

Zoning Board of Appeals Case #PUD-000524-2019
Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on November 21, 2019, on the application of Gurnee Truck Stop, Inc. – Thomas Chummar and Mary Thomas, shareholders owning 20% or more of the stock in the corporation, record owner, for a Major Modification to a Conditional Use Permit for a Planned Unit Development (PUD) #7617 and PUD Preliminary Plan for the property located at 36725 U.S. Highway 41, Gurnee, Illinois. The applicant is requesting a Major Modification to a Conditional Use Permit (CUP) for a Planned Unit Development to reduce the required amount of landscaping from the approved development plan.

The subject property is a split-zoned 19.51-acre parcel, with the western 7.51 acres located in the General Commercial (GC) zoning district, and the eastern 12 acres located in the Agricultural (AG) zoning district, and is described as follows:

THAT PART OF THE NORTH 44 RODS (726.0 FEET) LYING EAST OF THE EAST LINE S.B.I. ROUTE 68, ACCORDING TO THE 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 ¼ OF THE NORTHEAST ¼ OF SECTION 10, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

P.I.N 07-10-200-009

The following is a summary of the testimony presented:

Mr. Brad Denz stated the applicant is proposing a reduction of the required landscape material to be planted as approved in the Final Development Plan of PUD #7617. In overview, Mr. Denz stated the applicant originally approached the Lake County Planning, Building and Development Department for a Planned Unit Development (PUD) after completing a de-annexation of the property from the Village of Gurnee in 2015. 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. This plan modification request significantly reduces the quantity of plant material to be installed but the proposed quantities of canopy/understory trees and shrubs meets the landscaping required for conventional development by the Lake County Code. Although the applicant is required to clarify to the ZBA *why* the previously approved Final Development landscape plan was not executed, the proposed plant material of shrubs, grasses, sedges, and perennials shown on the revised plan is on par with the quantity required by the original plan.

1. The applicant's attorney, Mr. Clayton Voegtle, indicated his client acquired the property in 2004 with a contract which required annexation into the Village of Gurnee to obtain public sewer and water, in turn they were allowed to develop the property with the proposed truck-stop use. He also paid for the adjacent property to annex and obtain sewer and water from the Village. However, the unavailability of liquor licenses from the Village prompted the

applicant's subsequent decision to de-annex into unincorporated Lake County in order to obtain a liquor license. Ultimately, the extent of the excavation and the cost of the amount of plant material prevented the applicant to adhere to the Final Development Plan. The intent of the original PUD-CUP approval for a truck stop will still be met, however, an approved modified request would allow for a reduced amount of landscape material and plantings which are native to the area. The modified plan reduces the number of trees, however, more bushes, shrubs and grasses are proposed, which would be close to the original overall planting amounts. Additionally, the new plantings are smaller in height which will allow for better sight-line traffic visibility. Given the location of two single-family residences on the west side of the highway and one single-family residence to the south within a wooded area, the modified plantings will not have an effect upon the adjacent properties.

2. Member Raymond stated the following:

- A. Asked for verification if the plantings from the 2015 plan were installed.
- B. Will the applicant submit a bond for the installation of the plant material?

Mr. Voegtle stated no plantings were installed. As a condition of approval, Mr. Denz stated the Planning, Building and Development Department will require a bond.

3. Member Stimpson stated the following:

- A. Was there an objection from the neighbor to the north who shares the sewer and water connection?
- B. Does the applicant feel the consultant designed an appropriate plan?
- C. She approved the new landscape plan which eliminated evergreens, tree relocation, and the installation of native plantings.

Mr. Voegtle stated he was unaware of any objection. Regarding the complaint from the adjacent neighbor, flooding has occurred, however, the property to the north is situated lower than the subject property.

Chairman Bell opened it up to questions/comments from the public.

The property owner to the north, Jonathan Pogue, 2351 N. U.S. Highway 41, Gurnee, Illinois, stated the grade was changed since the installation of the directional boring to connect public water and sewer. The pipe filled with silt from the boring and construction. Additionally, Mr. Pogue stated that south of the subject property is the placement of the compensatory storage, which could be trenched for additional storage along with the area adjacent to the billboard. Chairman Bell stated the issues presented by Mr. Pogue are not related to the current request, and Mr. Denz followed up by stating that Mr. Pogue should contact the Planning, Building and Development Department to address those concerns. Mr. Voegtle stated additional excavation has occurred since 2018 to retain more water behind the station which allows for additional compensatory storage. Mr. Voegtle concluded that he felt the consultant designed an appropriate landscape plan for the new application.

4. Member Reindl stated the following:

- A. Concurred the modified landscape plan was appropriate.
- B. Recalled from the initial development of the property that the flooding issue was resolved.
- C. Did the additional compensatory storage meet the requirements?

Mr. Pogue stated a landowner's agreement was existing, however the property could not be leased since compensatory storage was necessary to meet the Village of Gurnee's requirements. The fill redirected the water. Mr. Denz stated it would be necessary to verify which permits were required once the property was de-annexed in 2015. Mr. Voegtle stated the compensatory storage done in 2018 satisfied the new depth required by the County.

5. Member Bell stated the following:

- A. Agreed the new landscape plan was appropriate which allowed improved sightlines for traffic visibility.

6. Member Peterson stated the following:

- A. Agreed the original plan which included pine trees are not the best as they are suffering from diseases currently and any new plants which retain water would be effective.

7. Member Koeppen stated the following :

- A. No objection to the modified landscape plan.
- B. If approved, when would the plant material be installed?

Mr. Voegtle stated the plant material would be installed in the spring of 2020.

8. Member Hockney stated the following:

- A. The applicant has made a good-faith effort to address the requirements.

Member Peterson moved to close testimony, which was seconded by Member Stimpson.

Member Koeppen: Made a motion to approve #PUD-000524-2019 to reduce the required amount of landscaping from the approved development plan subject to the plans presented, subject to conditions requiring the landscaping be installed within one year of approval and the Applicant submit a performance assurance.

Member Hockney: Second

Favorable recommendation is passed 7-0.