PLAN COMMISSION / ZONING BOARD OF APPEALS MEETING

101 NORTH MAIN STREET

Wednesday, December 16, 2015

7:00 P.M.

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF December 2, 2015 MINUTES
5. FINDINGS OF FACT AND RECOMMENDATION:
   Zoning Case #15-08
   441 Bonner Road
   Zoning Conditional Use Permit
   Recycling Facility
6. ANNOUNCEMENTS
7. ADJOURNMENT

Posted 12-11-2015

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VILLAGE OF WAUCONDA
PLAN COMMISSION/ZONING BOARD OF APPEALS
Draft
Meeting Minutes
December 2, 2015

CALL TO ORDER:
Chairman Rob Fosness called the meeting to order at 7:00 p.m., and led everyone in the Pledge of Allegiance.

ATTENDANCE:
Roll Call was taken:

	Present	Absent
Cliff Babbey		X
Dave Jakubek	X	
Jeff Lockhart	X	
Frank Lahrman	X	
Brad Mayer	X	
Ricardo Vega	X	
Rob Fosness, Chairman	X	

Village Staff & Village Consultants Present: Chris Miller, Director of Building, Planning & Zoning, and Al Maiden Village Planning Consultant and Peter Karlovics, Village Attorney.

Others Present: see attached Attendance Sign-In Sheet

APPROVAL OF NOVEMBER 18, 2015 MINUTES:
Chairman Fosness asked the Members if there were any questions or concerns with the November 18, 2015 minutes as drafted. There were no additional comments. A motion was made by Jeff Lockhart, and seconded by Dave Jakubek to approve the minutes as presented. There was no further discussion and Chairman Fosness called for a voice vote. All Members present voted Aye and there were no Nays.

Findings of Fact Zoning Case #15-07, Zoning Map Amendment – R3 to RB, Village of Wauconda: Chairman Fosness asked the Members if there were any questions or concerns with the 11-30-15 draft Findings of Facts Memo for the November 18, 2015 Public Hearing for Zoning Case Number 15-07. There was a question concerning whether the repeated reference in the draft Findings of Fact that the requested zoning district included uses that were too intense would address the range of intensity issues that were raised at the public hearing such as traffic and property values. Mr. Miller responded that the references concerning the intensity of the range of uses in the requested district would include the range of the various intensity factors. There were no additional comments. A motion was made by Jeff Lockhart, and seconded by Frank Lahrman to approve the Findings of Fact and Zoning Recommendations as presented. There was no further discussion and Chairman Fosness called for a voice vote. All Members present voted Aye and there were no Nays.

Mr. Ray Feeney said that he is the owner of the property at 232 Sky Hill Road and said that he was out of town when the public hearing was held and asked if he could speak. Chairman Fosness stated that public comments for this matter was not on the Agenda for tonight's meeting and there would need to be a motion to allow him to speak, but noted that anything he would say would not change that already adopted Findings of Fact from the public hearing. A motion was made by Frank Lahrman and seconded by Dave Jakubek to open the floor for public comment. Mr. Feeney stated that he was disappointed and that he thought that he was doing everything right in consideration of the Village's Comprehensive Plan and that he was at a loss on what to do. Village Attorney, Peter Karlovics stated that the Plan Commission/Zoning Board of Appeals Recommendations and Findings of Fact will be presented to the Village Board and that it may be better if he directed his comments to the Village Board. Mr. Feeney thanked everyone and said he now understands and he will plan on attending the Village Board meeting.

PUBLIC HEARING: Zoning Case #15-08, A Conditional Use Permit Request for 441 Bonner Road for a Proposed Recycling Facility (PIN 09-23-101-019). (The following is a summary of the proceeding, and not a word for word transcript):

Chairman Fosness opened the Public Hearing and described the procedures that would be followed. Chairman Fosness requested all individuals who may present testimony or wanting to be heard regarding the petition to be sworn in. Two individuals stood and were sworn in by Village Attorney Karlovics. Chairman Fosness asked Director Miller whether proper procedures for a public hearing were followed. Director Miller stated that notice of the public hearing appeared in the Daily Herald on November, 16, 2015, and that the Village is in receipt of copies the green card return receipts for the certified mailings, and the property had been posted. Director Miller also stated that a copy of the application has been available at Village Hall for review since public notice appeared in the newspaper. Mr. Miller stated that he prepared a Summary Memorandum concerning the requested Conditional Use Permit (CUP) that was addressed to the Plan Commission/Zoning Board of Appeals and dated November 30, 2015. Mr. Miller also noted that at his request a Planning Consultants Review Memorandum dated November 24 had been prepared regarding the requested CUP and a copy of that Memorandum was included in the materials provided to the Plan Commission/Zoning Board of Appeals (PC/ZBA). Mr. Miller asked that these documents, along with a copy of the Application for the CUP be made a part of the Public Hearing records as Group Exhibit 1. Chairman Fosness thanked Mr. Miller and noted that the documents as part of Group Exhibit 1 will be accepted, and included as part of the Public records. Chairman Fosness then asked that anyone present for the Petitioner to step forward and make their presentation to the Plan Commission/Zoning Board of Appeals.

