

**VILLAGE OF WAUCONDA  
PLAN COMMISSION/ ZONING BOARD OF APPEALS  
Meeting Minutes  
September 7, 2011**

**CALL TO ORDER:**

Chairman Steve Madsen called the meeting to order at 7:00 p.m. Building Commissioner Joe Schwarz led in the Pledge of Allegiance.

**ATTENDANCE:**

Roll Call was taken:

	Present	Absent
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty	x	
Matthew Kurland	x	
Frank Lahrman	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

Village Staff and Consultants Present: Joe Schwarz, Village Building Commissioner; Peter Karlovics of Magna Law Village Attorney, and Chris Miller of Rolf C. Campbell & Associates Village Planning and Zoning Consultants.

Others Present: See attached sign in sheet for names of individuals present and who signed sign in sheet.

**APPROVAL OF JUNE 29, 2011 MINUTES:**

Chairman Madsen asked the Members if there were any questions or concerns with the minutes as drafted. A motion was made by Frank Lahrman and seconded by Rob Fosness to approve the June 29, 2011 Minutes. There was no further discussion.

Roll call was taken:

	Aye	Nay
Rob Fosness	x	
Dave Jakubek	x	
Frank Lahrman	x	
Ernie Kosty	x	
Matthew Kurland	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

Motion Approved

**PUBLIC HEARING:**

COMBINED ASSET DEVELOPMENT, LLC (HOMER TREE)  
REZONING R-1 TO GB AND CONDITIONAL USE PERMIT

The public hearing was opened by Chairman Madsen.

Chairman Madsen requested that all present and interested in providing testimony be sworn in. Village Attorney Karlovics swore in all parties interested in providing testimony regarding the public hearings being held and reviewed the procedures the Plan Commission follows for a public hearing.

Chairman Madsen requested that Chris Miller, Village Planning and Zoning Administrative Consultant provide background on the zoning petitions. Mr. Miller reported that the Village is in receipt of a required legal notice publication certificate and of neighbor notice cards. Mr. Miller also provided background information including that the Public Hearing concerns two parcels purchased by an existing business, Homer Tree both to be zoned GB – General Business. Parcel One is to be zoned GB and used as an expansion area to their existing tree service business. Parcel Two is to be zoned GB and used for an office building. Mr. Miller also noted that the Parcel One is the subject of a Conditional Use Permit (CUP) application to permit a “Contractor Equipment Storage Yard”, and that the Village is in receipt of an Annexation Agreement to be considered by the Village Board. Mr. Miller stated that the two parcels in question are presently zoned “E” Estate in unincorporated Lake County and upon annexation will be zoned R-1 Residential in the Village, and as part of the Annexation Agreement the applicant is requesting the two parcels to be rezoned from R-1 to GB with Parcel One to be granted a CUP. He also stated that Rolf C. Campbell & Associates prepared a zoning report to the Plan Commission, dated August 30, 2011 and requested that the memorandum be included as part of the zoning hearing record.

**Petitioner’s Testimony:**

Richard Nakon, Attorney for the Petitioner provided an overview of the petitions including the fact that the two parcels in question are surrounded by GB zoning: Wauconda Storage to the south; additional property owned by the applicant to the west; the former Dominick’s Food Store also to the west; a south bound access ramp to Route 12 on the north and to the east of the properties in question. Mr. Nakon also noted that there is a parcel zoned GB with a single family home and an automobile body shop located between Parcel One and Parcel Two. Mr. Nakon introduced Shane Green, C.E.O. of Homer Tree.

Mr. Green provided background about Homer Tree. It is a business with headquarters located in Lockport, Illinois which has existed since 1985 providing tree services and wood products. He indicated that their tree service business serves both municipalities and private land owners clearing and removing trees when needed and that the trees are reused as mulch which is processed at their Lockport location. Mr. Green described their Wauconda location, where they have been located for approximately 8 years. He stated that their present business operates on the former Nordstrom Tree Service property which has been operating at the site since approximately 1987 when the property was annexed and granted permission to operate a tree service by the Village. He indicated they have over 20–employees at their Wauconda site and that the site is used for storage of vehicles, equipment, logs and wood chips in conjunction with their tree service business. Mr. Green stated that they remove the logs and wood chips from their Wauconda location to their Lockport site for grinding and processing into mulch products.

