

**LAKE COUNTY ZONING NOTICE #PUD-000524-2019
MAJOR MODIFICATION OF A
CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT (PUD)**

WARREN TOWNSHIP

The Lake County Zoning Board of Appeals has scheduled a public hearing on November 21, 2019, at 1:00 p.m. at the Warren-Newport Public Library, 224 O'Plaine Road, Gurnee, Illinois, on the application of Gurnee Truck Stop, Inc., record owner.

The applicant is requesting a 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.

The property associated with this application is located at 36725 U.S. Highway 41, Gurnee, Illinois.

PIN 07-10-200-009

This application is available for public examination at the office of the Lake County Department of Planning, Building and Development, 500 W. Winchester Rd, Libertyville, Illinois, attention: Brad Denz, Project Manager (847) 377-2127.

**George Bell
Chairman**

APPLICATION TO AMENDED CONDITIONAL USE PERMIT

Applicant: GURNEE TRUCK STOP, INC., an Illinois corporation.

36725 N. US Highway 41, #A
Gurnee, IL 60031

Phone: (847) 744-1655

Fax: (847) 623-3400

Email: jimmy.thomas847@gmail.com

Owner(s): Thomas V. Chummar, President

Owns 80% of Stock

Cell Phone: (847) 975-3639

Mary V. Thomas, Secretary

Owns 15% of Stock

House phone: (847) 412-0607

Jimmy Thomas,

Owns 5% of Stock

Cell Phone: (847) 762-5097

Home Address for all owners: 1407 Sunset Lane, Northbrook, IL 60062

Applicant hereby authorize the following person to represent it in all matters related to this application:

Clayton P. Voegtle, attorney
14047 Petronella Dr., ste 202A
Libertyville, IL 60048

Tele: (847) 918-9840

Fax: (847) 918-8247

Email: clayton@voegtlelaw.com

Present Zoning: Commercial

Proposed Use: Applicant is seeking to amend the conditional use permit landscape plan. Applicant does not seek to change the use of the property, only landscaping is sought to be changed.

Brief History of Property: For well over 3 decades prior to 2003 the property was a small gasoline station; probably built prior to 1950. It lost access to South bound traffic when Route 41 separated into a divided highway. The property did not have any municipal sewer or water.

During 2003 Thomas Chummar and his wife Mary Thomas, purchases the property. The purchase contract included an annexation agreement with the Village of Gurnee to provide city sewer and water. The property was not contiguous to Gurnee, so the connection required the adjacent property owner to the North to agree to annexation and Chummar and his wife paid all the cost for the adjacent owner including the additional connections for sewer and water to the adjacent owner. There was a development plane for the buildings, the pump locations for gasoline vehicles and separate fueling area for large diesel trucks. It also included a landscape plan. Construction on the project was completed by 2006 as approved by the Village of Gurnee; that included the landscaping.

The investment (purchase price and build out) exceeded \$7,000,000. (see first and last page of 2006 mortgage, at end of construction, attached as Exhibit D.)

Subsequently, the business struggled economically, revenues not matching cost of debt. The owners sought to increase revenues by offering carry out liquor sales. However, Gurnee had already issued license to the maximum cap it had in place. Investigating with Lake County the owners believed they could obtain a carry out liquor license from Lake County. Gurnee agreed to a disconnection, allowing city sewer and water service to remain on a nonresident basis.

Present Use: There is an existing conditional use permit for the property as a commercial service center complex, which has multiple uses: The Property is developed with a full-service gasoline station for vehicles, plus separate pumps for large diesel trucks. There are two buildings. The main building has 4 units. There is a convenience store in the center. In a separate unit there is a gaming room. A tenant, Donny’s Diner, has a lease for unit B, on the North End of the building for a restaurant. There is a vacant unit at the South end of the building which previously had a tenant auto repair business. There is a separate car wash building.

PIN(s): 07-10-200-009

Mailing Address:

36725 N US HIGHWAY 41
GURNEE, IL 60031

Legal description: See Exhibit A, Attached Deed

Request: Applicant is requesting that the landscape plan be amended by striking the current plan and substituting in its stead the Plan drawn by Hey and Associates, dated October 28, 2019, which is submitted with this Application as Exhibit B. With the Plan there is a letter of explanation from Hey and Associates as to pertinent reasons for some deviation from the Lake County Ordinance, attached as Exhibit C to the application.

Explanation and Justification:

PUD in 2015

Coupled with the disconnection from the Village of Gurnee the owners consulted with the planning and zoning departments of Lake County to have the property correctly zoned for operation within the unincorporated area of Lake County, where the property could be used for a gas station, a truck refueling station, a convenience like store with a liquor license for packaged liquor and rentals for a restaurant or other commercial businesses. An application was made for a Planned Unit Development and Special Use Permit. One of the requirements for the PUD was a landscape plan. The owners with the suggestion of personnel in the county planning department engaged a landscape architect to draft a landscape plan. The property had already been landscaped for approximately 10 years. While the plan specified specific species of tree and shrubs, they thought the species planted would be accepted as alternates. They had not priced the plan. Their goal was to run the existing business with a liquor license to provided needed additional revenue.

Subsequently the Planning and Zoning department wanted the property to be sure the property complied with all aspects of the PUD as approved. In 2018 an enforcement action was

brought over the non-compliance. Issues existed as to compensatory storage in the wetlands; that required further expensive excavation. There was an issue on the signage along Route 41 and as to the landscaping pursuant to 2015 landscape plan. The owners struggled finding an excavator for the compensatory storage but did get it done. The signage was also resolved. That Left the landscaping issue. The owner obtained a proposal from a landscaper, but it exceeded I\$100,000.00 for the cost of removal and replanting, they checked with other landscapers; the lowest proposal they were able to secure exceeded \$63,000.00. They could not afford it. They subsequently sought help from the horticultural department of the College of Lake County. While CLC personnel were helpful, they did not have the time to respond and meet deadlines to make presentations to the county staff.

