



Community and Economic Development Department Ordinance

To: Mayor and Board of Trustees

From: Amanda Orenchuk, Director

For Village Board Meeting of: December 13, 2021

Subject: Thorntons Gas Station Variations - 10 East Maple Avenue & 739 North Lake Street

Financial Impact:

Attachments:

1. EXHIBIT A - Legal Description (DOCX)
2. EXHIBIT B - Site Plan (PDF)

Motion

Motion to Pass an Ordinance granting variations to GMX Real Estate Group, LLC in regards to a proposed gas station at 10 East Maple Avenue and 739 North Lake Street, Mundelein, Illinois.

Comments

On November 22, 2021, the Village Board authorized Staff to prepare an Ordinance granting certain variations to GMX Real Estate Group, LLC for a proposed gas station at 10 East Maple Avenue and 739 North Lake Street, with conditions.

ORDINANCE NO. (ID # 5214)**AN ORDINANCE GRANTING CERTAIN VARIATIONS TO GMX REAL ESTATE GROUP, LLC REGARDING A GAS STATION ON THE PROPERTY LOCATED AT 10 EAST MAPLE AVENUE AND 739 NORTH LAKE STREET, MUNDELEIN, ILLINOIS**

WHEREAS, the Village of Mundelein, Lake County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, an application has been filed by GMX Real Estate Group, LLC ("Petitioner") requesting that certain variations from the Mundelein Municipal Code (Zoning Ordinance) be granted with respect to a proposed gas station on the property at 10 East Maple Avenue and 739 North Lake Street, Mundelein, Illinois, the legal description of which is attached hereto and made part hereof as **Exhibit A**, (the "Subject Property"); and

WHEREAS, the Petitioner has requested a variation from Table 20.36-2 of Section 20.36.040(A) granting relief from the build-to zone requirement for buildings in the C-5-C Downtown Corridor Zoning District; and

WHEREAS, the Petitioner has requested a variation from Section 20.36.060(C)(12)(a) granting relief from the maximum footcandles under a gas station canopy, which is limited to 10.0 footcandles, for a maximum light intensity of 25.0 footcandles under the canopy; and

WHEREAS, the Petitioner has requested a variation from Section 20.36.080(A)(6)(c) to permit an eight (8) foot tall fence along the east property line, which exceeds the maximum fence height of

six (6) feet; and

WHEREAS, pursuant to notice as provided by statute and ordinance, a public hearing was held on November 17, 2021, by the Mundelein Planning and Zoning Commission; and

WHEREAS, the Mundelein Planning and Zoning Commission made findings of fact and recommended that said variations be approved by the Village Board of Trustees, with certain conditions; and

WHEREAS, at the Village Board meeting on November 22, 2021, the Mundelein Village Board of Trustees accepted the findings of fact and determined that it was in the best interests of the Village to grant the above variations with conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS as follows:

SECTION I: Certain variations are hereby granted to GMX Real Estate Group, LLC for the property at 10 East Maple Avenue and 739 North Lake Street, Mundelein, Illinois, as follows: 1) a variation from Table 20.36-2 of Section 20.36.040(A) granting relief from the build-to zone requirement in the C-5-C Downtown Corridor Zoning District for the proposed convenience store; 2) a variation from Section 20.36.060(C)(12)(a) to permit a maximum light intensity under the fueling canopy of 25.0 footcandles; and 3) a variation from Section 20.36.080(A)(6)(c) to permit an eight (8) foot tall fence along the east property line. The aforementioned variations are subject to the following documents and conditions:

- a. The granted variations are subject to the plans attached hereto and made a part hereof as **Exhibit B:**
 - i. Site Plan prepared by JTS Architects, dated October 11, 2021;
 - ii. Landscape Plan prepared by Design Perspectives, Inc., dated October 1,

2021;

- iii. Trash Receptacle Enclosure Plan prepared by JTS Architects, dated September 30, 2021;
- iv. Floor Plan and Architectural Elevations prepared by Lockett & Farley (not dated); and
- v. Photometric Plan prepared by Red Leonard Associates, dated January 11, 2021;

- b. No large-format diesel fueling (semi-trucks) will be permitted on the entirety of the 2.804 acre site;
- b. No video gaming or gambling is permitted on the Subject Property;
- c. Staff will work with the Petitioner to determine whether a fence is desired by the majority of property owners in the Holcomb Subdivision that directly back up to the railroad right-of-way that abuts the project site. If the majority do not desire a fence, then the Petitioner will be required to replace the proposed fence with a living wall; and

SECTION II: The aforementioned variations shall not be valid for a period longer than one (1) year following the passage of this Ordinance unless a building permit is obtained, and the erection of a building is started, or the use is commenced within such period. The Village Board, within its sole discretion, may grant an extension to said one (1) year period.