Mr. Nakon reviewed a Site Plan dated September 3, 2011 along with a number of questions raised by the Village’s Planning Consultant, Staff, Fire District and Neighbor. He stated that the applicant plans to use Parcel Two only for an office and to store a sprayer vehicle within the existing garage; and, that there would be no tree work, storage, storage of chemicals, or maintenance of vehicles to occur on Parcel Two. Mr. Nakon explained that there are two existing access drives to the ramp which will continue to be used, and that the applicant desires to make improvements including replacing culverts and improving the entrance if the Illinois Department of Transportation (IDOT) will permit them. Both access drives will be paved with asphalt a minimum of 100 feet into the site to reduce debris being transported on to the ramp. He stated all of the equipment and vehicles kept at the site will be parked on asphalt or asphalt grindings; there will be no grinding of wood on the site; storage of material will not exceed 10 feet in height; storage of equipment will not exceed 15 feet in height; an 8 foot high wood fence will be installed along the east side of the property with two rows of 6’ tall Spruce trees provided adjacent residential use for screening and buffering. Mr. Nakon stated that the site will comply with storm water management requirements; the wood chips would be located within an area bordered on three sides by a concrete block wall for containment; no construction activity will occur on the site, except to prepare the site as represented on the site plan. Mr. Nakon stated the applicant does request permission to operate branch chipping equipment on the site. He indicated that the hours of operation will be from 6 a.m. to 7 p.m. and requested that fueling trucks used to fuel vehicles be permitted to operate outside these hours. Mr. Nakon indicated the applicant will perform no “major maintenance or repairs” on site. Mr. Nakon noted that there are existing cyclone fences along the west and south properties and that there is no need to screen the storage facility to the south.. Mr. Nakon stated the applicant has no present plans for additional signage and will comply with the Village Sign Ordinance requirement should they wish to have signage. Mr. Nakon stated the applicant has no plans to provide

any site lighting at this time and if lighting is needed in the future they will conform to the Village's requirements. Mr. Nakon stated that the applicant will agree to provide an easement to the Village across the north 40 feet of their property for access and a future frontage road along with agreeing to extend water and sewer across the frontage of their property at such time as an alternative use requiring the utilities is proposed.

Mr. Nakon introduced John Scheimann, Site Manager for Homer Tree who stated that they generally fuel vehicles three times per week (or as needed) and that the Homer Tree operates generally six days a week and as needed during emergencies.

Members of the Plan Commission asked a number of questions of the Petitioner and Petitioner's Attorney including: the size of logs stored at site; why permission was being sought to annex the property to the Village; if Grinding and Chipping will take place on-site; whether additional landscape to screen the site from Route 12 will be provided; maintenance of existing landscape; how employees travel between the storage area and the office area; clarification on the use of the existing garage; when the existing Village portion of the storage area was annexed and zoned; how long the existing storage area has been in use; Screening the use more effectively from the ramp; Screening of parking; whether snow plow equipment will be stored on-site; whether there are any existing fuel tanks and could they have a fuel tank installed; and, whether both parcels are needed for their operation.

Mr. Nakon and Mr. Green responded to the Plan Commission Member questions: logs 18 inch and larger in diameter are stored at the site; they request annexation because the main storage area is already within the Village; there will be no grinding or use of a tub grinder on-site; chipping may occur, but generally chips are brought in from their work sites; additional screening could be added along the site frontage; existing landscape will be maintained; employees walk along the right-of-way ditch line to go between the storage yard and office building; an expensive sprayer piece of equipment will be stored in the existing garage on Parcel One; the existing storage area was annexed and zoned in 1987 and has been in use since that time; additional planting can be provided along the ramp to screen the storage area if needed; no snow plowing equipment will be stored on-site; there are no fuel tanks existing on-site, there was a tank when Homer Tree purchased the property which was found in violation of State and Local codes and was removed; there is no plans for having a fuel tank on-site at this time; Parcel One was purchased with the intent to expand their present storage yard, Parcel Two which has an existing residential home was purchased to serve as an office where dispatching will occur.

The Petitioner's Application was noted as Exhibit 1; and the Site Plan dated September 3, 2011 was noted as Exhibit 2.

### **Public Questions and Comments:**

Chairman Madsen opened the public hearing for questions and comments from the public.

Richard Bonk asked questions about the 8 foot fence, spruce trees and existing trees proposed near his residence. He also asked about the fuel trucks and whether they will continue to operate from 4:00 am to 6:00 am and he commented on the noise they create. Mr. Bonk asked whether there will be any outside maintenance, generators, and lights being used on-site. He also asked whether there will be a tub grinder permitted on-site and what the size of equipment will be. Mr. Bonk asked whether the Village will enforce its ordinance. Mr. Bonk presented a document which was identified as "Bonk Group Exhibit 3" and offered comments that the use of the property is "industrial" rather than business. Mr. Bonk expressed concern for safety resulting from employees walking along the ramp right-of-way between the storage area and office; mud on the ramp, turning movements of semi-trucks entering and leaving the site. Mr. Bonk also raised concern that the existing business is more intense than the prior tree business.

Jim Fisher questioned the safety of employees walking along the ramp right-of-way; large semi-trucks access of the ramp and mud on the ramp.

Jack Shipley questioned the intensity of the use on the site. He questioned whether there will be lights and he noted that the near by Acres facility is noisy in the morning with trucks and vehicles moving about.

