



Lake County Central Permit Facility
500 W. Winchester Road
Libertyville, Illinois 60048-1331
Phone 847-377-2600
Email: lcpermits@lakecountyl.gov

November 18, 2019

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FROM: Brad Denz, Senior Planner/Project Manager
Lake County Department of Planning, Building, and Development

CASE NO: #PUD-000524-2019

HEARING DATE: November 21, 2019

REQUESTED ACTION: Major Modification to a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) #7617 to reduce the required amount of landscaping from the approved development plan.

GENERAL INFORMATION

APPLICANTS: Gurnee Truck Stop, Inc. – Thomas Chummar and Mary Thomas, shareholders owning 20% or more of the stock in the corporation.

OF PARCELS: One

SIZE: 19.51 acres

EXISTING ZONING: General Commercial (GC) west side, 7.51 acres; Open Space (OS) east side, 12 acres

EXISTING LAND USE: Gasoline service station, convenience store, truck stop, trailer parking, truck rest area, automotive repair, car wash

PROPOSED LAND USE: No change of existing uses. Request to reduce the required amount of landscaping from the approved development plan.

SURROUNDING ZONING / LAND USE

NORTH: Village of Gurnee - Community Commercial PUD/Landscape contracting and wood sales, Unincorporated Lake County - Estate (E) / vacant

SOUTH: Residential – 1 (R-1) / Single-family dwelling
EAST: Open Space (OS) / Vacant
WEST: General Commercial (GC) / Single-family dwelling and agricultural-related uses (i.e. apiary, private equestrian uses)

DETAILS OF REQUEST

ACCESS: Access is provided to the site via Route 41.

PHYSICAL CHARACTERISTICS: The subject property consists of a conglomerate of retail commercial uses concentrated on the west 7.51 acres of the 19.51-acre parcel. The remaining 12.00 acres serves as open space containing natural resources consisting of wetlands, floodplain, and lowland woodland areas. The property drains from the west to the east into the Des Plaines River.

FLOODPLAIN/WETLANDS: The east side of the subject property is located within the floodplain and contains wetlands.

SEWER AND WATER: The subject property is serviced by the Village of Gurnee with public sewer and water.

ADDITIONAL COMMENTS

- On December 15, 2015, the ZBA held a public hearing to consider a request for rezoning the property from the Agricultural (AG) District to the General Commercial (GC) District and for a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) to allow continued use and improvement of the site which included an existing gasoline service station, convenience store, car wash, truck rest stop, truck and trailer parking, and an automotive repair facility. Upon the positive recommendation of this request by the ZBA, the County Board approved the Preliminary Development Plan and rezoning on February 9, 2016, and the Planning, Building and Zoning (PB&Z) Committee approved the Final Development Plan on March 1, 2016.
- The standard landscaping required by the Lake County Code is as follows:
 - West (Abutting Route 41) – 1 plant unit per 100 lineal feet (plant unit = 1 canopy tree, 2 understory trees, 2 evergreen trees, 7 shrubs). The west property line would require 7 canopy trees, 15 understory trees, 15 evergreen trees, and 51 shrubs

- South (residential) – 3 plant units per 100 lineal feet plus a 6-foot high board-on-board fence or a 3-foot high earthen berm. The south property line would require 9 canopy trees, 18 understory trees, 18 evergreen trees, and 51 shrubs plus a 6-foot high board-on-board fence or a 3-foot high earthen berm.
 - Northeast (vacant residential) – 3 plant units per 100 lineal feet. The northeastern property line would require 14 canopy trees, 27 understory trees, 27 evergreen trees, and 95 shrubs.
 - East (vacant) – no plantings required due to the Des Plaines River (floodplain) and protection of existing woodland areas.
- The PUD provided flexibility of the development standards applicable to this project (i.e. landscaping). In this case, more landscaping was proposed by the applicant with the PUD application than would have been required under a conventional landscape site plan application. In turn, the Final Development Plan approved by the PB&Z Committee required the following plant material pursuant to PUD #7616:

Landscaping Required by PUD #7616

- Shade Trees and Ornamental Trees – 34
- Evergreen Trees and Evergreen Shrubs – 103
- Ornamental Shrubs – 96
- Perennials, Grasses, Ferns and Ground Covers - 523

Pursuant to Section 151.051(F)(1)(8), a Major Modification to an approved Final PUD plan/plat is required when an approved landscape plan is reduced by more than 5%. The applicant has proposed the material quantities listed below, which is more than a 5% reduction from the approved plan:

New Landscaping Proposed by PUD #000524-2019

- Shade Trees and Ornamental Trees – 10
- Evergreen Trees and Evergreen Shrubs - 0
- Shrubs – 46
- Grasses and Sedges – 288
- Perennials - 350

- Although the plan modification request significantly reduces the quantity of plant material to be installed, the proposed quantities of canopy/understory trees and shrubs meets or exceeds the landscaping required for conventional development by the Lake County Code
- The Lake County Code allows applicants to receive credit towards landscaping requirements for existing plant material on site that is protected and preserved through the development process. The proposed plan includes retention of existing material that is thriving in its current location but are not reflected in the quantities listed above.
- Although not part of the ordinance at the time of plan approval, recent amendments to the Code allow property owners to receive credit for planting native grasses in lieu of shrubs at a ratio of 3:1, in keeping with best management practices. If this standard would be applied in this case, the quantity of proposed shrubs, grasses, sedges, and perennials is on par with the quantity required by the original plan.

