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ORIGINAL

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Request: I/we request a conditional use permit be approved to allow:

In the companion application the applicant is requesting rezoning of the subject property to General Commercial (GC). In this request for a conditional use permit for a planned unit development (PUD) the applicant is requesting the County to authorize the continued use of the subject property in the manner that it has been used for nearly ten years. The rezoning will permit, by right, the existing convenience store. The PUD will authorize the following existing uses: car wash, truck rest area, truck & trailer parking, and automotive repair.

The Applicant requests certain additional relief from the County of Lake as part of its applications for a Conditional Use Permit (CUP) in the nature of a Planned Unit Development (PUD) and Applicant's companion Rezoning Application.

The County's Unified Development Ordinance (UDO) sets forth an approval process for a CUP-PUD that provides for preliminary PUD approval via recommendations of the County ZBA and the County Board's Planning, Building and Zoning Committee followed by with a final decision by a vote of the County Board as a whole. This decision provides formal approval of the conceptual use and layout of the proposed PUD. The UDO also provides that a final approval of the PUD will be obtained via the procedures for Final Plat approval. This approval is to be received from the Planning, Building and Zoning Committee.

The Applicant is prepared to proceed through all of the above process, however, and in the alternative, the Applicant respectfully requests pursuant to Sections 2.8 and 10.8.1.1 of the UDO that the County grant preliminary and final approval of the CUP-PUD in one application process. The current request is uniquely situated so that a single approval process is fair, efficient and meets all of the County's regulatory concerns.

Section 2.8 of the UDO places the responsibility for the administration of all provisions of the UDO within the jurisdiction of the Director of the Planning, Building and Development Department (Director). The Final Plat/PUD Procedures are contained in Article 10 of the UDO. Section 10.8.1.1 allows minor modifications of a development request by the Director, the County Engineer or the Multi-Disciplinary Team.

In the typical Final Plat or Final PUD approval stage a proposed development of land is about to create a new "something from nothing" upon certain real property. A subdivision will be created with new streets, new infrastructure improvements and new improvements upon the land. A new PUD typically will see the construction of a new structure or structures and the installation of the utilities to service the improvements. The current request is significantly different. The improvements on the subject property were completed and its current uses were established over ten years ago when the subject property was within the corporate limits of the Village of Gurnee. In fall 2014 Gurnee granted the owner's request to disconnect from the Village. At disconnection, the subject property was automatically rezoned to AG in the County. The owner is now requesting rezoning to GC and the issuance of a CUP-PUD so that the property use is properly compliant with the County's UDO regulations. The owner is making a few very minor revisions to the improvements on the subject property but the subject property will be nearly the same after the rezoning as it is today and as it has been for the past ten years.

Also, the Applicant has worked with the County staff on the geographic extent of the rezoning and the Applicant is only seeking the rezoning and the CUP-PUD on 7.3 acres of the subject property's 19.5 acres. The rest of the subject property will remain open space within the Des Plaines River Floodway.

The current request involves a rare and completely atypical situation and, as such, a modification of the final approval process is reasonable and appropriate.

Explain why this conditional use permit is justified:

The requested PUD is justified because the location of the subject property is situated in a perfect location for the uses to be included within the PUD. The existing uses have been in operation upon the subject property for nearly ten years and pursuant to this request, the applicant will be making some internal changes to the site that will allow it to operate more efficiently.

This application comes before the County by way of a somewhat unique set of circumstances. The subject property has been operating with the above stated uses for nearly 10 years within the Village of Gurnee. In the fall of 2014 the property owner and Gurnee entered into an agreement whereby the subject property was disconnected from the Village. The agreement was amicable and there were no code or development issues or other disagreement of any kind between the owner and Gurnee. Upon disconnection the subject property, by law, was assigned the most restrictive zoning classification within the County. Since disconnection the applicant's operations on the subject property have continued as legal non-conforming uses. He is now seeking to modify and improve the subject property in connection with his requests to conform his operation with the County ordinance.