Subsequently, the owners have now engaged a new Landscape architectural firm, Hey and Associates. It drew a plan utilizing much of the existing plantings as well as making some needed replacements and pruning to existing plants. The property owner will be able to maintain the landscape without automatic sprinkling. The owners submit, based on what was leaned from the head of the horticultural department at CLC and from Hey and Associates, that the plan now submitted is a better plan than the one approved in 2015 for the following reasons: a) It has far less invasive species. b) The plantings for the wet land areas are more appropriate. c) It considers the problems with salt spray in the winter. d) It plans for areas where snow plowing for traffic flow on the property creates mounds of snow. This includes part of the front of the property, west of the gasoline pumps where snow mound goes over onto the grass along that front part in order to have a plowed area for the vehicles exiting the pumps. e) It provides for better vision of traffic with adjoining highway 41, where the exiting traffic from the property must merge on to highway 41; if there is a vehicle coming at 55/mph it needs to be seen.

The proposed new landscape plan does not substantially alter the number of trees and shrubs for the property from the number shown on the 2015 plan. The 2015 plan had a total of 233 trees and shrubs; the new plan now being submitted has a total of 224. However, 2015 plan had 54 listed 54 trees, 20 of which were evergreen trees. The new plan has only 33 trees and none are evergreen. Evergreen trees were eliminated because they spread wide near the ground and block vision. Several were planned for the sides of the main building and the parking area to the east. It is believed they would have overgrown the curbs and spread into the driving lanes for vehicles. The space was too small. Some were on the edges of drain areas and the topography was just not appropriate for tall evergreen trees. Nine were planned for the front of the property and would have interfered with driver's lines of sight to see the on-coming traffic on Highway 41 when they are exiting the property.

The proposed new plan is far more economical to the owners, as an estimate for the cost to complete this plan is from \$20,000 to \$22,000.

Approval Criteria: The Lake County Zoning Board of Appeals is required to make findings of fact on the request.

The proposed usage requested relates as follows to the zoning ordinance, properties in the vicinity and Use of the property per the Conditional Use Permit and PUD:

A. the use in its proposed location is consistent with the stated purpose and intent of the Zoning Ordinance ("Purpose and Intent", section 151.005). No change is sought in the use of the property.

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

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 and implementation of the Regional Framework Plan.

The Zoning and Regional Framework Plan show Applicant's property to be for commercial use. The present zoning of the property is for Commercial use. The actual use of the property is commercial. Factors to be considered per Section 151.050:

1. Adjacent Property. The property to the immediate North is commercial and is used for commercial purposes. Further North beyond the adjacent property the zoning is commercial and is currently vacant for more than a half mile. The Property to the East is wetlands and largely forest preserve. The property to the immediate South is residential and heavily wooded; it has a single-family residence on it. The use of the subject property is shielded from view by the heavy forestation on the neighboring property to the South. Property South of Sterns School Road is zoned commercial on both the East and West sides of Route 41. The property to the West is residential immediately North of Sterns School Rd., where two residences are located. North of the residences it is zoned Commercial and is currently vacant.
2. The Character of the Neighborhood. The dominate character of the neighborhood is highway commercial. Route 41 is a busy divided highway and has commercial uses for firewood sales, restaurants, service stations, motel, tavern and storage yard in the area near applicant's property.
3. Natural Resources. There is a wetland to the East. There is a creek to the North that flows to the East. The use of the property does not interfere with these natural resources and no change is sought that would affect them.
4. Infrastructure. Applicant's property is serviced by a four lane divided highway, It has sewer and water through the village of Gurnee. It is serviced by underground gas line and has electric power by overhead lines to the property and then buried on the property. There is drainage at the site including culverts under highway 41 taking rainwater from the West side of highway 41 to the East side and then through culverts under the two driveways entrance/exits on the subject property flowing to the north to the creek that flows Easterly. On the South part of applicant's property there is an area for surface water detention that is at a lower elevation than the parts of the property where buildings and pavement are located.
5. Public Sites: There are no public sites in the vicinity of the property.
6. Any other matters affecting the public health, safety, or general welfare: The Application to Amend the Landscaping contributes to better public safety as it provides for better visibility when vehicles are leaving the property to see the on coming traffic on highway 41, which is a busy highway with high speed traffic.

The proposed use and development as it affects the Planned Unit Development (PUD) requires the consideration of the factors set forth in Section 151.051(7). (Note: these factors are substantially the same as above for Section 151.050.)

- a. The Proposed development in its proposed location is consistent with the Regional Framework Plan. It is in that the plan is for highway commercial use and the property is developed as a fueling station, convenience store, restaurant and other retail consistent with a highway commercial use.
- b. The Proposed development in its proposed location complies with the PUD standards of 151.132. It does as the only a change sought in the Application is to the landscaping and does not change the compliance with PUD standards as set forth in Section 151.132(A)and(B).

As to subsection (A): The construction on the property completed by 2006, greatly improved the aesthetics of the property from a pre-1950 run down gas station to a modern fueling station with convenience store, restaurant, and other commercial uses. The Amendment south by this application to amend landscaping does more to preserve the wetlands by appropriate planting materials.

