

**RESOLUTION**

No. 8022  
Warren Township

STATE OF ILLINOIS)  
  )SS  
COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

April 11, 2017

**CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:**

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of 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 requesting approval of a Conditional Use Permit for a Planned Unit Development (PUD) and PUD Preliminary Plan on PINs 07-14-200-021, 07-14-200-023 and 07-14-200-024 consisting of 5.53 acres to expand an existing asphalt, concrete, redi-mix, rock and concrete crushing plant; expand an existing caretaker's residence; retain a second nonconforming residence; and incorporate site enhancements to improve onsite circulation and overall business operations. After due consideration, we hereby recommend by a vote of 6 to 1 that this application be approved.

PIN 07-14-200-021

That part of the Northeast ¼ of the Northeast ¼ of Section 14, Township 45 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of said Quarter Quarter Section; thence West along the South line of said Quarter Quarter Section a distance of 1063.3 feet to the center of Barberry Lane and the point of beginning of the description; thence Northeasterly along the center of Barberry Lane a distance of 334.5 feet; thence Southeasterly along a line forming a right angle with the center line of said Barberry Lane to a point that intersects the South line of the Northeast ¼ of the Northeast ¼ of said Section 14; thence West along the South line of said Quarter Quarter Section to the point of beginning, in Lake County, Illinois; and

PIN 07-14-200-023

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 the 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 the 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.

PIN 07-14-200-024

That part of the Southeast Quarter 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 North line of said Quarter Quarter Section, 1063.3 feet West of the Northeast corner, thereof, which point is in the center of public highway; thence Southwesterly along center line of said highway, which forms an angle of 130 degrees 17 minutes with the said North line, measured from the East to South 130 feet; thence East along a line parallel to the North line of said Quarter Quarter Section for a distance of 924.65 feet; thence North along a line forming a right angle with the said parallel line, 99.17 feet to a point in the North line of the Southeast Quarter of the Northeast Quarter of Section 14, said point being 222.7 feet West of the Northeast corner thereof; thence West along said North line 840.6 feet to the place of beginning, situated in Lake County, Illinois.

After due consideration, we hereby recommend by a vote of 6 – 1 this application be approved subject to the applicant complying with the conditions listed in Exhibit "A-1" attached to this resolution. We find this application meets the standards for a Conditional Use Permit and a Planned Unit Development PUD Preliminary Plan in the following manner:

**Standards for a Conditional Use Permit**

The application meets the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) as follows:

Standard 1: The use in its proposed location will be consistent with the stated purpose and intent of Section 151.005.

Comment: The activities on PINs 07-14-200-021 and -023 have existed in the current location for approximately 30 years in an area that has gradually developed with industrial, office and warehouse uses. The Conditional Use Permit will implement the County Regional Framework Plan by enabling the regulated expansion of an existing business that is surrounded by warehousing and office uses so it will be compatible with the neighborhood. Through the site plan review process and the application of conditions to regulate the use,

the intent of the Lake County Code will be met by controlling the intensity of the use and by protecting adjacent properties from the negative impacts associated with the existing use.

Standard 2: The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 151.112.

Comment: As noted in the "Additional Comment" section of this report, the site plan proposed by the applicant and requested site improvements, indicate several areas where the applicant is unable to meet the Lake County Code standards and the use standards prescribed by Section 151.112. It is staff's opinion these inconsistencies with the Code are necessitated by the uniqueness of the business, its operational requirements, and the historic siting of the business in the current location. Exhibit "A" attached to this report has been prepared in an attempt to address these inconsistencies and provide realistic limits over anticipated business expansion in the future. Provided these conditions are met, staff believes this standard will be met by the applicant.

Standard 3: The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of the application or as they may be developed in the future due to implementation of the Regional Framework Plan:

1. Adjacent property

Comment: The residential use located west of the property also serves as a caretaker's residence and is buffered by a landscape berm that was installed by the property owner as part of their landscape contracting business. The residence is further buffered from the expansion area by existing structures and uses in place at the time of the 2008 rezoning. Given the proximity of the property associated with the expansion and the existing buffering in place, any negative impacts attributed to the use are minimized and no worse than what previously existed. All other existing uses on the adjacent property are industrial uses and have gradually developed since the business began operations 30 years ago. The area subject to the rezoning and now incorporated into the business operations will allow for improved site circulation and

stormwater management improvements not previously present for the business.

