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## **MEMORANDUM**

November 30, 2015

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

FR: Patrick S. Tierney, AICP  
Principal Planner/Project Manager  
Lake County Department of Planning, Building and Development

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CASE NO: 7184 and 7617

REQUESTED ACTIONS:

1. 7184 - Rezone from the Agricultural (AG) District to the General Commercial (GC) District
2. 7617 - Conditional Use Permit (CUP) for a Planned Unit Development (PUD)

MEETING DATE: December 14, 2015

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### **GENERAL INFORMATION**

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OWNER: 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 (7.51 acres to be rezoned and will be subject to the Conditional Use Permit for the PUD)

LOCATION: PIN 07-10-200-009; located at 36725 N. U.S. Highway 41, Gurnee, IL 60030

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Gasoline Service Station, Convenience Store, Truck Stop, Trailer Parking, Truck Rest Area, Automotive Repair, Car Wash

PROPOSED LAND USE: Gasoline Service Station, Convenience Store, Truck Stop, Trailer Parking Addition, Truck Rest Area, Automotive Repair, Car Wash Addition, Access and on-site traffic circulation enhancements.

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### **SURROUNDING ZONING / LAND USE**

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NORTH: Village of Gurnee - Community Commercial PUD/ Landscape contracting – wood sales  
Unincorporated Lake County - Estate (E) / Open Space, General Commercial (GC) / Vacant

SOUTH: Residential – 1 (R-1) / Single-family dwelling

EAST: Open Space (OS) / Vacant

WEST: General Commercial (GC) / Single-family Residence and agricultural-related uses (i.e. apiary, private equestrian uses)

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY: Retail Commercial

MUNICIPALITIES  
WITHIN 1 ½ MILES: Village of Gurnee / Commercial Business

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### **DETAILS OF REQUEST**

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ACCESS: Access is provided to the site from US 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 will serve 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:** County mapping sources and the applicant's Natural Resource and Site Capacity Exhibit indicate 17.62 acres of the property is below the base flood elevation of 668.4 of the Des Plaines River. Although a portion of the parking areas and drive aisles are below the base flood elevation, the car wash, convenience store, restaurant, truck driver rest area, and auto service areas are located outside the floodplain area. The features below the base flood elevation are allowed within floodplain. There are small areas located on the southeast and northwest corners of the site containing wetlands. Site improvements will raise the elevation of some floodplain areas, and compensatory storage will be provided on the south side of the area to be rezoned.

**SEWER AND WATER:** The Disconnection Agreement with the Village of Gurnee provides for public sanitary sewer and public water to be provided by the Village of Gurnee.

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#### **ADDITIONAL COMMENTS**

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- The subject property appears to have been developed a nonresidential use since as early as 1980. Prior to annexation into Gurnee in 2005, the subject property was zoned Suburban (S) and regulated by Lake County in accordance with the 1988 Zoning Ordinance. In June 2002, the applicant obtained a Conditional Use Permit (Zoning Case No. 3232) to allow the sale of automotive and truck fuel, automotive and truck service, general retail sales including food service, a towing business and a vehicle storage yard.
- After the Village of Gurnee annexed the property in 2005, the site was developed in accordance with the Village of Gurnee standards between 2005 and 2007.
- On December 1, 2014 the applicant received approval by the Village of Gurnee to disconnect from the Village. In accordance with Section 151.085(B)(2), any land area that comes under the jurisdiction of Chapter 151 of the Lake County Code shall automatically be classified in the Agricultural (AG) District; subsequently, the property became zoned AG upon recordation of the Disconnection Agreement. In July 2015, the Director approved an application for a legal nonconforming use determination, legitimizing the continued use of the property until the engineering and site plan documents for the subject property had been reviewed by County staff, and the rezoning and conditional use permit applications had been submitted.
- Three of the existing uses are allowed in the General Commercial (GC) zoning district with a Condition Use Permit (auto repair, car wash, truck and trailer parking), meaning the uses are

have the potential to be compatible with the GC zoning district, but may require appropriate conditions to mitigate any impacts. Given the combination and integration of these uses on the site, the Planned Unit Development approach will flexibly accommodate these integrated site elements. The PUD application approach will also resolve zoning inconsistencies between the Gurnee standards (in effect at the time the property was developed) and the current standards otherwise applicable in Section 151.111 of the Lake County Code.

- As part of the application for a Conditional Use Permit for a PUD, the applicant is seeking a minor modification of the process to waive the PUD Final Plan stage. Although we agree the property is essentially fully developed, and the amendments proposed by the applicant will have little impact on the overall design or layout of the site, the requested waiver is impractical as the Preliminary Development Plan may require modifications subsequent to County Board action. The Final Development Plan approval process will be expedited by staff and presented to the Planning, Building and Zoning Committee at its next available meeting, in accordance with the provisions of Section 151.050 of the Lake County Code .