Approval
Criteria:

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

- A. the use in its proposed location will be consistent with the stated purpose and intent of the Zoning Ordinance (see Sec. 1.5)

The use of the subject property will be consistent with the stated purpose and intent of the UDO. The PUD will allow the existing uses to continue. The use of the subject property is consistent with the Regional Framework Plan. The uses provide, in an appropriate location and manner, necessary and desirable services to the residents of the County and to the public generally as they are traveling through the County on a major arterial highway. The uses do not disturb traffic flow. Additionally, the property owner will be improving the access and egress from the subject property to Highway 41. The internal traffic flow and use of the subject property will also be improved by the owner in connection with this PUD application.

Ordinance, including any applicable Use Standards of Sec. 6.2.; and

The use of the subject property in the requested manner will comply with all applicable standards of the UDO. Section 7.8.2 provides that the intended standards for a PUD include the following, all of which are met by the proposed uses.

7.8.2.1 - Greater choice in the type of environment available to the public. The proposed use provides several services along a major arterial highway that are compactly sited and made available to Lake County residents and people traveling through the County.

7.8.2.2. - More open space provided. The uses included within the PUD are clustered in the western portion of the subject property. The eastern half of the subject property contains flood plain area along the west bank of the Des Plaines River. This area remains open and unaffected by the PUD.

7.8.2.3. - Open space resources connected to one another. As stated, the eastern portion of the subject property is open space. This portion of the subject property is contiguous to additional open space, north and south, which runs in an unbroken band along the Des Plaines River. It will remain undisturbed.

7.8.2.4. - A creative approach to the use of land and related physical development. The clustering of 4 or 5 different uses in a compact portion of the overall subject property makes for a highly efficient use of the land and promotes a compact and integrated developed portion while maximizing the subject property's attractive open space to the east.

7.8.2.5. - An efficient use of land. The subject property was efficiently developed for use pursuant to Gurnee's requirements. The requested changes within the PUD application will build upon this efficient use of the subject property. Better laid out parking in the rear of the use and improvements to the access to Highway 41 and the landscaping along the highway frontage will improve the use and look of the subject property.

7.8.2.6. - Promotion of mixed use development. The PUD promotes mixed use development by concentrating several services for the public within the compact, accessible area of the subject property, which abuts Highway 41, while maintaining a large area of open space to the east.

- C. 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 application or as they may be developed in the future due to implementation of the Comprehensive Plan:

The proposed PUD within the subject property will not have a substantial adverse impact now, or in the future, on any other property or the County generally.

1. adjacent property,

Along the western portion of the subject property, the adjacent properties to the north and south also front on Highway 41. In the case of the eastern portion of the

subject property, the adjacent property is all continuous open space. Additionally, the existing uses, which the applicant wants to continue, have been in place for nearly ten years and no adverse impact has occurred.

2. the character of the neighborhood,

The neighborhood character is frontage along a four lane divided U.S. Highway. The subject property has provided essential services to the users of the highway as do other properties in the neighborhood. The neighboring uses are restaurants, retail uses, a motel and other gasoline stations and automobile service uses.

3. natural resources,

The natural resources have been protected by the clustering of the mixed uses near the highway and the maintenance and protection of the wetlands and open space to the east. The uses have been in existence for nearly ten years without incident.

4. infrastructure,

The subject property is served by water and sanitary sewer service from the Village of Gurnee as a result of having been within Gurnee from 2005 until the fall of 2014. The car wash has been and will continue to be served by a private well.

5. public site, or

The uses will not have an adverse impact on any public site. It has been operating for nearly ten years without any adverse impact on the site or surrounding areas. Additionally, the improvements to the property will improve the ingress and egress to Highway 41.

6. any other matters affecting the public health, safety, or general welfare.

This is the rare case where the requested zoning and PUD will, effectively, newly authorize a long time business with several uses. Most such applications seek to create new uses where the consequences of their establishment remain to be seen in the future. In our case the use of the subject property has essentially had a ten year "trial run" with no adverse affect on the public health, safety or general welfare.

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


Signature of owner(s)

COMPANY PRESIDENT

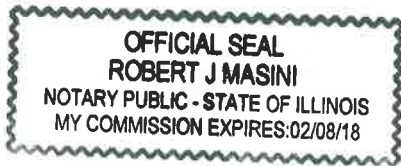
Signature(s) of contract purchasers

I, ROBERT J. MASINI a Notary Public aforesaid, do hereby certify
that THOMAS CHUMMAR personally known to me is
(are) the person(s) who executed the foregoing instrument bearing the date
of JUNE 5, 2015 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 5th day of JUNE, 2015.