## 2. Character of the neighborhood

Comment: Both the Lake County Regional Framework Plan and the Gurnee Comprehensive Plan designate the area for industrial and office research uses. These have gradually developed over the time the existing business has been in place. Previous actions taken by the County (via Zoning Case 3677) recognized the duration of the use and the appropriateness of its use in the neighborhood. Given the industrial nature of the use and its unique operational attributes, the Planned Unit Development approach is the most appropriate method to manage the impacts of the business operations and enable the neighborhood to develop with warehouse or office uses. The conditions cited in Exhibit "A" have been prepared with a desire to manage the objectionable elements of the use and protect surrounding properties from potential adverse impacts associated with it as the neighborhood further develops.

## 3. Natural resources

Comment: There are no wetlands or floodplains present on the property. The property contains a stand of evergreen trees determined to be a "nonwoodland" and scattered canopy trees associated with PIN 07-14-200-024 that will be protected. PIN 07-14-200-023 contained specimen trees that have been removed and will be reforested in accordance with Section 151.071(l)(6)(e) of the Lake County Code. The property drains from the south and southeast to the northeast. The site plan associated with this application will bring PIN 07-14-200-023 into compliance with the natural resource protection standards of the Lake County Code.

## 4. Infrastructure

Comment: The use is served by septic systems and private wells. Access has been approved by the Village of Gurnee and emergency services can be delivered to the area utilizing existing transportation infrastructure. These conditions will remain unchanged upon approval of the Conditional Use Permit for the PUD Preliminary Plan.

5. Public sites

Comment: There are no public sites in the vicinity of the subject property that will be impacted by the approval of the Conditional Use Permit.

6. Any other measures affecting the public health, safety, or general welfare

Comment: The existing long-standing development has existed for approximately 30 years with no impact on the public health, safety, or general welfare. The improvements implemented by the applicant facilitate the business operations. The unpermitted expansion will be modified to satisfy the requirements of the Lake County Code, including, addressing stormwater management and water quality standards. The conditions expressed in Exhibit "A", will control objectionable elements of the business and improve functionality of the business.

### **Standards for Planned Unit Development**

The requested Conditional Use Permit meets Standards for a Planned Unit Development (PUD) Preliminary Plan approval of Section 151.051(C)(7) in the following manner:

- a. The proposed development in its proposed location is consistent with the Regional Framework Plan;

Comment: The area property has a long-standing history of industrial development resulting in both the Regional Framework Plan and the Gurnee Comprehensive Plans envisioning industrial, office, warehouse uses in the area. The Conditional Use Permit for a PUD Preliminary Plan and associated conditions in Exhibit "A-1" manage future development and daily operations of the use to ensure compatibility for the area and consistency with the Regional Framework Plan.

- b. The proposed development in its proposed location complies with the PUD standards of § 151.132.

Comment: The proposed PUD complies with the intent standards in Section 151.132(B) in the following manner:

- (1) Greater choice in the type of environment and living units to the public;

The proposed use and future growth is planned in conjunction with the site plan review process incorporating stormwater management features, landscaping, bulk and density limits to protect the neighborhood and environmental features in the area. The site is better managed by an "onsite" caretaker who occupies the existing single family residence. The proposed expansion of the residence and reduction in side yard setback

improves the living conditions for the applicant and has an imperceptible impact on the neighbor with a reduction in setback being proposed.

(2) More open space through conservation development practices;

The site plan restricts the development area to the eastern and southeastern portions of the site leaving the remaining area in relative open space conserving some of the residential character of the area created by the existing single-family residence and caretaker residence. The conditions imposed for the project are designed to retain open space in the vicinity of residential buildings/uses on the property and in the area.

(3) Open space resources connected to one another;

The stormwater detention facility and landscaped frontage integrate necessary open space with natural resources and open space for the residential elements of the site. Limiting the amount of impervious surface for future expansion will assist in preserving the open space and the connectivity of these resources in the future.

(4) A creative approach to the use of land and related physical development;

Despite the industrialized nature of the business, the applicant minimized the impact of the business on the existing residences on the property by focusing daily operations to areas already developed and necessary for operations.

(5) An efficient use of land resulting in smaller networks of utilities and streets;

The existing residential uses, landscape improvements and stormwater management elements of the site preserve necessary open space and limit development of the property to already disturbed areas creating a more efficient design.