ADDITIONAL STAFF COMMENTS

Lake County Environmental Engineering Division - Comments by Brian Frank

The Landscaping Plan submittal prepared by Hey and Associates dated 10/28/19 has been reviewed with the following comments:

Staff recommends approval of the Proposed Landscaping Plan with the following conditions:

- 1) All spoils shall be removed from the wetland and/or floodplain areas and properly disposed of in an approved upland location and stabilized. No site grading or filling is proposed or approved as part of this landscaping plan.
- 2) All disturbed areas must be stabilized in a timely manner to prevent soil erosion and/or sediment control concerns.

RECOMMENDATION ON CONDITIONAL USE PERMIT-#PUD-000524-2019

Staff is inclined to recommend approval of the Major Modification of the Conditional Use Permit (CUP) for a Planned Unit Development (PUD) #000524-2019 because the proposal meets the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) of the Lake County Code 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 property has a long-standing history of retail and commercial development. Given the size of the property and its location, the reduction of the amount of plant material would satisfy this requirement. The new plan's emphasis on native plant material promotes sustainable development and consequently represents a more environmentally context-sensitive approach to landscaping. Other factors outlined in Section 151.005, such as protection of sensitive natural resources and open space will continue to be maintained and are not detrimentally affected by the request.

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: The uses on site are allowed within the GC zoning district. The initial Final Development Plan presented more landscaping than required for a conventional landscape plan. Although the proposed amount of landscape material is reduced, the modified landscape plans still meets minimum requirements.

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 existing development has been operating with no impact on adjacent properties for over 13 years. The minor enhancements to the property serve to improve customer service and meet the demands of the diverse business functions. The adjacent parcel to the south is Residential-1 (R-1), however because the gas station improvements are located some distance from the residential parcel with a dense woodland area separating the two uses, landscaping on the south side of the subject property was not proposed on the Final Development Plan. The proposed reduction of the landscape material will not have an effect upon this or other adjacent properties.

2. Character of the neighborhood

Comment: The character of the area along and near the US Route 41 corridor is well-established as a mixture of residential and commercial uses. The proposed reduction of the landscaping will be consistent with best management practices given the size and location of the property. Consideration of traffic visibility for safety purposes was incorporated into the new plan.

3. Natural Resources

Comment: The initial Final Development Plan addressed natural resource protection. The reduction of landscaping will not impact the natural resources on the eastern portion of the property. Further, the new plan includes species that are native and appropriate for the conditions present on site and eliminates species that are non-native and considered invasive in certain situations, such as *Euonymus alata* (burning bush).

4. Infrastructure

Comment: The site is served by public sewer and water. The reduction of landscaping will not affect the infrastructure. Emphasis on native species selection and site compatibility will eliminate the need for irrigation.

5. Public sites

Comment: The reduction of landscape material will not affect the Des Plaines River Watershed.

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

Comment: The development has existed in the same configuration for approximately 13 years with no negative impact on the public health, safety, or general welfare. The reduction of landscape material is appropriate given the size and location of the property and will improve visibility and aesthetics for this mixed-use site. Reduction of the number and type of plant material along U.S. Route 41 will increase traffic visibility for motorists leaving the site and those passing by the site on Route 41.

RECOMMENDATION ON MODIFIED DEVELOPMENT PLAN

Staff recommends approval of the modified planting plan because the proposal meets the Standards for Preliminary Plan Approval in Section 151.051(C)(7) of the Lake County Code.

Standard A: The proposed development in its proposed location is consistent with the Regional Framework Plan.

Comment: The existing mixed-use development present in its current location is consistent with the Regional Framework Plan. The proposed reduction of the landscaping does not affect the intent of the Regional Framework Plan

Standard B: The proposed development in its proposed location complies with the PUD standards of Section 151.132.

Comment: The proposed modifications to the PUD comply with the standards set forth in Section 151.132(B) of the Lake County Code as follows:

- 1) Greater choice in the type of environment and living units to the public:
Not applicable.
- 2) More open space through conservation development practices
Not applicable.
- 3) Open space resources connected to one another
Not applicable.
- 4) A creative approach to the use of land and related physical development
The Final Development Plan included a substantial amount of landscaping on the west side of the property and along the landscape island adjacent to the car wash. Given the size and location of the property, a reduction of the plant material which incorporates native species is appropriate.
- 5) An efficient use of land resulting in smaller networks of utilities and streets
The modification does not include any new or additional uses of utilities or streets.
- 6) Promotion of mixed-use development
Not applicable

Standard C: The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan:

1. Adjacent property

Comment: The existing development has been operating with no impact on adjacent properties for over 13 years. The minor enhancements to the property serve to improve customer service and meet the demands of the diverse business functions. The adjacent parcel to the south is

Residential-1 (R-1), however, since the site improvements associated with the gas station are concentrated on the north side of the parcel and separated from the residential parcel with dense woodland area, landscaping on the south side of the subject property was not proposed on the Final Development Plan. The proposed reduction of the landscape material will not have an effect upon adjacent properties.

2. Natural resources

Comment: The initial Final Development Plan addressed natural resource protection. The modified landscaping plan will not affect any protected natural resources on site and is compatible with the adjacent natural areas.

3. Infrastructure

Comment: The site is served by public sewer and water. The reduction of landscaping will not affect the infrastructure.

4. Public sites, or,

Comment: The reduction of landscape material will not affect the Des Plaines River Watershed.

5. Any other matters affecting the public health, safety, or general welfare.

Comment: The development has existed in the same configuration for approximately 13 years with no impact on the public health, safety, or general welfare. The reduction of landscape material is appropriate given the size and remote location of the property. Further, elimination of canopy and evergreen trees proposed adjacent to U.S. Route 41 will improve signage and access visibility for traffic. .

EXHIBIT A

Proposed Conditions for Case #PUD-000524-2019 Major Modification to a Conditional Use Permit for a Planned Unit Development (PUD) #7617

1. Landscaping is installed within one year of approval
2. The applicant submits a performance assurance