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### **RECOMMENDATION ON REZONING**

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Staff recommends approval of the rezoning and finds the request meets Standards for a Map Amendment Approval contained in Section 151.047(G)(2) of the Lake County Code:

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Standard 1: The proposed amendment is consistent with the stated purpose and intent of Section 151.005

Comment: The property has a long-standing history of retail and commercial development and, in light of current and anticipated future use, accordingly, is designated on the Regional Framework Plan for Retail/Commercial use. Rezoning of the property will serve to implement the Regional Framework Plan and will enable the continued use and expansion of the existing commercial establishment. Limiting the rezoning to the existing developed area concentrates the development into areas already engineered to protect the valuable natural resources on the property. Existing regulations will limit expansion of the development and will assure further disturbance of the natural resources will be minimized.

Standard 2: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: Disconnection from the Village of Gurnee automatically rezoned the subject property to the AG zoning district pursuant to Chapter 151 of the Lake County Code, consequently resulting in an inconsistency with the history and use of the property for

commercial purposes.. Rezoning the property will correct the inconsistency and enable the owner to take advantage of their location along the U.S. Route 41 corridor that has predictably trended commercially at strategic points; particularly in areas where sanitary sewer and water infrastructure are present.

Standard 3: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: The proposed map amendment will enable the owner to continue and expand those uses previously authorized by the County and refined in the Village of Gurnee. The adjacent commercially-used properties located along the U.S. Route 41 corridor are compatible with the mixed-uses of the existing development. All properties in the area are limited in development potential due to the presence of natural resources and the lack of sanitary sewer and water infrastructure in the area (costly extension of services would be required).

Standard 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.

Comment: The applicant obtained sanitary sewer and water from the Village of Gurnee and as part of the Disconnection Agreement with the Village, they will continue to receive those services from the Village. Access permits for the two locations were also approved by IDOT as part of their initial development within the Village. IDOT will also need to approve proposed access improvements to the southern access point prior to approval of the final engineering plans for the project. The full range of utilities and emergency services will be unaffected by the proposed improvements.

Standard 5: The proposed amendment 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.

Comment: The proposed map amendment of the property will align the existing uses with the zoning for the property. The subject property has been gradually developed to its current condition over the last 10 years. When the site was developed in Gurnee between 2005 and 2007, the applicant complied with stormwater management and natural resource standards in place at that time. The limited improvements proposed for the property will require the applicant meet current standards assuring the environment and adjacent properties will not be negatively impacted.

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

Comment: The property has been approved for commercial development for over 10 years from both Lake County and the Village of Gurnee, as such; both jurisdictions have

recognized the suitability of the property for the existing uses. The accompanying PUD will enable further refinements of the site to meet the needs of the applicant.

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## **RECOMMENDATION ON CONDITIONAL USE PERMIT**

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Staff recommends approval of the Conditional Use Permit because the proposal 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 property has a long-standing history of retail and commercial development, and is designated on the Regional Framework Plan for Retail/Commercial use. Given the development of the subject property under Gurnee's inconsistent standards, the PUD provides the flexibility to continue this use and reasonably accommodate minor alterations in the future..

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 County's review processes and the proposed conditions expressed in Exhibit "A" will ensure that all Ordinance requirements are met and any negative impacts associated with the site's operations are minimized.

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 10 years. The minor enhancements to the property serve to improve customer service and meet the demands of the diverse business functions. The PUD is limited to the 7.51 acre envelope created when the development was approved in the Village of Gurnee. Given the open space and natural resource aspects of the adjacent properties, the development does not appear to have had a negative impact on the use or enjoyment of the adjacent properties, and it is not anticipated the minor improvements proposed by the applicant will alter that condition.

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 existing development is compatible with adjacent commercial services consisting of a landscape contractor, restaurant, motel and service stations all of which orient their businesses U.S. Route 41 to provide services to automobile-oriented clients.

3. Natural resources

Comment: The development is concentrated on 7.51 acres on the western portion of the 19.71 acre site. Although a portion of the developed site subject to the PUD is below the Base Flood Elevation (BFE) of the Des Plaines River, the structures, and proposed improvements to structures, are located outside of the floodplain. The proposed improvements for island, access, driveway and parking areas are all permitted uses in the floodplain and will meet current floodplain standards of Chapter 151 of the Lake County Code prior to final engineering approval. The wetland areas located in the northwest and southeastern portions of the property will be unaffected by the proposed improvements to the property.

4. Infrastructure

Comment: The full-range of public services, including public sanitary sewer and water, are currently being provided to the property and will continue to be provided upon approval of the map amendment and PUD.

5. Public sites

Comment: The property is located within the floodplain of the Des Plaines River. The development has been engineered to protect natural resources in the area and maintain the integrity of the Des Plaines River watershed. All proposed improvements shown on the proposed site plan will be engineered to meet the site development regulations of Chapter 151 of the Lake County Code. When complete, the project will have no negative impact on the watershed or adjacent natural resources.