Petitioner Testimony:

Mr. Patrick Potempa testified that he has a lease agreement with the owner of the subject property with a PIN Number of 09-23-101-019, but he wanted to note that the owner of this one PIN also owns two abutting PINS, with one PIN (09-23-101-014) abutting the subject property to the north, and one PIN (09-23-101-032) abutting the subject property to the east. Mr. Potempa then submitted a Handout document to the PC/ZBA members and to the Village Staff and Consultants. Mr. Potempa noted that the first page of the Handout summarized the Primary Business Function to provide a local option to aid in the responsible recycling of Electronic Waste, as well as Ferrous and Non-Ferrous metals. Also on the first page he noted that he had summarized how the business would benefit the community not only from the local recycling opportunities, but also by occupying a vacant building with planned landscape enhancements and he will be looking to fill 5 full time jobs. Mr. Potempa then noted that the next three pages of the Handout provided written responses to the questions raised in the Village Planning Consultant's Memo. Mr. Potempa testified that initially he will be occupying a portion of the building with potential additional space to be leased in the future within the same building, and an Exhibit A was included to indicate the initial space and the potential expansion area. Mr. Potempa testified that for the types on material that will be recycled at this business that it does not require any permits form either SWALCO (the Solid Waste Agency of Lake County) or from the IEPA (Illinois Environmental Protection Agency). Mr. Potempa stated that the business hours would be from 7:00AM to 5:00PM Monday through Friday, and 8:00AM to 3:00PM on Saturdays. He noted that all material will be stored inside, and that he anticipates an average of about 50 customers per day that will enter off Bonner Road, and they will back up to the overhead door to unload their materials and once their transaction is completed they will exit to Bonner Road. Mr. Potempa then explained that the material will be separated until the material will be loaded a box truck or van trailer with outbound trips typically occurring on a daily basis. Mr. Potempa noted that if they ever close the use at this location their Closure Plan is simply to remove all materials from the property. Mr. Potempa noted that in the Handout there is also an Exhibit B. that is a SWALCO summary for Electronic Recycling that lists what is accepted and what will not be accepted. Mr. Potempa noted that in the Handout there is also an Exhibit C. where a paragraph is marked that stated that the Illinois EPA does not directly permit recycling centers. After Exhibit C. in the Handout, Mr. Potempa noted that there are several photographs taken at his other recycling center in Lynnwood, IL.

Mr. Miller then asked the Chairman to accept the Handout as Exhibit 2, and the Handout was accepted by the Chairman for the public record for the public hearing.

Chairman Fosness noted the acceptance of these documents as Exhibits as part of the Public Hearing Record and asked the members of the Plan Commission/Zoning Board Of Appeals if they had any questions before he opened the floor to Public Comments.

There was a question by the Plan Commission/Zoning Board of Appeals members related to potential fire hazards and Mr. Potempa stated that he had contacted the Fire Department and that they made a site visit that included Mr. Miller and the Fire Department Staff did not express any concerns. Other PC/ZBA Members had question regarding appearance if some customer comes with a large and the potential for materials to be left outside. Mr. Potempa explained that the business will have surveillance cameras both inside and outside of the building for security purposes and to enforce any illegal dumping of materials, and when they are not open for business there will be a security fence and gate. PC/ZBA Members had other questions including whether card board will be accepted. Mr. Potempa responded that card board is not a primary material that they look to recycle, but if they receive any, they will look to move it in a short period of time. There were also questions regarding the reference to employee parking to the north and the loading door just to the east of the subject PIN that is accessed from Bonner Road. The PC/ZBA noted that this employee parking and the loading dock are on property with PINs that were not included for the one PIN in the CUP Application. Mr. Potempa noted that these properties are all under one ownership and he had discussed the potential for the employee parking and having access to the subject loading dock and the property owner did not appear to object to these uses.

There were no further questions or discussion & Chairman Fosness opened the hearing to public comment.

Public Comments:
Mr. Glenn Swanson of 28631 W. Monroe Street stepped forward to offer some comments. Mr. Swanson noted that he is the Wauconda Township Supervisor and that the Township had provided recycling services in the past. Mr. Swanson also noted the location of the Township Offices on Bonner Road ant his experiences with traffic backup on Bonner Road. He further stated that on Saturdays they often had over 100 cars dropping off thing at their Township recycling center, and he noted that they had problems with illegal dumping at times.