SECTION III: That all requirements set forth in the Zoning Ordinance of the Village of Mundelein, as would be required by any owner of property zoned in the same manner as the subject Property shall be complied with, except as otherwise provided in this Ordinance.

SECTION IV: The report, recommendations, and findings of fact of the Planning and Zoning Commission on the question of granting the requested zoning relief for the Subject Property are

hereby accepted.

SECTION V: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION VI: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VII: This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

ADOPTED this 13th day of December, 2021 by a roll call vote as follows:

President

ADOPTED: December 13, 2021

APPROVED: December 13, 2021

PUBLISHED in pamphlet form: _____

ATTEST: _____

Village Clerk

EXHIBIT A – LEGAL DESCRIPTION

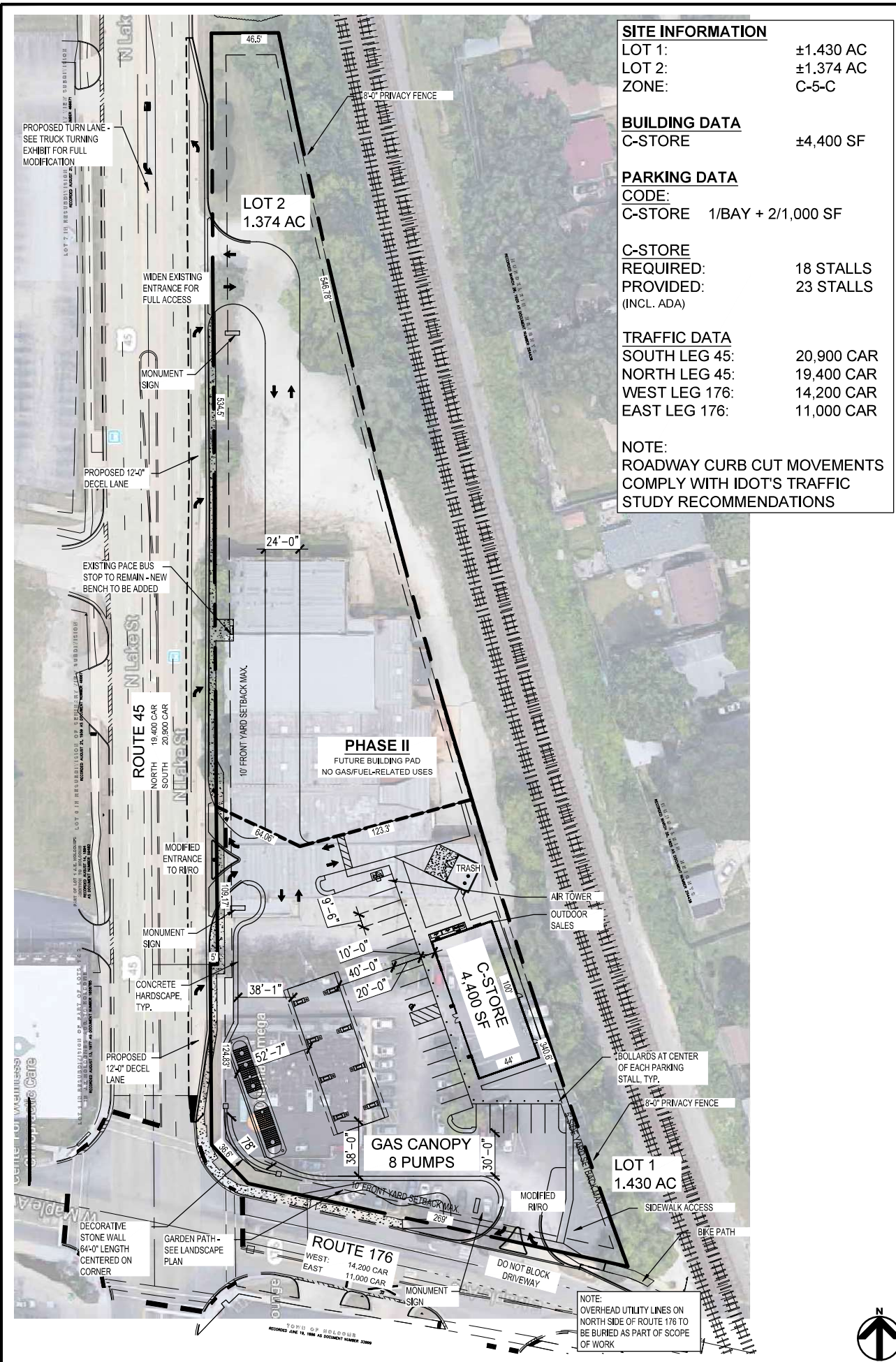
COMMONLY KNOWN AS: 10 EAST MAPLE AVENUE AND 739 NORTH LAKE STREET

PARCEL 1: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A STONE IN THE CENTER OF LIBERTYVILLE HIGHWAY (NOW CALLED MAPLE STREET) ON THE TOWNSHIP LINE AND RUNNING NORTH ON SAID TOWNSHIP LINE, A DISTANCE OF 178.00 FEET; THENCE EAST, A DISTANCE OF 106.00 FEET AT RIGHT ANGLES WITH SAID TOWNSHIP LINE; THENCE SOUTH AT RIGHT ANGLES AND PARALLEL WITH AFORESAID TOWNSHIP LINE TO THE CENTER OF THE LIBERTYVILLE HIGHWAY (NOW CALLED MAPLE STREET); THENCE ALONG THE CENTER OF THE LIBERTYVILLE HIGHWAY (NOW CALLED MAPLE STREET) TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR ROAD PURPOSES IN CONDEMNATION CASE 00 ED 13, IN LAKE COUNTY, ILLINOIS.

PARCEL 2: LOTS 24, 25, 26, 27, 28, 29, AND 30 IN KILLEY'S SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 1927 AS DOCUMENT 296302, IN BOOK "R" OF PLATS, PAGE 39, IN LAKE COUNTY, ILLINOIS.

PARCEL 3: THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 24 IN KILLEY'S SUBDIVISION, AFORESAID; THENCE EAST PARALLEL TO THE SOUTH LINE OF LOT 23 IN SAID KILLEY'S SUBDIVISION TO THE WESTERLY RIGHT-OF-WAY LINE OF RAILROAD; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY TO THE NORTHEAST CORNER OF LOT 30 IN KILLEY'S