Dominick & Christi Tortorice raised concern over the potential noise and stated that they are the nearest resident to the present storage yard. Mr. and Mrs. Tortorice requested that a fence or landscaping be provided along the west side of the existing storage area and a portion of the south side.

Kim Draginis raised concern for the potential for fires and noise.

Shawn Gallagher questioned the number of pieces of equipment and stated that he is the owner of Wauconda Storage south of the storage area and that wood chips have encroached on the his cycle fence in the past.

Attorney Nakon responded to the public questions and comments consistent with the testimony he and Mr. Green provided. Mr. Green agreed to providing some landscape buffering along a potion of the west and south property line when requested by the Plan Commission, if this could be done.

After there were no further public questions or comments from the public the public comment portion of the hearing was closed by Chairman Madsen.

**Motions:**

**Zoning Map Amendments (Rezoning):**

A motion to recommend to the Village Board to approve of the Zoning Map Amendment petition from R-1 to GB was made by Matthew Kurland and seconded by Rob Fosness, Chairman Madsen asked for further discussion and there was none. Roll Call:

Roll call was taken:

	Aye	Nay
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty	x	
Frank Lahrman	x	
Matthew Kurland	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

Motion Approved

**Zoning Conditional Use Permit:**

A motion to recommend to the Village Board approval of the Conditional Use Permit (CUP) petition with conditions was made by Frank Lahrman and second by Dave Wanshek. The conditions included the following:

1. The applicant shall install improvements and vegetation, in substantial conformity to the Site Plan dated September 3, 2011.
2. The applicant shall provide landscape buffering along the south west corner of the property satisfactory to the Village Planner. The applicant shall provide the Village with a Landscape buffering plan reflecting all required buffering for Village Staff review and Village Board approval.
3. Equipment storage shall only be for equipment incident to the tree removal business and shall be located on asphalt or asphalt grindings.
4. Log storage and wood chip storage shall not exceed 10 feet in height.
5. Equipment stored on the property shall not exceed 15 feet in height.
6. Storage or operation of tub grinders is prohibited upon the property.
7. Chipper equipment when operated on site as an incidental operation or use, and machine chipping or shredding of trees or tree limbs shall not be allowed unless between the hours of 8:00 a.m. and 4:30 p.m. on week days and between the hours of 9:00 a.m. and 4:00 p.m. on weekends. The primary activity of chipping shall be completed off-site, and not upon the property.

8. Hours of loading and unloading logs and wood chips shall be prohibited unless conducted between the hours of 6:00 a.m. and 7:00 p.m., except during emergencies.
9. On-site fueling of vehicles and equipment shall be limited to the hours between 3:00 p.m. and 7:00 p.m.
10. Only routine maintenance of vehicles or equipment, which involve simple small scale activities, requiring only minimal skills or training, associated with regular and general upkeep of equipment,, shall be permitted on the property.
11. One trailer truck shall be permitted to be parked on-site for storage of parts and small equipment, provided the axles and wheels are removed.
12. An access easement shall be granted to the Village across the northerly 40 feet of the site.
13. Water and sanitary sewer shall be installed across the site at such time as a building is constructed requiring the need for water and sewer.

**Zoning Conditional Use Permit**

Chairman Madsen asked if there was any further discussion and there was none. Roll call was taken:

	Aye	Nay
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty		x
Frank Lahrman	x	
Matthew Kurland	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

Motion Approved

**ANNOUNCEMENTS:**

There were no announcements.

**ADJOURNMENT:**

A motion to adjourn was made by Matthew Kurland and seconded by Rob Fosness. The motion carried and the meeting was adjourned at 9:35 p.m.

Please sign in:

## Village of Wauconda Meeting Attendance

Meeting: PLAN COMMISSION Date: 9/7/11 Time: 7:00

Chairperson STEVE MADSEN

NAME	ADDRESS	PHONE
Shane Green		815-838-0320
John Schlemmer	25223 Flatiron Harvard	815-790-9808
RICH NAKON	121 E. LIBERTY WAUCONDA	847/526-0626
Kim Draginis	577 Chestnut Ct	847-526-1586
Jayle Shipley	538 Meadowview	847-487-2443
Roseanne Shipley	538 Meadowview Dr	847-487-2443
Donna Hauser	540 Meadowview	847 469-8351
Kim Bonk	26960 N US Hwy 12	847-487-0989
Rich Bonk	26960 N. US Hwy 12	847-487-0036
Stevens	549 Meadowview Dr	847-420-1201
Duffeary	2237 Tral side	847-526-7778
Tracy Fessler	2464 Waterside	526-9600
Sean Gallahan	500 Rand	526-5056
DOMINICK TORTORICE	544 MEADOWVIEW DR	
CHRISTI TORTORICE	" " "	