Chairman Fosness asked if anyone else wanted to make a comment. Village Attorney Karlovics informed everyone that the minutes will summarize the comments made at the Public Hearing, but that if anyone wants to provide written comments that those written comments can be include in the documents provided to the Village Board. Hearing no further comments, Chairman Fosness closed the public hearing at 8:25 PM.

Member Discussion and Comments:
Chairman Fosness asked the Members if anyone had any questions. Several Members asked questions concerning possible opportunities for access and circulation from the abutting properties under the same ownership to Main Street. As part of the discussions it was noted that there appears to be some inconsistencies between the Plat of Survey that was prepared in 2001 and the Applicant's submitted Exhibit A, and the 2014 Aerial Photo that was included in the Village's Planning & Zoning Consultants. It was noted that on the Plat of Survey the building is shown as extending to the west property line, but on Exhibit A, and the Aerial Photo, the building appears to not extend to the west property line.

Chairman Fosness asked the Members if anyone wished to make a favorable motion to recommend approval of the applicant's request. Member Brad Mayer made a motion to recommend approval of the Applicant's request concerning the proposed Conditional Use Permit for the subject property subject to the following seven conditions:

1. Petitioner must register the business to be located upon the subject property with, and obtain all necessary permits from, the Illinois Environmental Protection Agency, as required by law;
2. The Petitioner must get a letter from the property owner verifying that permission will be granted for employee parking in the north parking lot, and further that the owner agrees that that such parking spaces devoted to employee parking cannot be counted toward the Village's minimum number of parking spaces if the abutting property is developed for any other use, and further, the letter must

state whether permission is granted for access to the overhead door that faces Bonner Road, east of the subject property;

3. Other than material accepted from customers, Petitioner shall not make or accept any deliveries of recycled or other material between 4:00PM and 6:00PM;
4. No outside storage shall be allowed on the property, whatsoever;
5. Petitioner shall install and maintain video cameras on the subject property, and such cameras shall be placed to provide coverage of the ingress and egress to the subject property and the building used by Petitioner for his business, and shall also monitor any location where recyclable material and other refuse may be abandoned;
6. The Petitioner shall comply with all Federal, State, County, and Village Statutes, Regulations, and Ordinances and will obtain all necessary permits;
7. That if any garbage, refuse, or incidental hazardous material (for example a can of paint or similar incidental hazardous material) are abandoned, or otherwise placed on the subject property, such incidental hazardous wastes shall be removed from the subject property within 30 days, or earlier if required by any Federal, State, or local regulations or agency.

The motion was seconded by Member Dave Jakubek. There was no further discussion, and Chairman Fosness asked for a roll call vote.

	AYE	NAY	Absent
Cliff Babbey			X
Dave Jakubek	X		
Jeff Lockhart	X		
Frank Lahrman	X		
Brad Mayer	X		
Ricardo Vega	X		
Rob Fosness, Chairman	X		

The motion was approved.

Chairman Fosness requested Director Miller and Attorney Karlovics to prepare written Findings of Fact and Recommendations for the Plan Commission/ZBA review at their next meeting.

ANNOUNCEMENTS:
Director Miller stated that he did not have any announcements at this time.

ADJOURNMENT:
A motion to adjourn was made by Member Frank Lahrman, and seconded by Member Ricardo Vega to adjourn the meeting.

Chairman Fosness called for a voice vote and all Members present voted in favor, none were opposed. The meeting adjourned at 8:50 pm.

Wauconda

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SIGN-IN SHEET

VILLAGE OF WAUCONDA
PLAN COMMISSION – ZONING BOARD OF APPEALS
December 2, 2015

NAME	ADDRESS	PHONE#	EMAIL
Jean Blade	215 Delia Dr	847-224-3302	Sblade@whitestonereit.com
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Ray Feeney			

Wauconda
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To: Mayor Bart and Village Trustees
Village of Wauconda

Fr: Plan Commission/Zoning Board of Appeals
Village of Wauconda

Date: December 16, 2015 (Draft 12/11/15)

Re: **Findings of Fact and Zoning Recommendations**
Zoning Case #15-08
Conditional Use Permit, Wauconda Recycling Center
441 Bonner Road, PIN # 09-23-101-019

The Plan Commission / Zoning Board of Appeals (PC/ZBA) conducted a public hearing on the above referenced zoning case receiving testimony from the petitioner and the public on December 2, 2015. The subject property is located on the north side of Bonner Road approximately 400 hundred feet west of the intersection of Main Street (Old Rand Road) & Bonner Road. The subject property is in the Village's LI, Limited Industrial District and the LI District includes as a Conditional Use, a Recycling Center.