SUBDIVISION; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 30, 29, 28, 27, 26, 25, AND 24 IN KILLEY'S SUBDIVISION TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 4: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 24 AS PLATTED IN KILLEY'S SUBDIVISION RECORDED MARCH 28, 1927 AS DOCUMENT 296302 IN BOOK R OF PLATS, PAGE 39; THENCE WEST ON THE SOUTH LINE OF A VACATED ALLEY, 73 FEET TO A POINT ON THE EAST LINE OF LAKE STREET, AS PLATTED IN SAID KILLEY'S SUBDIVISION; THENCE NORTH ON THE EAST LINE OF SAID LAKE STREET, 645 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 1 IN SAID KILLEY'S SUBDIVISION; THENCE EAST ON THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 58.68 FEET TO A POINT ON THE WEST LINE OF THE WISCONSIN CENTRAL LTD RAILROAD; THENCE SOUTHEASTERLY ALONG SAID WEST LINE OF SAID RAILROAD TO A POINT 20 FEET SOUTH OF (AND MEASURED AT RIGHT ANGLE TO) THE SOUTH LINE OF VACATED LOT 23 AS EXTENDED EASTERLY; THENCE WEST ALONG A LINE 20 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE AND SAID SOUTH LINE EXTENDED EASTERLY, 150.6 FEET TO THE PLACE OF BEGINNING (EXCEPTING THEREFROM THE WEST 3.658 METERS (12 FEET) THEREOF TAKEN FOR ROAD PER FINAL JUDGEMENT ORDER IN CASE NO. 00ED4 IN CIRCUIT COURT OF LAKE COUNTY, ALL BEING A PART OF VACATED LOTS AND ALLEYS OF SAID KILLEY'S SUBDIVISION PER DECLARATION OF VACATION OF LOTS 2 THROUGH 23, RECORDED SEPTEMBER 15, 1945 AS DOCUMENT 569419 IN BOOK 721 OF RECORDS, PAGE 16 AND BY ORDINANCE OF VACATION RECORDED JUNE 24, 1949 AS DOCUMENT 673070 IN BOOK 929 OF RECORDS, PAGE 387 AND BY ORDINANCE OF VACATION RECORDED APRIL 30, 1958 AS DOCUMENT 988517 IN BOOK 1617 OF RECORDS, PAGE 562, ALL IN LAKE COUNTY, ILLINOIS.



SITE INFORMATION	
LOT 1:	±1.430 AC
LOT 2:	±1.374 AC
ZONE:	C-5-C
BUILDING DATA	
C-STORE	±4,400 SF
PARKING DATA	
CODE:	
C-STORE	1/BAY + 2/1,000 SF
C-STORE	
REQUIRED:	18 STALLS
PROVIDED:	23 STALLS
(INCL. ADA)	
TRAFFIC DATA	
SOUTH LEG 45:	20,900 CAR
NORTH LEG 45:	19,400 CAR
WEST LEG 176:	14,200 CAR
EAST LEG 176:	11,000 CAR
NOTE: ROADWAY CURB CUT MOVEMENTS COMPLY WITH IDOT'S TRAFFIC STUDY RECOMMENDATIONS	

Attachment: EXHIBIT B - Site Plan (5214 : Thorntons Gas Station Variations - 10 East Maple Avenue & 739 North Lake Street)