As to subsection (B): 1) Greater choice in the type of environment and living units to the public. More choice for fueling has been provided plus a convenient store and restaurant. Living units is not applicable. 2) More open space through conservation development practices. The Wetlands have been preserved and will be improved by more appropriate plantings per the application. 3) Open space resources connected to one another. Not applicable to the site. 4) A creative approach to the use of land and related physical development. It is believed the aesthetics and the use were greatly improved by the development, and the landscaping change will also be better for the environment and line of sight for traffic. 5) An efficient use of land resulting in a smaller networks of utilities and streets. The application to change landscaping has no effect on this factor. 6) Promotion of mixed use development. The prior build out in 2006 accomplished this. The application to change landscaping will have no effect.

- 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. The property to the immediate North is commercial and is used for commercial purposes. Further North beyond the adjacent property the zoning is commercial and is currently vacant for more than a half mile. The Property to the East is wetlands and largely forest preserve. The property to the immediate South is residential and heavily wooded; it has a single-family residence on it. The use of the subject property is shielded from view by the heavy forestation on the neighboring property to the South. Property South of Sterns School Road is zoned commercial on both the East and West sides of Route 41. The property to the West is residential immediately North of Sterns School Rd., where two residences are located. North of the residences it is zoned Commercial and is currently vacant.

2. Natural Resources. There is a wetland to the East. There is a creek to the North that flows to the East. The use of the property does not interfere with these natural resources and no change is sought that would affect them.
3. Infrastructure. Applicant's property is serviced by a four lane divided highway, It has sewer and water through the village of Gurnee. It is serviced by underground gas line and has electric power by overhead lines to the property and then buried on the property. There is drainage at the site including culverts under highway 41 taking rainwater from the West side of highway 41 to the East side and then through culverts under the two driveways entrance/exits on the subject property flowing to the north to the creek that flows Easterly. On the South part of applicant's property there is an area for surface water detention that is at a lower elevation than the parts of the property where buildings and pavement are located.
4. Public Sites: There are no public sites in the vicinity of the property.
5. Any other matters affecting the public health, safety, or general welfare: The Application to Amend the Landscaping contributes to better public safety as it provides for better visibility when vehicles are leaving the property to see the on coming traffic on highway 41, which is a busy highway with high speed traffic.

The undersigned hereby attest that all information given above is true and complete to the best of her knowledge.



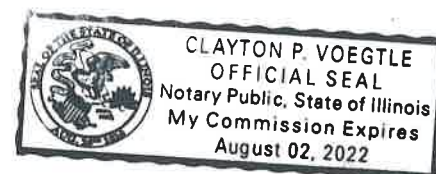

Date: Nov 15, 2019

Thomas Chummar, President Gurnee Truck Stop, Inc.

Only Stockholder with 20% or more of stock.

I, Clayton P. Voegtle, a Notary Public aforesaid, do hereby certify that Thomas Chummar is personally known to me and is the person who executed the foregoing instrument bearing the date of October 28, 2019, 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 Nov 15, 2019



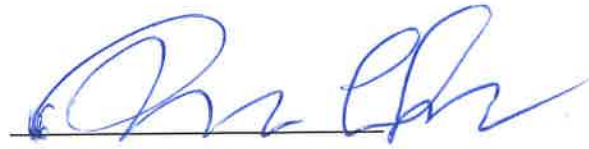
THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THE PETITION

- ✓ COPY OF DEED; ✓ MAP OF SURROUNDING LAND USES; ✓ DISCLOSURE STATEMENT (if applicable); PROPERTY SURVEY AND/OR SITE PLAN (if applicable); FILING FEE and COURT REPORTER ACKNOWLEDGEMENT

Costs of publishing a legal notice and the services of a court reporter will be billed separately and are in addition to the filing fee.

COURT REPORTER AGREEMENT

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 any lawsuit and obtaining a judgment.



Thomas V. Chummar,
Pres., Gurnee Truck Stop, Inc.

THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION

EXHIBIT

A
392A

5521227

FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
03/22/2004 - 12:19:54 P.M.
RECEIPT #1 150303
DRAWER #1 24

TRUSTEE'S DEED

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.

The above space for recorder's use only

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

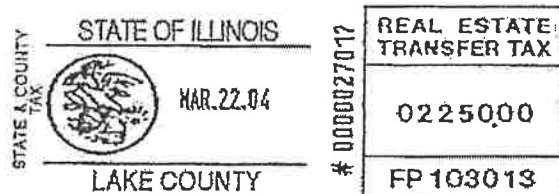
WITNESSETH, that said party of the First Part, in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations in hand paid, does hereby grant, sell and convey unto said Party of the Second Part, the following described real estate, situated in Lake County, Illinois,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

THAT PART OF THE NORTH 44 RODS (726.0 FEET) LYING EAST OF THE EAST LINE S.B.L. ROUTE 68, ACCORDING TO DOCUMENT NO. 407151 AND WEST OF A LINE CONSTRUCTED PARALLEL WITH THE SAID EAST LINE S.B.L. 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:



1500.00

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

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.

5521227

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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 Hendon 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



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

Tax Mailing Address _____

FOR INFORMATION ONLY
INSERT STREET ADDRESS OF ABOVE
DESCRIBED PROPERTY HERE

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

OR
INSTRUCTIONS RECORDER'S OFFICE BOX NUMBER

5521227

2

Mary Ellen Vanderventer
Lake County Recorder of Deeds

18 N County Street
Waukegan, IL 60085-4358

847-360-6673
(FAX) 847-625-7200

STATE OF ILLINOIS)

)SS

COUNTY OF LAKE)

DOCUMENT NUMBER _____

I, (name) Yogi R. Bhardwaj, being duly sworn on oath, state that I

reside at PO Box 376 Gurnee, IL 60031 and that the

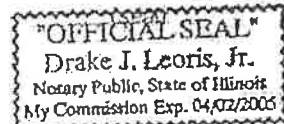
attached deed is not in violation of the Plat Act, Ch. 765 ILCS 205/1.1(b), as the provisions of this Act do not apply and no plat is required due to the following allowed exception (Circle the number applicable to the attached deed):

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance of land does not involve any land division and is described in the same manner as title was taken by grantor(s).