Plan Commission / Zoning Board of Appeals Recommendation and Findings

Conditional Use Permit Recommendation
The Plan Commission/Zoning Board of Appeals recommends that the applicant's request for the proposed Conditional Use be approved subject to 9 recommended conditions as follows:

1. Petitioner must register the business to be located upon the subject property with, and obtain all necessary permits from, the Illinois Environmental Protection Agency, as required by law;
2. The Petitioner must get a letter from the property owner verifying that permission will be granted for employee parking in the north parking lot, and further that the owner agrees that that such parking spaces devoted to employee parking cannot be counted toward the Village's minimum number of parking spaces if the abutting property is developed for any other use, and further, the letter must state whether permission is granted for access to the overhead door that faces Bonner Road, east of the subject property;
3. Other than material accepted from customers, Petitioner shall not make or accept any deliveries of recycled or other material between 4:00PM and 6:00PM;
4. No outside storage shall be allowed on the property, whatsoever;
5. Petitioner shall install and maintain video cameras on the subject property, and such cameras shall be placed to provide coverage of the ingress and egress to the subject property and the building used by Petitioner for his business, and shall also monitor any location where recyclable material and other refuse may be abandoned;

6. The Petitioner shall comply with all Federal, State, County, and Village Statutes, Regulations, and Ordinances and will obtain all necessary permits;

7. That if any garbage, refuse, or incidental hazardous material (for example a can of paint or similar incidental hazardous material) are abandoned, or otherwise placed on the subject property, such incidental hazardous wastes shall be removed from the subject property within 30 days, or earlier if required by any Federal, State, or local regulations or agency.

8. The Petitioner shall allow the Wauconda Public Works Department to inspect the floor drains for connection to the Village of Wauconda publicly owned sewer treatment works, and if the drains are so connected, follow all requirements of the Wauconda Public Works Director and Village of Wauconda ordinances and regulations to install a pretreatment facility or spill containment device for the subject property.

9. The Petitioner shall not discharge into the public sewer or storm sewer system any refuse, waste, metal shavings, pollutants, or any other substance detrimental to the operation of the Wauconda publicly owned treatment.

Findings of Fact for the Conditional Use Permit

Standard #1: *Location. The site shall be so situated that the proposed use is compatible with existing or planned future development of the area.* **Finding:** The Plan Commission/Zoning Board of Appeals (PC/ZBA) finds that sufficient testimony and supporting documents were presented to show that the proposed conditional use will be compatible with existing and planned future development for the area. As part of the Findings it is noted that the "location" of the subject property is one PIN Parcel that is part of a larger property with the same property owner that includes two additional PIN Parcels.

Standard #2: *Zone requirements. All regulations of the zone in which a conditional use is located shall apply to such uses, except where specifically amended by the conditions under which the conditional use permit is granted.* **Finding:** The PC/ZBA finds that sufficient testimony and supporting documents were presented to show that the conditional use is being planned with no proposed variations from the Village zoning regulations in the LI Limited Industrial Zoning District. As part of the Findings it is noted that the proposed Conditional Use will be within an existing building that is not being proposed to change in regard to the existing setbacks, or any of the other Bulk & Dimension Standard of the Village's Zoning Ord., and as such, the existing conditions either meet the zoning standards of the LI District, or remain as existing legal non-conforming conditions.

Standard #3: Lot area. *A conditional use shall be located on a lot or a zoning lot which conforms to the zone regulations, unless the area requirement is specified in this chapter.* **Finding:** The Plan Commission finds that sufficient testimony and supporting documents were presented to meet this Standard.

Standard #4: *Application requirements. An application for a conditional use permit shall be accompanied by the following information and exhibits:*

a) *A plot plan of the proposed site and of the surrounding area within 300 feet of the site showing the location and name of all streets, easements and railroad or utility rights-of-way; the location of any subdivided lands; and the location of any parks, other public open spaces or uses, residences or other permanent structures;*

b) A drawing showing the proposed development of the site;

c) Any additional information specified in this chapter for this particular use.

Finding: The Plan Commission finds that sufficient testimony and supporting documents were presented to satisfy this Standard.

A copy of the Plan Commission/Zoning Board of Appeals (PC/ZBA) Minutes of the Public Hearing are attached to this Findings of Fact (FOF) Report, and the Minutes provide a Summary of the Petitioner's Testimony, a Summary of the Public Comments, and the PC/ZBA discussions and recommendation with conditions for the proposed Conditional Use for the Wauconda Recycling Center use.

Attachments:

- 12/2/15 Plan Commission/ZBA Minutes
- Petitioner Zoning Application and supporting documents
- Village Director of Building, Planning & Zoning, Memo dated 11/30/15
- Village Planning & Zoning Consultants Memo dated 11/24/15 w/attachments

DRAFT