Village would always face challenges given their proximity to an area zoned for manufacturing, industrial, commercial and office uses. She felt the Plan Commission did a good job to minimize any potential negative impacts and improve the design features and that the concerns with traffic and groundwater issues were addressed in an effective manner. She expressed appreciation for the public who participated in the process and she expressed her confidence in the Plan Commission, staff and consultants. She concluded that the business is appropriate for Route 14, a state highway, and that she supported the proposal.

Trustee Daulton Lange, affirmed Trustee Schofield's comments and stated she shared residents' desire to have the Village maintain its countryside ambience. She noted that she was the Chairperson of the PC when the Comprehensive Plan was developed and she shared that she reads the Plan as a guide in the whole and that she avoids reading selectively chosen portions so as to assure points are not taken out of context. She read and commented on the business park goal in the comprehensive plan. She believes the Village would still be a community of gracious countryside living if the business is developed on Route 14 which does not have a bucolic countryside character. The Village hired consultants to help officials evaluate the facts. She feels the proposed business is a good use for the site and meets the requirements for a SUP and PUD.

Trustee Schaller read from a resident letter and he shared that he had spoken to a number of individuals from LBS who thought the business would be good for the Village and community. He commented on traffic, environmental risk, crime and safety, air and water quality, and threat to property values were addressed. The property is designated for commercial development, there is a need for that type of business and the parent company of the petitioner is an American company. He does not feel that locating the business on Pepper Road is economically feasible. He felt confident the officials were acting in the best interest of the entire community and he expressed appreciation for the public's participation.

Trustee Raclaw indicated he formerly served as Chairperson on the Village's Economic Development Committee. He learned from his Village and community service experience that he cannot make 100% of the residents happy and he explained that he examines issues from the basis of looking at the needs of the community as a whole. He expressed respect for the concerns shared at the meeting and in correspondence. The proposed business will provide a significant and stable source of revenue that will help fund residents' needs and amenities. It would also be making significant financial contributions to the school district and other taxing districts. The proposed business fits the underlying zoning and will be an attractive business. It is the first national company to make a significant investment in the community since Saturn and it could attract other high value and national brands. He indicated he was in favor.

Trustee Mitchell indicated he used an evaluative grid process to examine the proposal and comments. He addressed public comments related to raising resident property taxes. He recounted his experience in addressing environmental concerns with the Tallgrass subdivision. He reviewed his grid and addressed concerns raised by residents related to alcohol sales, proximity to the school site, risk of crime, law enforcement, legal issues, moral and ethical issues, traffic, noise, and density. He believes the business is a positive opportunity to continue the Village's financial stability.

President Richardson commented on the public input, which is welcomed and encouraged by the Village, and noted the difficulty of deciding the issue given the public comment. He thanked everyone who provided commentary and testimony and expressed appreciation to the Plan Commission and Board. He joined the Board in their support for the project. He explained the role of Plan Commission, Board of Trustees and building permit process as well as the technical reviews of other governmental entities' that will assure the protection of public health and the environment.

The Board came to a consensus to vote on the item at this meeting.

Following the motion and second and prior to the roll call vote, Mr. Bateman explained revisions for clarification on page 7 in the Ordinance and the addition of language, Item T, requiring four

monitoring wells and groundwater testing at the petitioner expense that was recommended by Huff and Huff.

Board Action

A motion was made by Trustee Raclaw and seconded by Trustee Schofield to adopt Ordinance 2014-O-17, an Ordinance Granting Special Uses to Speedway, LLC for a Business Planned Development and for a Vehicle Fueling Station, Vehicle Wash, and Convenience Store at 28540 West Northwest Highway and 22055 N. Kelsey Road with revisions and additions as explained by Mr. Bateman.

Upon roll call the vote was:

Yeas: Trustees Daulton Lange, Mitchell, Raclaw, Schaller, Schofield and
President Richardson
Nays: None
Abstain: Trustee Burke
Absent: None

President Richardson declared the motion carried.

5. ADJOURNMENT

A motion was made by Trustee Mitchell and seconded by Trustee Schofield to adjourn the meeting. President Richardson declared the motion carried, whereupon the meeting was adjourned at 2:37 a.m. on Thursday, November 20, 2014.

Respectfully submitted,

Loretta Peterson
Village Clerk