

VILLAGE OF WAUCONDA
COMMITTEE OF THE WHOLE MEETING
TUESDAY, OCTOBER 25, 2011
MINUTES

1. CALL TO ORDER

Mayor Knigge called the Committee of the Whole Meeting to order on Tuesday, October 25, 2011, at 7:37 p.m.

2. ROLL CALL

On roll call by Sherry Davies, the following Trustees were:

Present: Trustees Knight, Barbini, Buster, Starkey, Arnswald and Black

Also present were Village Administrator David Geary, Police Chief Douglas Larsson, Zoning Administrative Consultant Chris Miller, Building Commissioner Joseph Schwarz, Village Engineer Robert Devery, and Attorney Rudy Magna.

3. ITEMS FOR DISCUSSION

A. Combined Asset Development, LLC (Homer Tree) Annexation Agreement and the Zoning Board of Appeals/Plan Commission Zoning Recommendation and Findings of Fact

Zoning Administrative Consultant, Chris Miller said that earlier this evening at the Public Hearing he went through the proposed Annexation Agreement. He reviewed the Plan Commission's recommendations and the Findings of Fact with the Board. He reiterated that this matter involves two parcels of land to be rezoned General Business (GB) from Residential (R-1) zoning upon annexation. On October 7, 2011, there was a Public Hearing to solicit input from the public on the appropriateness of the zoning as well as the Conditional Use Permit (CUP) for Parcel 1. The Plan Commission made a unanimous recommendation to approve the rezoning of the property to GB and approve the 13 Conditions of Approval for the CUP. The Conditions were identified in the proposed Annexation Agreement which was reviewed earlier this evening during the Public Hearing. In the Findings of Fact there are five standards that need to be addressed as part of the zoning map amendment and Chris reviewed those with the Board. In addition, the Plan Commission identified four standards that are required for the CUP and those too were reviewed with the Board.

Trustee Buster said he understands the reason for the annexation from the Village's standpoint is that it must be annexed before the Village can consider any other use of the property. Chris told Trustee Buster his understanding is correct, saying the Village does not regulate the zoning of unincorporated property and in order for Wauconda to control or analyze the use of this property in the future, it must be annexed.

Trustee Barbini inquired as to the advantage to the Village if the property is annexed. Chris explained that there would be increased property revenue, sales taxes, increased opportunity for a business to expand in the community, clean up of the map, opportunity for easements, ability to extend utilities and enhance the Village's planning opportunities.

Mayor Knigge asked how this folds into the Comprehensive Plan and Chris explained that presently the Comprehensive Plan designates this area for commercial use and general business is one of the commercial zoning districts. Trustee Buster said it is his understanding that this property is already surrounded by Village property so Wauconda would be annexing it no matter what and the Village does not need Homer Tree to try and annex. Mayor Knigge said he feels this gives the Village an opportunity to control the

type of development that goes there, and the reason the “Sunset Clause” is being suggested is because there is a long range plan for that area.

Trustees Buster, Barbini, and Knight are not in agreement with the length of the “Sunset Clause” and would like to see a shorter goal. Trustee Barbini said he does not think ten years fits into where he sees the Village to be ten years from now and thinks the timeline is a little tighter than that. He recommends any kind of “Sunset Clause” be aligned to coincide with the expiration of the Dominick’s lease which expires on September 30, 2017. He has two reasons: 1) ten years is too long given the potential this site could present for future business development or future rezoning; and 2) aligning the “Sunset Clause” to the expiration of the Dominick’s lease may make the entire site more attractive to potential business developers. Trustee Starkey said this makes a lot of sense and shortens the time frame for some of the concerns of the residents as well.

Attorney Richard Nakon, speaking on behalf of Homer Tree, said as far as the landscaping work to be done is concerned, they agreed to do all of the things they thought they had been asked to do, which they estimate would cost between \$50,000.00 and \$75,000.00, so the Village is asking the company to make a significant investment for a fairly short time frame. Trustee Buster said that in a recent meeting with Mr. Green, he told Mr. Green that he must consider the fact that the Village is asking him to have a “Sunset Clause”, asking him if he wanted to proceed with the annexation. Trustee Buster does not know how the length got to ten years when at a recent meeting five years was mentioned. The Village must make some long term decisions here and now and there must be some common ground reached. He feels if Homer Tree is in business in that location there is a financial commitment that must be made knowing how long it will be for, and if Homer Tree does not want to do that then the Village needs to know. It is not the long term goal of the Village for that site to be a tree service area and the Village is willing to help Homer Tree find another location.

Mr. Shane Green, owner of Homer Tree, said he is willing to do the improvements required in the Annexation Agreement, which he thought had been agreed upon. He asked if there is any way to tie the “Sunset Clause” to the Dominick’s lease but have a rollover if there is no foreseeable economic improvement in that area. He is willing to come to some reduction in the “Sunset Clause” but he must be given the ability to relocate in a timely manner without selling the property for nothing. Mayor Knigge has talked with Homer Tree about finding another location, and through the Building and Zoning and Economic Development Committees, they have located the areas where the Village can expand into more of an industrial area. Mayor Knigge and Trustee Buster feel it is the Village’s responsibility to work with Homer Tree toward that end if they choose to relocate. The Village will be looking at the Rt. 12 corridor in an effort to overhaul the various zoning districts in the Village and realign the businesses to best fit the future development of Wauconda.

Mr. Green told the Board he will agree to the date of September 30, 2017, as the “Sunset Clause” date.

