

LAKE COUNTY ZONING BOARD OF APPEALS

REZONING APPLICATION

Robert Bradley Petersen and Linda L. Petersen as Co-Trustees of
the Robert Bradley Petersen and Linda L. Petersen Revocable
Trust Agreement Dated April 30, 2013

Applicant(s):
(please print)

Owner(s)

35845 N. Barberry Lane
Gurnee, IL 60031

Address

[Redacted]

Contract purchaser(s) if any

[Redacted]

[Redacted]

Address

Phone: [Redacted]

Fax: [Redacted]

Phone: [Redacted]

Fax: [Redacted]

I/we hereby authorize the following person to represent me/us in all matters related to this application:

Adam J. Findlay; O'Donnell Haddad LLC

Name

14044 W. Petronella
Suite 1
Libertyville, IL 60048

Address

Phone: (847) 367-2750

Cell: [Redacted]

Fax: [Redacted]

Email: afindlay@odonnell-lawfirm.com

Subject
Property:

Present Zoning: General Office
Present Use: Asphalt, concrete, redi-mix, rock and concrete crushing plant
Proposed Use: Asphalt, concrete, redi-mix, rock and concrete crushing plant
PIN(s): 07-14-200-023
Address: 35801 N. Barberry Lane

Legal description: see attached deed

Request: I/we request the property be rezoned to the Limited Industrial zoning district.

I/we believe this rezoning is justified because:

The proposed rezoning is justified because an existing asphalt, concrete, redi-mix, rock and concrete crushing plant has existed on two adjacent parcels (07-14-200-021 and 07-14-200-024) for approximately 30 years. Demand for the products and services of Petersen Excavating have increased, and approval of the rezoning application will allow the business to expand in order to meet that demand. An expanded operation will create additional private revenue and tax revenue while facilitating, rather than disrupting, existing uses in the area.

Approval The Lake County Zoning Board of Appeals is required to make findings of Criteria: fact on your request. You should "make your case" by explaining specifically how your proposed request relates to each of the following criteria:

1. The proposed rezoning is consistent with the stated purpose and intent of the zoning regulations (Lake County Code Section 151.005);

The proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance because it will protect the tax base by allowing the expansion of a thriving business within the County, rather than forcing Applicant to seek a larger property elsewhere. The proposed rezoning will manage growth by allowing Applicant to clustering industrial uses into the same geographical area as existing industrial uses. The proposed use associated with the rezoning will protect vegetation and the watershed through use of a detention basin, which has been oversized to accommodate any future expansion. Finally, the proposed rezoning will regulate the density and intensity of use by bringing the subject property into conformance with the Zoning Ordinance.

2. The proposed rezoning corrects an error or inconsistency or meets the challenge of some changing condition in the area;

The existing zoning of the subject property, general office, is an obvious inconsistency of the neighborhood. Rezoning the subject property will correct the inconsistency and allow the applicants to expand an existing and thriving business. The area properties which are zoned by Lake County are already zoned LI. The area properties in the Village of Gurnee that are northeast, east and south of the subject property are all zoned General Industrial. Developed property in Gurnee west of the subject property is also zoned General Industrial. The vacant property in Gurnee west of the subject property is zoned R6, but aerial photographs indicate that the vacant property has never been developed for residential use.

3. The proposed rezoning will allow development that is compatible with existing uses and zoning of nearby property;

The proposed rezoning will allow the subject property to be developed and integrated into an existing asphalt, concrete, redi-mix, rock and concrete crushing plant. The nature and character of the surrounding geographical area is industrial, and adjacent parcels have been used as an asphalt, concrete, redi-mix, rock and concrete crushing plant for over 30 years. All surrounding properties are related to the construction industry and approval of the rezoning would support the character of the neighborhood by supporting the same industry. Conversely, retaining a general office zoning designation is inconsistent with surrounding uses.

4. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development;

The subject property is served by septic and private water well. Adequate public facilities and services are existing. Approval of the rezoning, along with the companion Conditional Use Permit application, will improve emergency access to the site by allowing for sufficient turning radii for industrial trucks and emergency vehicles. One gated access will be maintained to Barberry Lane and daily traffic to the site will remain unchanged. The site will not require a sanitary sewer service or potable water service and trash services are conducted by a privately acquired roll off service.