(Seal)

My Commission expires _____.





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 *for Applicant*

THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION

NCS-462205-568
DEC

5521226

**ILLINOIS STATUTORY WARRANTY DEED
INDIVIDUAL TO CORPORATION**

FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
03/22/2004 - 12:18:55 P.M.
RECEIPT #: 150303
DRAWER #: 24

RETURN TO: Thomas V. Mathai
3601 N. Ashland Avenue
Chicago, IL 60613

SEND SUBSEQUENT TAX BILLS TO:
Gurnee Truck Stop, Inc.
36725 U.S. Highway 41
Gurnee, IL 60031

THE GRANTOR(S), Yogi R. Bhardwaj and Kusum L. Bhardwaj, his wife,
of the Village of Gurnee, County of Lake, State
of Illinois for and in consideration of Ten Dollars and
other good and valuable consideration, the receipt and sufficiency
of which is hereby acknowledged, Convey(s) and Warrant(s) to
Gurnee Truck Stop, Inc.
a corporation created and existing under and by virtue of the laws
of the State of Illinois, having its principal office at
36725 U.S. Highway 41, Gurnee, IL 60031

the following described Real Estate, to wit:

SEE ATTACHED EXHIBIT A

NOTE: IF ADDITIONAL SPACE IS REQUIRED FOR LEGAL DESCRIPTION, PLEASE ATTACH A SEPARATE 8 1/2 X 11 1/2 inch sheet
situated in the Village of Gurnee County of Lake in the
State of Illinois, hereby releasing and waiving all rights under
and by virtue of the Homestead Exemption Laws of the State of
Illinois.

Permanent Tax Identification No(s): 07-10-200-009

Property address: 36725 U.S. Highway 41, Gurnee, IL 60031

Dated this 3rd **day of** March, 2004.

SEAL	<u>Yogi R. Bhardwaj</u>	SEAL
SEAL	<u>Kusum L. Bhardwaj, his wife</u>	SEAL

NOTE: PLEASE TYPE OR PRINT NAME BELOW ALL SIGNATURES

5521226

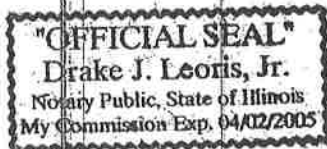
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State of Illinois)
Lake County) SS.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that

Yogi R. Bhardwaj and Kusum L. Bhardwaj, his wife,

personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.



impress seal here

Given under my hand and notarial
seal, this 3rd day of March
2004

Drake J. Leoris, Jr.

NOTARY PUBLIC

AFFIX TRANSFER STAMPS ABOVE

OR

This transaction is exempt from the provisions of the Real Estate Transfer Tax Act under Paragraph (e), Section 4 of said Act.

Drake J. Leoris, Jr. representative Date: *March 3*, *2004*
Buyer, Seller or Representative

This instrument prepared by:

Drake James Leoris, Jr., LEORIS & COHEN, P.C., 622 Laurel Avenue,
Highland Park, IL 60035

5521226

EXHIBIT A

THAT PART OF THE NORTH 44 RODS (EXCEPTING THAT PART LYING WEST OF THE EAST LINE OF THE PREMISES HERETOFORE DEDICATED TO THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES BY INSTRUMENT RECORDED DECEMBER 12, 1934 AS DOCUMENT 407151) OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS, EXCEPTING THAT PART OF THE NORTH 44 RODS (726.0 FEET) LYING EAST OF THE EAST LINE S.B.I. ROUTE 68, ACCORDING TO DOCUMENT NO. 407151 AND WEST OF A LINE CONSTRUCTED PARALLEL WITH THE SAID EAST LINE S.B.I. ROUTE 68 AND 350.0 FEET EASTERLY THEREFROM (AS MEASURED PERPENDICULAR TO SAID EAST LINE) OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

TRUSTEE'S DEED

5521227

THIS INDENTURE, made this 18th day of February, 2004, between **THE NORTHERN TRUST COMPANY**, Successor by Merger to Northern Trust Bank/Lake Forest National Association, being qualified to accept and execute Trusts under the laws of the State of Illinois, as Trustee under the provisions of a Deed or Deeds in Trust, duly recorded and delivered to said Corporation, in pursuance of a Trust Agreement, dated the 15th day of May, 2002, and known as Trust Number 9968, Party of the First Part, Gurnee Truck Stop, Inc.

FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
03/22/2004 - 12:19:54 P.M.
RECEIPT #: 150303
DRAWER #: 24

The above space for recorder's use only

whose address is 3887 Sunset Lane, Northbrook, IL 60062, Party of the Second Part,

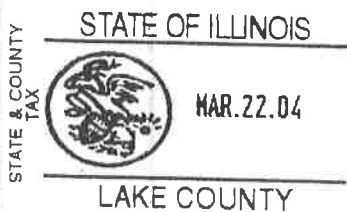
WITNESSETH, that said party of the First Part, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations in hand paid, does hereby grant, sell and convey unto said Party of the Second Part, the following described real estate, situated in Lake County, Illinois, to-wit:

THAT PART OF THE NORTH 44 RODS (726.0 FEET) LYING EAST OF THE EAST LINE S.B.I. ROUTE 68, ACCORDING TO DOCUMENT NO. 407151 AND WEST OF A LINE CONSTRUCTED PARALLEL WITH THE SAID EAST LINE S.B.I. ROUTE 68 AND 350.0 FEET EASTERLY THEREFROM (AS MEASURED PERPENDICULAR TO SAID EAST LINE) OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PIN # 07-10-200-009

together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part, and to the proper use, benefit and behoof forever of said party of the second part.
SUBJECT TO:



# 0000027017	REAL ESTATE TRANSFER TAX
	02250.00
	FP 103013

This Deed is executed pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust delivered to said trustee in pursuance of the Trust Agreement above mentioned. This Deed is made subject to the liens of all trust deeds or mortgages (if there be any) of record in said county given to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

This space for affixing riders, revenue stamps and exempt stamp.

5521227

3

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by its Vice President and attested by its Assistant Secretary the day and year first above written.

THE NORTHERN TRUST COMPANY,
Successor by Merger to
Northern Trust Bank/Lake Forest
National Association
as Trustee as aforesaid, (not personally or individually),

By: Timothy Hendershot Vice President
Attest: Gerald L. Hoffman Assistant Secretary

State of Illinois,
S.S.
County of Lake

NOTICE
This Deed must be delivered to the RECORDER OF DEEDS of the county in which the property is located, and recorded by him in order to show that ownership has been conveyed by the Bank to you. Request COUNTY TREASURER to change name and address for future tax bills.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that the above named Vice President and Assistant Secretary of the THE NORTHERN TRUST COMPANY, Successor by Merger to Northern Trust Bank/Lake Forest National Association personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Assistant Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth, and the said Assistant Secretary did also then and there acknowledge that he/she, as Custodian of the Corporate Seal of said Bank, did affix the said Corporate Seal of said Bank to said instrument as his/her own free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

PREPARED BY
THE NORTHERN TRUST COMPANY
P.O. BOX 391
LAKE FOREST, IL 60045

Given under my hand and Notarial Seal Date February 18, 2004

Deanne L. Sloan
Notary Public

Tax Mailing Address

D NAME THOMAS CHUMMAN
E
L STREET 3887 SCINSET LN
I
V CITY NORTHBROOK
E
R IL 60062
Y



FOR INFORMATION ONLY
INSERT STREET ADDRESS OF ABOVE
DESCRIBED PROPERTY HERE

36725 U. S. Highway 41, Gurnee, IL 60031

INSTRUCTIONS OR
RECORDER'S OFFICE BOX NUMBER

5521227

10K SEAY
STABLES
KENNELS

VACANT w/
ONE SMALL BUILDING
NURSEARY

VACANT

LANDSCAPE
STORAGE
1/1 CAN'T

ADD
TO BE
REASONED
twice to
red

SUBTECH

RESIDENCE
LOOKS LIKE ADDING OFFICE

ONE
SMALL
STRUCTURE

RESIDENCE

DES
PLAINES
RIVER

RIVER

— DES PLAINES RIVER

VACANT

VACANT

VACANT

36717 N
SKOKIE HIGHWAY

36600 N
SKOKIE HIGHWAY