AFFIANT further states that this affidavit is made for the purpose of inducing the RECORDER OF LAKE COUNTY, ILLINOIS, to accept the attached deed for recording.

SUBSCRIBED and SWORN to before me this 24th day
of February, 2004

Notary: Drake J. Leoris, Jr.



5521227

3

X [Signature]
(Signature)
Revised October 26, 1999 11:30AM

Hey and Associates, Inc.

Engineering, Ecology and Landscape Architecture

MILWAUKEE, WISCONSIN

8755 W. HIGGINS ROAD, SUITE 853

CHICAGO, ILLINOIS 60631

PHONE (773) 693-9200

FAX (773) 693-9200

Volo, ILLINOIS

EXHIBIT

C

2 Pgs

October 22, 2019

Brad Denz

Senior Planner / Project Manager

Lake County Department of Planning, Building & Development

500 Winchester Road, Libertyville, IL 60048

Project No.: 19-0338

Re: Gurnee Truck Stop Landscape Plan

Dear Brad:

Thank you for your call and follow-up email this morning to help clarify what is still needed for Gurnee Truck Stop Landscape Plan submission. As noted below, we feel there are some limitations to the site that may not allow certain plants to thrive, thus substitutions have been recommended in some cases. Existing plantings are to remain if in good condition and suited for their placement in the landscape; shade trees and shrubs damaged by snow, salt or harsh conditions are shown as removed and replaced with site-appropriate species. In reviewing the Lake County Landscape Ordinance, we have the following comments:

(D) Landscape Parking Lots

We have calculated that 32 shade trees and 80 shrubs are needed in the parking lot area. Existing + proposed shrubs exceed this requirement. Considering the configuration of the lot, size of the islands, and severe damage to previously planted shade trees due to harsh conditions, we are recommending replacement of a number of shade trees and additional trees to be planted in other areas of the property. Additional shrubs and grasses have been added in parking lot area that can withstand snow accumulation, and salt conditions. Existing junipers are in good condition and appropriate for these areas.

(E) Landscape Standards for Streets

Requirement for understory trees is met and shrubs planted + proposed exceeds requirement. Given overhead wires, visibility issues of roadway and signage, potential planting conflicts, and grading in some areas, shade and evergreen tree are not recommended along U.S. Route 41 and requirement is not met. Additional native plant material has been added to the landscape to compensate for this shortage—including two vegetated swales with native grasses, shrubs and trees at the rear of the parcel. All newly proposed planting beds are of native species and appropriate for these conditions and to the context of the surrounding natural area.

Brad Denz
Gurnee Truck Stop
October 22, 2019
page 2

In reviewing the previously approved Landscape Plan (by others) dated 7/19/2019, we found that the plan did not follow the current layout of the site and some tree species were planted within the detention basin area at the south end of the property. This plan would require the removal of existing plant materials which we feel are appropriate for this site.

Please contact me or Tim with any questions or comments on this letter and Landscape Plan.

Sincerely,



Liz Vogel
Landscape Designer



Tim Pollowy, PLA, ASLA
Senior Landscape Architect

EXHIBIT

D
2 Pgs

5947501



3349THIS INSTRUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:

FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
02/16/2006 - 09:06:11 A.M.
RECEIPT #: 270621
RHSF \$10.00
DRAWER #: 21

Peter L. Regas
Regas, Frezados & Dallas LLP
111 W. Washington St.
Suite 1525
Chicago, IL 60602
(312) 236-4400

FOR RECORDER'S USE ONLY

This documents contains a total of 18 pages, including Exhibit A.

MORTGAGE, SECURITY AGREEMENT AND FIXTURE FILING

THIS MORTGAGE, SECURITY AGREEMENT AND FIXTURE FILING (hereinafter referred to as the "Mortgage") is made the 3rd day of February, 2006, by Gurnee Truck Stop, Inc., an Illinois corporation (hereinafter referred to as "Mortgagor") to Mutual Bank, a banking association having its principal office at 16540 South Halsted Street, Harvey, Illinois 60426 (hereinafter referred to as "Mortgagee") to secure an Indebtedness in the original principal amount of \$6,807,831.00 (the "Original Principal Amount").

WITNESSETH:

WHEREAS, Mortgagor has concurrently herewith executed and delivered certain promissory notes (the "Note") of even date herewith, payable to the order of Mortgagee, for the total Original Principal Amount, bearing interest as provided therein;

NOW, THEREFORE, in consideration of the Mortgagee's advancement to Mortgagor of the Original Principal Amount (less any fees, expenses and/or other amounts which Mortgagee has been authorized by Mortgagor to retain) and in consideration of the covenants and undertakings herein set forth and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

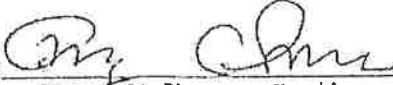
In order to secure the due and punctual payment in full by Mortgagor of the Original Principal Amount, interest thereon and all other amounts due or to become due under or in connection with this Mortgage and/or the Note, or any extensions, renewals, or replacements of the Note, (this Mortgage and the Note and/or any extensions, renewals, or replacements of the Note are hereinafter collectively referred to as the "Loan Documents") and any and all reasonable expenses paid or incurred by Mortgagee under or in connection with the perfection or enforcement of the Loan Documents and the performance of all other obligations and liabilities of Mortgagor under or in connection with the Loan Documents (all of the aforesaid

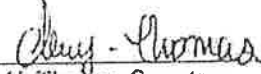
19

IN WITNESS WHEREOF, Mortgagor has executed and sealed this Mortgage as its free, voluntary and duly authorized act as of the day and year first above written.