5. The proposed rezoning will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and

As previously stated, the proposed rezoning will allow the subject property to be developed and integrated into an existing asphalt, concrete, redi-mix, rock and concrete crushing plant. This use has essentially had a 30 year "trial run" with no adverse effect on the public health, safety or general welfare. Rezoning will require that the applicant meet current standards assuring the environment and adjacent properties will not be negatively impacted. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

6. The subject property is suitable for the proposed zoning classification.

The property is physically suitable for the types of uses/development allowed in the Limited Industrial zoning district, and approval of the proposed rezoning will allow the subject property to be integrated into an existing use. Adjacent and area properties are all zoned industrial, and rezoning the subject property would bring a single General Office parcel into conformity with the existing neighborhood in the spirit and intent of the Zoning Ordinance.

Land Trust Disclosure
Pursuant to 151.045(B)

Applicants are Robert Bradley Petersen and Linda L. Petersen, as Co-Trustees of the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement Dated April 30, 2013.

Robert Bradley Petersen holds a 50% beneficial interest in the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement Dated April 30, 2013, and his address is 35845 North Barberrry Lane, Gurnee, Illinois, 60031.

Linda L. Petersen holds a 50% beneficial interest in the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement Dated April 30, 2013, and her address is 35845 North Barberrry Lane, Gurnee, Illinois, 60031.

I/we hereby attest that all information given above is true and complete to the best of my/our knowledge.

Robert Bradley Petersen

Signature of Robert Bradley Petersen, as Co-Trustee of the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement Dated April 30, 2013

Linda J. Petersen

Signature(s) of Signature of Linda L. Petersen, as Co-Trustee of the Robert Bradley Petersen and Linda L. Petersen Revocable Trust Agreement Dated April 30, 2013

I, Hayleigh Herchenbach a Notary Public aforesaid, do hereby certify that Robert and Linda Petersen personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of September 8, 2016 and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 8th day of September, 2016

(Seal) My Commission expires 3/28/20

[Signature]



COURT REPORTER AGREEMENT

CHECK ONE OF THE FOLLOWING:

- I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.
- I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.



Signature



THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION

DEED IN TRUST

The GRANTOR, ROBERT BRADLEY PETERSEN and LINDA PETERSEN, his wife, of the County of Lake, State of Illinois, for and in consideration of TEN and no/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, CONVEY and WARRANT unto ROBERT BRADLEY PETERSEN AND LINDA L. PETERSEN, or the survivor, not individually but as Co-Trustee(s) of the ROBERT BRADLEY PETERSEN AND LINDA L. PETERSEN REVOCABLE TRUST AGREEMENT dated April 30, 2013, and any amendments thereto, or their successors in interest, the following described real estate situated in the County of Lake, in the State of Illinois, to wit:



Image# 054411550003 Type: DIT
Recorded: 09/29/2015 at 09:00:13 AM
Receipt#: 2015-00059092
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Fees: \$39.00
IL Rental Housing Fund: \$9.00
Lake County IL Recorder
Mary Ellen Vanderverter Recorder

File **7234335**

SEE ATTACHED LEGAL DESCRIPTION

Subject to real estate taxes for 2014 and subsequent years, and all conditions, covenants, restrictions, and easement of record.

P.I.N. 07-14-200-023-0000

PROPERTY ADDRESS: 35801 N. BARBERRY LANE, GURNEE, IL 60031

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust agreement set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof: to dedicate parks, streets, highways or alleys; to vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to contract to sell; to grant options to purchase; to sell on any terms; to convey either with or without consideration; to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof; to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter; to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals; to partition or to exchange said property, or any part thereof, for other real or personal property; to grant easements or charges of any kind; to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof; and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said trust agreement was in full force and effect; (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder; (c) that said trustee was duly authorized and

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LEGAL DESCRIPTION

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14, 1063.3 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SAID NORTHEAST QUARTER OF SECTION 14, WHICH POINT IS IN THE CENTER OF THE PUBLIC ROAD SOMETIMES CALLED THE MILWAUKEE ROAD; THENCE NORTH 40 DEGREES 17 MINUTES EAST ALONG THE CENTER OF SAID ROAD FORMING AN INCLUDED ANGLE OF 49 DEGREES 43 MINUTES WITH THE SAID SOUTH LINE, 334.5 FEET; TO THE WESTERNMOST CORNER AND PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 40 DEGREES 17 MINUTES EAST ALONG THE CENTER OF SAID ROAD, 209 FEET; THENCE SOUTH 49 DEGREES 43 MINUTES EAST ALONG A LINE FORMING A RIGHT ANGLE WITH THE CENTER LINE OF SAID ROAD, 416 FEET; THENCE SOUTH 40 DEGREES 17 MINUTES WEST, PARALLEL TO THE CENTER LINE, OF SAID ROAD 209 FEET; THENCE NORTH 49 DEGREES 43 MINUTES WEST 416 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.