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

Comment: The existing long-standing development has existed in the same configuration for approximately 10 years with no impact on the public health, safety, or general welfare. The minor improvements proposed will enhance the practical operations of the facility. The proposed improvements, combined with the proposed landscaping and conditions expressed in Exhibit "A", will improve visibility and aesthetics for this mixed use site.

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**RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN**

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Staff recommends approval of the Preliminary Development Plan because the proposal meets Standards for Preliminary Plan Approval in Section 151.051(C)(7):

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

Comment: The property has a long-standing history of retail and commercial development, and, in light of its current and anticipated future use, is designated on the Regional Framework Plan for Retail/Commercial use. Rezoning of the property will serve to implement the Regional Framework Plan and will enable the continued use and expansion of the existing commercial establishment. Limiting the rezoning to the existing developed area will restrict any further development of the property into areas already engineered to protect the valuable natural resources on the property and on the adjacent properties.

- 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 to the public;  
The proposed use incorporates several desirable uses in a clustered design to afford Lake County residents and people traveling through the County convenience shopping.
- (2) More open space through conservation development practices;  
The site concentrates the full scale of the development along the western 7.51 acres, leaving 12 acres zoned Agricultural (AG) and in open space.
- (3) Open space resources connected to one another;  
Concentrating the development to the western portion of the site retains sensitive natural resource areas in an environmental corridor retaining the integrity of the natural resource base and the character of the area.
- (4) A creative approach to the use of land and related physical development;  
Integrating six dissimilar retail commercial uses in a cohesive development with unified landscaping, signage, development standards and aesthetics allows for efficient use of the property and assures a unified aesthetic for the public.
- (5) An efficient use of land resulting in smaller networks of utilities and streets;  
The natural resources limit development of the property controlling the extent and density of the development to the western portion of the property. This limitation



effectively forces a compact design and reduces the extent public services need to be provided to serve the property.

(6) Promotion of mixed use development;

The existing development was previously approved by the Village of Gurnee with a full-range of public services. The design of the site, forced by natural resource limitations, effectively allows the coexistence of auto-related uses with differing roles in serving customers resulting in an efficient mixed-use design.

## **EXHIBIT A**

### **Proposed Conditions Zoning Case No. 7617 Conditional Use Permit Gurnee Truck Stop, Inc.**

1. The PUD Final Plan shall be submitted substantially in conformance with the approved PUD Preliminary Plan and the conditions approved by the County Board for the PUD Preliminary Plan.
2. Any alteration and change of the approved PUD Final Plan shall be reviewed in accordance with Section 151.050(I) of the Lake County Code. Any future development of the property shall retain 50% of the gross site area in permanent open space (the current site plan provides 56% open space).
3. There shall not be less than 63 parking stalls available for customer and employee parking on site at any time. The property manager shall be responsible for controlling operations of existing businesses to assure adequate parking is available at all times. Shared parking for uses is permitted and encouraged.
4. Conditions related to automotive service function on property:
  - a. All vehicles to be serviced shall be parked adjacent to the site of the auto service area located on the south side of the main building.
  - b. No vehicles awaiting repair shall be parked outdoors for over 7 consecutive days.
  - c. There shall be no automotive sales conducted on the property at any time.
  - d. There shall be no vehicles without current license tags or missing body panels stored on site at any time.
  - e. All used tires shall be shielded from U.S. Route 41 by a permanent barrier and completely disposed of on a weekly basis.
5. Signage shall be limited to 500 square feet not including the existing billboard on the subject property. Prohibited sign types may not be installed, including flag/pennant signs or banners.
6. There shall not be more than one electronic message board on the property and the message board shall comply with the operational requirements specified in Section 151.173 (G)(5)(k) of the Lake County Code.
7. The base of the proposed freestanding price sign shall be installed on a brick or masonry base extending the full-width of the sign to match the foundation design of the proposed "Lake County Oasis" sign.

8. The leading edge of the proposed freestanding price sign and the freestanding "Lake County Oasis" sign shall not be installed closer than 5 feet from the eastern right-of-way line of U.S. Route 41.
9. A photometric plan shall be provided for any new lights proposed for the facility, with light emissions limited to: 0.75 footcandle along U.S. Route 41 and 1.0 footcandles on all other property lines.
10. All landscaping shall be installed on or before October 1, 2016.
11. The landscape architect shall provide a Maintenance Plan prior to action on the PUD Final Development Plan by the Planning, Building and Zoning Committee. This Maintenance Plan shall serve as a guide in maintaining the plant material proposed for installation on the approved landscape plan
12. The property owner/applicant shall enter into an annual maintenance contract with a landscape contractor for ongoing maintenance of the landscape material. All landscaping shall be maintained in accordance with the approved Maintenance Plan and the Landscape Design Using Best Management Practices specified in Appendix A of Chapter 151 of the Lake County Code.
13. An irrigation system shall be installed by the owner along the U.S. Route 41 right-of-way in the event landscaping cannot be adequately maintained throughout the growing season.
14. 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 he determines is appropriate.