MORTGAGOR:

GURNEE TRUCK STOP, INC.

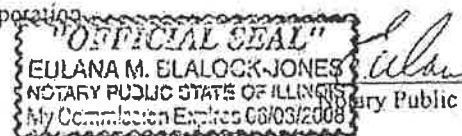
BY: 
Thomas V. Chummar, President

ATTEST: 
Mary V. Thomas, Secretary

ACKNOWLEDGMENT

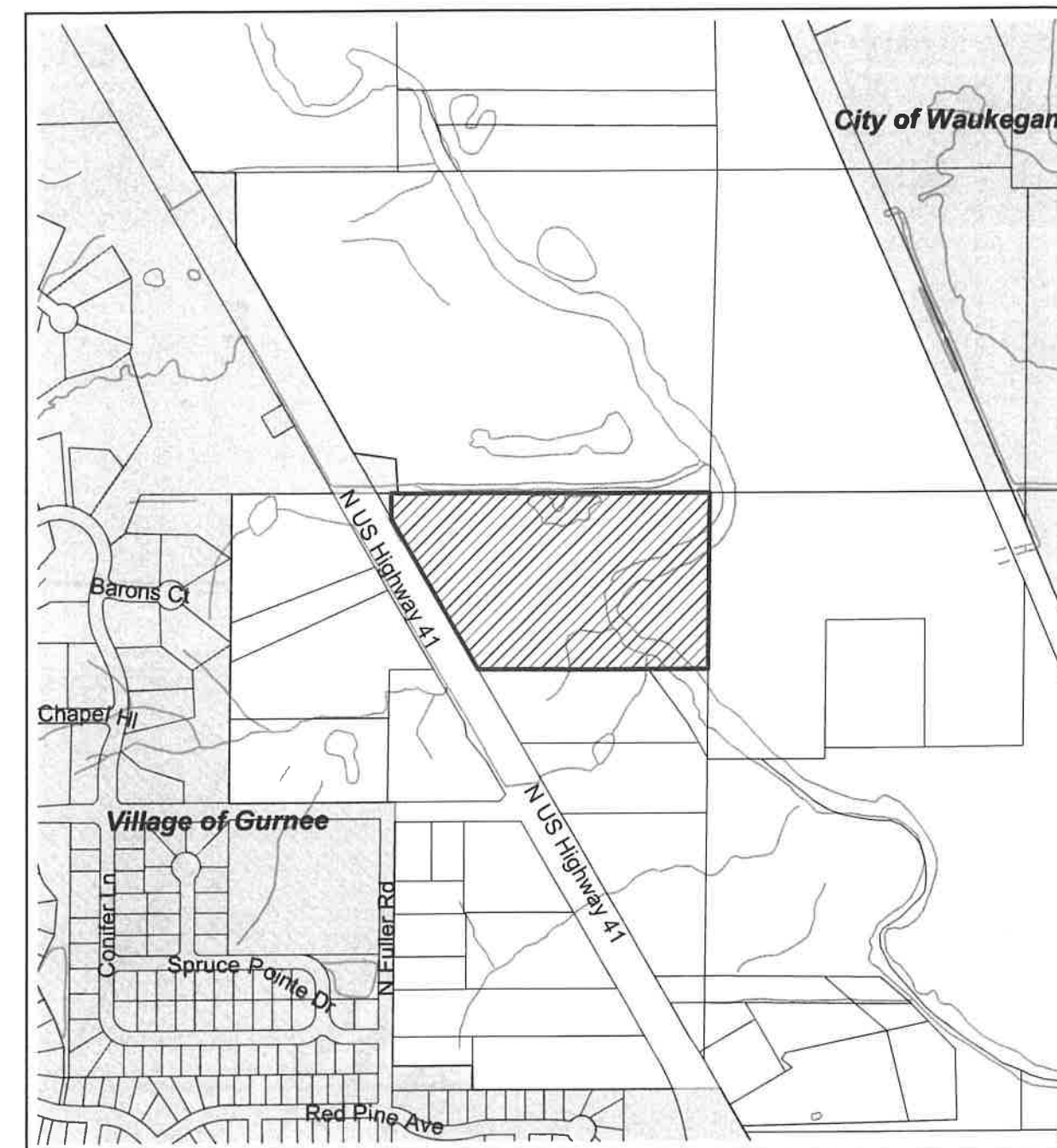
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The foregoing instrument was acknowledged before me this 3rd day of February, 2006, by Thomas V. Chummar and Mary V. Thomas, as president and secretary, respectively, of Gurnee Truck Stop, Inc., on behalf of said corporation.