Trustee Starkey raised the issue of buffering and screening, which was an issue for many of the residents, and asked if the Board should have a set of standards for this, whether it be a berm or fence, etc. since this controversy will happen many times in the future as the Village moves forward. Mayor Knigge feels that what Homer Tree is currently proposing is adequate.

Mayor Knigge asked about the trailer on the property and Mr. Green said it is a 48’ trailer with wheels used for storage of equipment. He intends to remove the wheels and axles

and continue using it for storage. Trustee Buster is opposed to the trailer and feels it will look junky. Mr. Green said this trailer is utilized daily and the garage at the log cabin on Parcel 2 is too far away. Mr. Green told the Board he will put skirting around the trailer and completely screen it with trees.

Mr. Green told the Board he has no problem with protecting the well heads. One of the well heads has been capped and he has a Certificate of Closing for it. The other well is active and operational and Mr. Green will see that it is protected.

Trustee Barbini asked if a date of completion for site improvements can be put into the Annexation Agreement, suggesting a date of June 1, 2012, and Mr. Green agreed.

Mayor Knigge asked if the 10' and 4' high mulch barriers are an issue and Commissioner Schwarz told the Board that International Fire Code allows for them to be 20' high. Commissioner Schwarz told the Board the issue of fueling is still being addressed with the State Fire Marshall's Office and he is not sure if the paperwork has been approved yet. Mr. Green said the rationale for the refueling is based on the schedule of the fuel supplier and they require the hours to be 6:00 a.m. to 7:00 p.m. There is no fuel storage on the properties. The refueling requires the fuel to go directly from the tanker truck to each piece of equipment.

Mr. Green told the Board he is working with IDOT for permission to increase the driveways, and Attorney Magna reminded the Board that the Agreement states Homer Tree must be in compliance with all existing federal, state and local regulations.

Attorney Magna suggested the word "emergency" needs to be better defined in the Annexation Agreement.

Trustee Starkey asked Mr. Green to define "incidental operation" as referred to in paragraph D, sub-paragraph 10, of Article III of the proposed Annexation Agreement, and he informed the Board that this will be deleted.

Mayor Knigge asked Village Engineer Bob Devery about storm water management and Bob told the Board that Homer Tree will have to comply with the Village's Water Shed Development Ordinance.

Trustee Starkey asked Mr. Green about the "port-a-potty" and he told the Board it will be removed. Trustee Starkey asked Chief Larsson about enforcement of the proposed stipulations. Trustee Black asked if the Police Officers would drive through the business checking on things and Chief Larsson said they do not unless there is a complaint made.

This matter was moved forward to November 1, 2011.

B. Proposed Ordinance Approving an Annexation Agreement on the Petition of Combined Asset Development, LLC for Property Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois

Chris Miller suggested that, based on discussions, this be moved to next week's agenda for an ordinance approving the annexation with the amendments.

This matter was moved forward to November 1, 2011.

C. Proposed Ordinance Annexing Property on the Petition of Combined Asset Development, LLC for Approximately 1.5 Acres of Land Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois

Chris Miller recommended that this be placed on the agenda for next week's meeting following the approval of the Annexation Agreement.

This matter was moved forward to November 1, 2011.

D. Proposed Ordinance Rezoning Property Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois, from the Residential 1 (R-1) to the General Business (GB) Zone on the Application of Combined Asset Development, LLC

Chris Miller recommended that, based on tonight's discussions, this be placed on next week's agenda.

This matter was moved forward to November 1, 2011.

E. Proposed Ordinance Granting a Conditional Use Permit to Allow a Contractor's Equipment Storage Yard or Plant for Property Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois, on the Petition on the Application of Combined Asset Development, LLC, Pursuant to 155.095 of the Zoning Ordinance of the Village of Wauconda

Chris Miller recommended that this be placed on the agenda for approval at next week's meeting.

This matter was moved forward to November 1, 2011.

F. Proposed Resolution Authorizing Application for Community Development Block Grant Funds for Program Year 2012

Village Engineer Bob Devery explained that he will be submitting a Community Development Block Grant application again this year. The work proposed will be pavement of areas in the Crestview Subdivision and this requires the Board to pass an ordinance supporting the request for funds.

This matter was moved forward to November 1, 2011.

G. Request from American Legion Post 911 to hold their Annual Memorial Poppy Days on May 25, 26, and 27, 2012, at the Intersection of Route 176 and Main Street in the Village of Wauconda

Administrator Geary reminded the Board that this is a long time, historical fundraiser and the American Legion has requested, more specifically, to be exclusive on those dates. There will be no other authorizations issued to other organizations for those dates.

This matter was moved forward to November 1, 2011.

H. Proposed Agreement with Wauconda Community Bank for Squad Car Lease/Loan

Chief Larsson explained that he took delivery of two squad cars recently which have been outfitted and it is now time to pay the bill. He is asking for authority to enter into an agreement with Wauconda Community Bank to finance these cars. He reminded the Board that it is in the best interests of the Village to keep as much as possible in the funds they have available. The restricted fund has enough money in it to buy these cars.

However, the cost of borrowing money is so low over a three year period that it makes more sense to borrow the money and keep the remainder of the fund higher than it would be.

This matter was moved forward to November 1, 2011.

I. Other Business

Mayor Knigge thanked the Board, staff, and the public for all of their comments tonight as this is part of the long range plan for the Village of Wauconda.

4. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Sherry Davies