

VILLAGE OF WAUCONDA
PUBLIC HEARING
TUESDAY, OCTOBER 25, 2011
MINUTES

1. **CALL TO ORDER**

Mayor Knigge called the Public Hearing to order on Tuesday, October 25, 2011, at 6:47 p.m.

2. **ROLL CALL**

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. **PUBLIC HEARING**

A. **Proposed Annexation Agreement Between the Village of Wauconda and Combined Asset Development LLC (Homer Tree) for Property Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois**

Mayor Knigge opened the Public Hearing by explaining that this is a proposed annexation agreement between the Village of Wauconda and Combined Asset Development LLC (Homer Tree) for Property Located at 26980 N. Highway 12 and 26950 N. Highway 12 in Wauconda Township, Lake County, Illinois. The Village is being asked to rezone the two parcels from R1 to GB and that one of the parcels be granted a Conditional Use Permit (CUP). He explained that as part of the Public Hearing process, the public would be given an opportunity to comment on the annexation. Zoning Administrative Consultant Chris Miller reviewed the various documents produced in support of this proposed annexation. Mayor Knigge informed the audience that immediately following the Public Hearing, a Committee of the Whole Meeting would be held to discuss the annexation request, at which no public comments would be accepted except at the end of the meeting. Chris Miller reviewed with the Board the various legal requirements that had been met and the various meetings and hearings that have been held leading up to this Public Hearing. Mr. Richard Nakon, Attorney for Homer Tree spoke briefly and introduced Mr. Shane Green, owner of Homer Tree, to the Board. Mr. Green gave the Board a history of Homer Tree explaining that this location is a storage facility for mulch and logs operating from 6:00 a.m. to 7:00 p.m. Chris Miller reviewed with the Board the contents of each paragraph and sub-paragraph of Article III of the proposed Annexation Agreement as well as extending water and sewer service across the property and the clean up of mud and debris on the road.

PUBLIC COMMENT

A. Kimbra Draginis, 577 Chestnut Court. Ms. Draginis was under the impression that refueling would be limited to 3:00 to 7:00 p.m. Chris Miller explained that the Applicant has asked for fueling to occur when they are operating on the property. The Zoning Board recommended 3:00 to 7:00. This is an item for the Board to discuss.

B. Chris Riley, 561 Meadowview Drive. Mr. Riley said he is not in favor of the request for rezoning based on the facts as he knows them. His environmental concerns are the noise, smell, eyesore potential and increased amount of allergens. This will make the third pile of mulch within ½ to ¼ mile radius of the property and he has concerns

about the eyesore this might become in the future. He has economic concerns since many have suffered losses in the values of their homes, and the increase in the number of commercial properties that surround his subdivision will further impact the value of the homes and the ability to sell them when the time comes. Mr. Riley wonders why a business is allowed to operate outside the scope of its intended zone and when the property changes hands, it is allowed to continue to operate outside the scope of what it was zoned. He feels that in an effort to rectify the situation for the new business, the Zoning Board gives them the courtesy of the process of rezoning, not really showing much consideration for the people that have been in the community for years. His final concern is that of precedent. If the property is zoned for commercial use, it establishes a precedent and that is how further laws, further policy, further zoning issues are pursued. Once this "Pandora's box" is opened up, there might be other people in the future that want to broaden the scope of their operations, and if the precedent is established, what is to prevent that from happening? Then we have not just one commercial property that abuts the neighborhood, but potentially many over the course of time, and not just this neighborhood but the precedent of what this community is going to look like if we approve commercial property to be adjoining and abutting residential areas. Will that be done for every neighborhood? Mr. Riley is not opposed to businesses in the community and he is not opposed to this business, however, he thinks there are more appropriate pieces of property for a business of this nature in Wauconda.

C. Kevin Fulara, 26651 N. Pheasant Trail. Mr. Fulara said he is speaking for himself and some other residents of his subdivision. They are concerned about water flow through the subdivision. They are still waiting for a larger pipe to address the flooding issues which go back to development of a prior subdivision, and they are still trying to get the issue resolved, but it is not going very well. They are concerned about water runoff and storm water management. They want to know if a silt fence will be required. They are concerned about new buildings being built on the annexed property. Right now it will be zoned as the business it is today, for logs and mulch, but what if in two years they put up a building and pavement; how will that impact on the water flow and drainage to the adjoining areas? This is a major concern for him and his neighbors because they have had flooding at least six times in the last three years.

D. Danielle Stevens, 549 Meadowview Drive. Ms. Stevens gave the Board and Attorney Magna a petition from the Aspen Grove Homeowners. Ms. Stevens said they want to be protected as a subdivision by a visual, sound and safety barrier. They are asking that if the Village allows log and wood chip storage to be 10' high, that they be screened either by a continuous row of 10' coniferous trees or a berm with 6' trees that extend at least 10' high. They are asking that the company not disrupt the quiet enjoyment of their homes. They are a community of mostly young families, out on the weekends, with parties on Saturdays and Sundays. They are asking the Village to please consider no equipment operation on weekends and they also feel a 6:00 a.m. start time is too early for the average family and they recommend this be governed by the Village ordinance and push the start time back to 7:00 a.m. They want to be assured that their homes are protected from fire and other hazards and that the business will be in compliance with fire codes, Village ordinances, state laws and EPA regulations, including, but not limited to, having the proper permits for refueling and emergency access for police and fire equipment.

E. Richard Bonk, 26960 N. Highway 12. Mr. Bonk is the property owner to the west and east of the properties to be annexed. Mr. Bonk maintains that the petitioner's driveway is a residential driveway and he feels it is the Village's responsibility to see that the driveway has the proper infrastructure in place to support the size of equipment the business uses. He feels this creates a safety issue on the on-ramp with trucks pulling in

and out and with morning traffic. He is also concerned about the spreading of insects and fungus from the log piles. He has spoken with Julianne Hemminghouse from the Illinois Department of Agriculture, and she would like to be contacted by the Board regarding these issues. During the winter it is not a problem with bugs and fungus because they are dormant, but in the summer there is a problem if the trees are not debarked, and as the Board knows, Wauconda has an ash borer problem. Mr. Bonk gave the Board several recommendations regarding screening: 1) a 4' berm with a 6' fence instead of an 8' fence; 2) a 4' berm with the concrete blocks currently being used for chip bins with a fence mounted on top covered with dirt on one side and pine trees on the other side; 3) a 10' berm; 4) pine trees across the whole side. Mr. Fulara asked about the trailer on the property reminding the Board of the ordinance in Wauconda that anything not manufactured and going onto a concrete foundation can only be put on property zoned General Business for seven days. He said this goes against everything he thought the Village was trying to make itself look like and feels the trailer will be an eyesore. He asked why Homer Tree can't put up a shed or building for storage of equipment and asked what type of trailer is on the property. Mr. Fulara raised the issue of a "port-a-potty" on the property that has been there for four years and according to the ordinance should not be there. He is also concerned about well heads on the properties and damage to them and no protection around them.

F. Kimbra Draginis, 577 Chestnut Court. Ms. Draginis asked the Board how emergencies will be dealt with during off hours and asked if there are any guidelines or limitations in place. She is concerned about the hours of operation because over the summer she was awakened at 4:30 a.m. with the sound of beeping coming from the property. She is concerned about bug and insect infestation because Wauconda planted beautiful elm trees in her subdivision but they all had to be removed because of bugs and disease.

4. **ADJOURNMENT**
Meeting adjourned at 7:33 p.m.

Sherry Davies