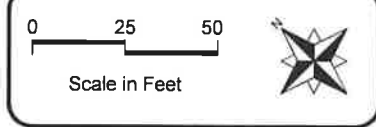
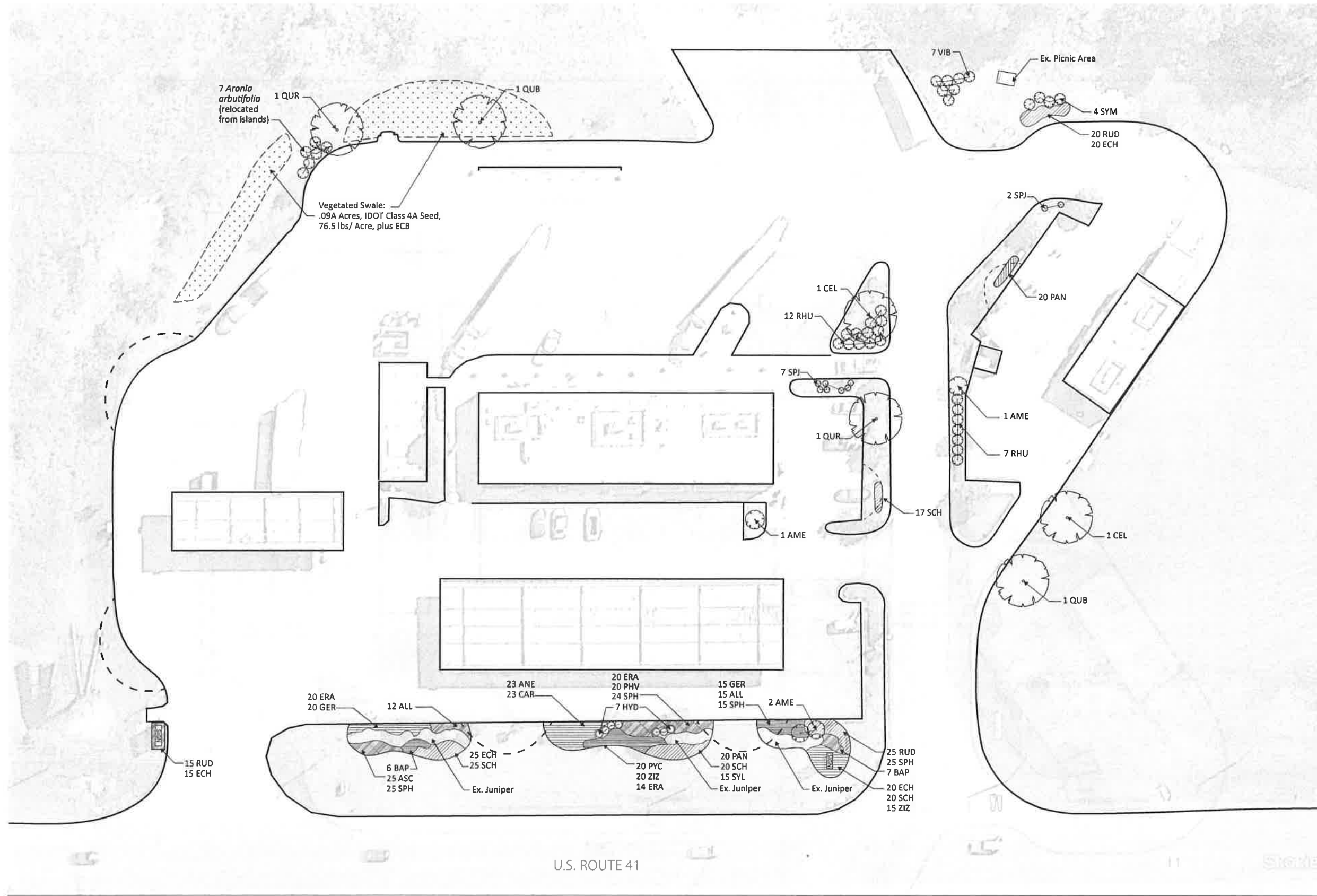


Incorporated Lake County
 Subject Parcel



Zoning Board of Appeals Case PUD-000524-2019

0 80 160 320 480 640
 Feet



LEGEND

Native Mesic Prairie Seed Mix with Erosion Control Blanket

Snow Dump Area

Note: Any turf area disturbed by contractor work shall be repaired with topsoil, ECB and turf seed.