(6) Promotion of mixed use development;

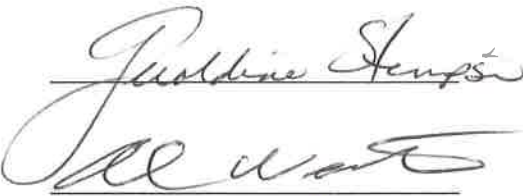
The mixed use elements of the project are the result of historic gradual expansion of the property and the desire to protect the existing residences from the intense daily operations. These are reflected in the site plan proposed by the applicant as part of their Conditional Use application.

**Zoning Case #8022  
Warren Township**

  
CHAIRMAN

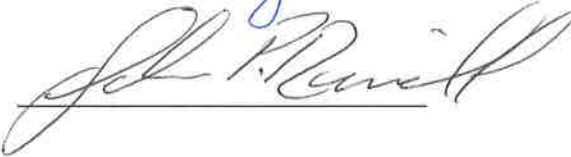
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VICE-CHAIRMAN









Dated this 23rd day of February, 2017





**ZBA Conditions Case No. 8022**  
**Exhibit "A-1"**

**Proposed Conditions Zoning Case No. 8022 Conditional Use Permit for PUD**  
**Preliminary Plan**  
**Petersen Excavating - Modified by Zoning Board of Appeals on 01/24/17**

1. The PUD Final Plan shall be constructed in substantial conformance with the approved PUD Preliminary Plan and the conditions approved by the County Board for the PUD Preliminary Plan.
2. Any future expansion of the business shall be reviewed as part of the site capacity and site plan review process and shall be limited to 152,000 square feet of impervious surface and 114,000 square feet of floor area, based a net site area of 5.06 acres (220,414 square feet). Any planned expansion of impervious surface shall be located easterly of the southernmost driveway currently serving the caretakers residence.
3. Any reforestation materials removed as part of the future expansion of the property, shall be replaced with plant materials consistent with the approved Landscape Plan submitted with the PUD Final Plan.
4. Bulk and Density Standards
  - (1) Street Yard Setback
    - (a) ~~30~~ 50 feet for residences and accessory buildings
  - (2) Rear Yard Setback
    - (a) 0 feet for block walls
    - (b) ~~0 feet bulk storage stockpiles~~
  - (3) Side Yard Setback
    - (a) 20 feet for accessory buildings and non-conforming residence
    - (b) 10 feet for caretaker's residence and maintenance shop
    - (c) 0 feet for block walls
    - (d) 0 feet for bulk storage stockpiles
  - (4) Height
    - (a) ~~8 feet block walls~~ Perimeter walls surrounding the temporary stockpile area and recycled aggregate material area shall not exceed 12 feet in height.
    - (b) ~~16~~ 25 feet bulk storage stockpiles and recycled aggregate storage area
    - (c) ~~20 feet recycled aggregate storage~~

5. Bulk storage and stockpiled materials shall not be subject to side and rear yard setbacks, provided they are confined to the area designated on the PUD Preliminary Plan and buffered by either block walls or earthen berms containing landscaping consisting of 2 plant units.
6. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. Monday – Friday and 8:00 a.m. to 6:00 p.m. Saturday and Sunday. Hours of operation will be reviewed by the Planning Director at the time of future expansion and may be adjusted if reasonably warranted by area conditions.
7. All internal roads shall be maintained in a dust-free condition. Barberry Lane shall be monitored daily and kept free of dust, dirt, mud and other debris by the end of each work day. The ingress and egress drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 50 feet from the right-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud, or other debris from the vehicles before they leave the site.
8. All site development improvements, including construction and stabilization of the detention basin, shall be completed no later than June 15, 2017. As-built record drawings shall be submitted to staff for review and approval no later than July 1, 2017. Any remedial corrections must be completed and verified no later than October 1, 2017.
9. All landscaping shall be installed no later than November 1, 2017.
10. The site shall be subject to annual monitoring inspections which have an associated administrative fee. The Director of the Planning, Building and Development Department may modify the frequency of monitoring inspections, as determined to be appropriate.
11. A performance assurance in the amount of \$294,281 shall be provided in acceptable form to assure the completion of stormwater management and landscape improvements prior to the issuance of a Site Development Permit for the project.