Timothy Pollock
Exp. 8/31/21

No.	Revision/Issue	Date

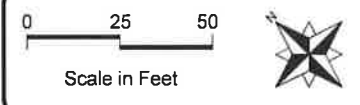
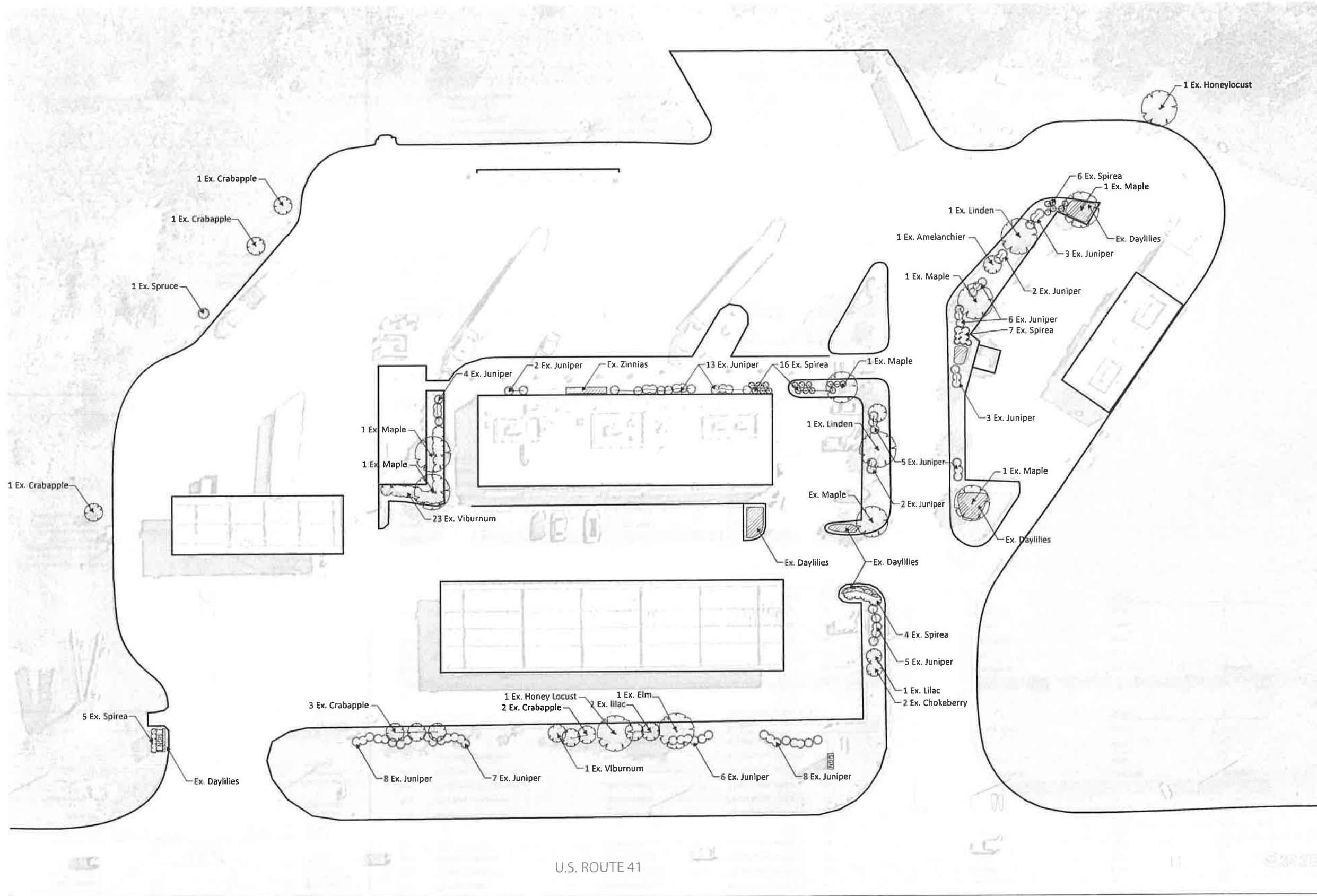
Hey and Associates, Inc.
 Engineering, Ecology and Landscape Architecture
 26575 WEST COMMERCE DRIVE, SUITE 601
 Volo, Illinois 60073
 OFFICE (847) 740-0888
 FAX (847) 740-2888
 VOLO@HEYASSOC.COM

PROFESSIONAL DESIGN FIRM
 LICENSE NO. 184.002429

GURNEE TRUCK STOP
 36725 N US HWY 41
 Gurnee, IL 60031

Landscape Planting Plan

PROJECT NO.	19-0338	DRAWING NO.	L1.0
DESIGNED BY	LAV	CHECKED BY	TRP
DRAWN BY	LAV	APPROVED BY	TRP
ISSUE DATE	10/28/2019	SHEET NO.	1 of 4



LEGEND



No.	Revision/Issue	Date

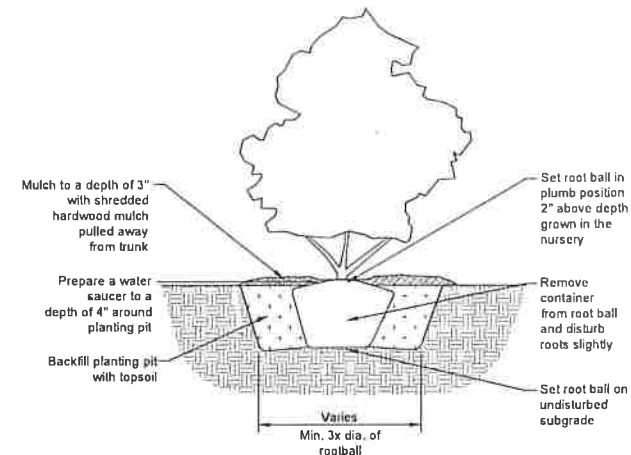
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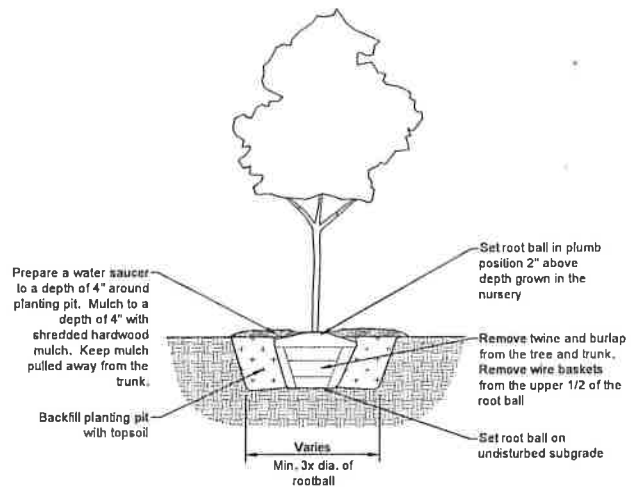
**Landscape Planting Plan
 EXISTING TO REMAIN**

PROJECT NO.	19-0338	DRAWING NO.	L3.0
DESIGNED BY	LAV		
DRAWN BY	LAV		
CHECKED BY			
APPROVED BY	TRP	SHEET NO.	
ISSUE DATE	10/28/2019	3 OF 4	

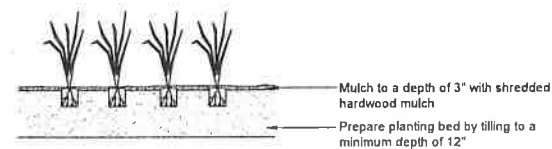
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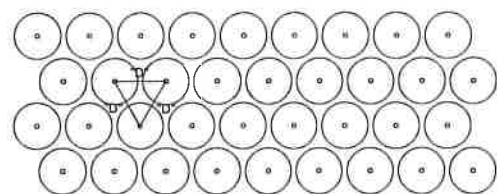
Shrub Planting Detail
(Not to Scale)



Tree Planting Detail
(Not to Scale)



BED PLANTING



TYPICAL PLANT SPACING
D = 24" O.C. for all perennials and grasses.

Grass and Perennial Planting Detail
(Not to Scale)

Planting Schedule

PERENNIALS

Symbol	Latin Name	Common Name	Size	Quantity
ALL	<i>Allium cernuum</i>	Nodding Onion	#1 Container, MIN 6" H	27
ANE	<i>Anemone virginiana</i>	Tall Thimbleweed	#1 Container, MIN 6" H	23
ASC	<i>Asclepias tuberosa</i>	Butterfly Weed	#1 Container, MIN 6" H	25
BAP	<i>Baptisia australis</i>	Blue Wild Indigo	#1 Container, MIN 6" H	13
ECH	<i>Echinacea purpurea</i>	Purple Coneflower	#1 Container, MIN 6" H	77
GER	<i>Geranium maculatum</i>	Wild Geranium	#1 Container, MIN 6" H	35
PHV	<i>Physostegia virginiana</i>	Obedient Plant	#1 Container, MIN 6" H	20
PYC	<i>Pycnanthemum virginianum</i>	Mountain Mint	#1 Container, MIN 6" H	20
RUD	<i>Rudbeckia fulgida speciosa</i>	Showy Black Eyed-Susan	#1 Container, MIN 6" H	60
SYL	<i>Symphyotrichum laeve</i>	Smooth Blue Aster	#1 Container, MIN 6" H	15
ZIZ	<i>Zizia aurea</i>	Golden Alexanders	#1 Container, MIN 6" H	35
TOTAL				350

(Total native species: 350)

GRASSES and SEDGES

Symbol	Latin Name	Common Name	Size	Quantity
CAR	<i>Carex pensylvanica</i>	Sedge	#1 Container, MIN 6" H	23
ERA	<i>Eragrostis spectabilis</i>	Purple Love Grass	#1 Container, MIN 6" H	54
PAN	<i>Panicum virgatum</i>	Switchgrass	#1 Container, MIN 6" H	40
SCH	<i>Schizachyrium scoparium</i>	Little Bluestem	#1 Container, MIN 6" H	82
SPH	<i>Sporobolus heterolepis</i>	Prairie Dropseed	#1 Container, MIN 6" H	89
TOTAL				288

(Total native species: 288)

SHRUBS

Symbol	Latin Name	Common Name	Size	Quantity
HYD	<i>Hydrangea arborescens</i>	Smooth Hydrangea	#5 Container, MIN 18" H	7
RHU	<i>Rhus aromatica 'Grow Low'</i>	Grow Low Sumac	#5 Container, MIN 18" H	19
SPJ	<i>Spirea japonica 'Anthony Waterer'</i>	Anthony Waterer Spirea	#5 Container, MIN 18" H	9
SYM	<i>Symphoricarpos albus</i>	Snowberry	#5 Container, MIN 18" H	4
VIB	<i>Viburnum acerifolium</i>	Maple Leaf Viburnum	#5 Container, MIN 18" H	7
TOTAL				46

(Total native species or native cultivar: 37)

ORNAMENTAL TREES

Symbol	Latin Name	Common Name	Size	Quantity
AME	<i>Amelanchier grandiflora 'Autumn Brilliance'</i>	Autumn Brilliance Serviceberry	B&B, MIN 3" H	4
TOTAL				4

(Total native species or native cultivar: 4)

SHADE TREES

Symbol	Latin Name	Common Name	Size	Quantity
CEL	<i>Celtis occidentalis</i>	Hackberry	B&B, 3" CAL	2
QUB	<i>Quercus bicolor</i>	Swamp White Oak	B&B, 3" CAL	2
QUR	<i>Quercus rubra</i>	Red Oak	B&B, 3" CAL	2
TOTAL				6

(Total native species: 6)

MESIC PRAIRIE SEED MIX

IDOT Class 4 Seed Mix	74 lbs/Acre	3800 SF/09 AC
Little Bluestem (<i>Schizachyrium Scoparius</i>)	5 lbs. / acre	
Side-Oats Grama (<i>Bouteloua Curtipendula</i>)	5 lbs. / acre	
Canada Wild Rye (<i>Elymus Canadensis</i>)	1 lbs. / acre	
Prairie Dropseed (<i>Sporobolus Heterolepis</i>)	5 lbs. / acre	
Annual Ryegrass	25 lbs. / acre	
Oats, Spring	25 lb. / acre	
Perennial Ryegrass	15 lbs. / acre	

Existing Planting to Remain

SHRUBS

Common Name	Condition	Quantity
Chokeberry	good	9
Juniper	good	75
Lilac	good	1
Spirea	good	34
Viburnum	good	26
TOTAL		145

ORNAMENTAL TREES

Common Name	Condition	Quantity
Crabapple	good	8
Lilac	good	2
Serviceberry	good	1
TOTAL		11

SHADE TREES

Common Name	Condition	Quantity
Elm	good	1
Honeylocust	good	2
Linden	good	2
Maple	good	7
TOTAL		12

LEGEND

Note: Any turf area disturbed by contractor work shall be repaired with topsoil, ECB and turf seed.

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Gurnee, IL 60031

Landscape Planting Plan
DETAILS

PROJECT NO.	19-0338	DRAWING NO.
DESIGNED BY	LAV	L4.0
DRAWN BY	LAV	
CHECKED BY		
APPROVED BY	TRP	SHEET NO.
ISSUE DATE	10/28/2019	4 of 4