

PLANNING & ZONING COMMISSION
MEETING MINUTES
MONDAY, JUNE 13, 2022

The North Chicago Planning & Zoning Commission met on Monday, June 13, 2022 at 6:10 PM via Zoom.

I. Call to Order/Attendance

Present: G. Carr, H. Davis, P. Carballido, A. Jackson, R. Jones, A. Douglass
Absent: G. Jackson

Staff Present: N. Warda, Senior Planner

II. Approval of Meeting Minutes

a. Meeting Minutes for March 28, 2022

Motioned by: P. Carballido
Seconded by: R. Jones
Ayes: P. Carballido, R. Jones, A. Jackson
Nays: None
Abstain: G. Carr, H. Davis, A. Douglass
Absent: G. Jackson

b. Meeting Minutes for May 23, 2022

Motioned by: H. Davis
Seconded by: G. Carr
Ayes: G. Carr, H. Davis, P. Carballido, A. Jackson, A. Douglass
Nays: None
Abstain: R. Jones
Absent: G. Jackson

III. Old Business

a. PZC-03-2022; Public Hearing: (continued)

Petition for Variance to landscape bufferyard, foundation and pavement requirements, as well as a Petition for Special Use Permit to lease the western half of the property for contractors shop/yard – landscaping, at 2946 23rd Street (PIN 12-06-407-022)

Motion to re-enter public hearing at 6:32 PM

Ayes: G. Carr, H. Davis, P. Carballido, R. Jones A. Jackson, A. Douglass
Nays: None
Abstain: None
Absent: G. Jackson

Petitioner Presentation:

Bruce Horigan of Horigan Urban Forest Products
(North Chicago Holdings, LLC)
36 Park Drive, Glenview, IL 60025

Mr. Horigan owns two parcels of land, one on the north side and one on the south side of 23rd Street. A building has been constructed on the southern parcel. There are two businesses: one is the saw mill to make lumber, and the other is a tree care company. The north property is currently being used for the storage of lumber, but with the intention of constructing a new building at a later date. Until said time, the applicant is looking to lease the western portion of the site to a landscape contractor.

Mr. Horigan states that he is also looking for a temporary variance to the bufferyard requirements. He goes on to explain that the neighboring property to the south is undeveloped and will not be impacted, as well as that owner to the west (Jim Seckelmann) has provided a letter in support of a bufferyard variance. Furthermore, the required buffer to the north will remain.

In the future, Mr. Horigan may purchase the parcel to the west of the subject property from Mr. Seckelmann, and there is a solid fence separating the properties in the meantime to provide screening.

The storage kilns which are used to dry his wood were previously recycled trucking containers, and are temporary in nature. As they deteriorate over time, they will be replaced, and may periodically need to be relocated. Mr. Horigan is therefore looking to avoid the requirement to pour a concrete slab foundation.

The subject site is also covered with asphalt grindings, which Mr. Horigan explains are compacted together over time as vehicles and equipment pass over it. This process is helped in the warmer weather in which it helps bind it further, ending in a solid surface.

PZC Questions/Comments:

Question: A. Jackson – Do you have pictures of the kilns?

Answer: N. Warda explains that the trailers are the kilns. Mr. Horigan also explains that on the subject site they are looking to dry lumber and on the southern parcel they will store the finished product.

Question: A. Jackson – Can you for the record name the business?

Answer: Horigan Urban Forest Products, Inc. and Horigan Tree Care, LLC

Question: A. Jackson – Who is Burr Oak?

Answer: That is a landscaping company renting the western portion of the subject site.

Question: G. Carr – Where are the future trees to be planted?

Answer: Along the north border. There are currently two 4 inch elm trees as well as arborvitae already planted. The buffer is required to be 15 feet, but the plan is to make it 17 feet. The elms are hybrid elms to help avoid Dutch elm disease.

Public Comments:

A letter of support from Jim Seckelmann, dated April 19, 2022, was read by A. Jackson. This letter included the aforementioned support with allowing for a variance on the bufferyard requirement on the west side of the subject parcel.

Final PZC Questions/Comments:

None

Staff Recommendation:

N. Warda explains that this matter was brought to our Site Plan Review Committee, and there was no opposition from Police, Fire, Engineering or Public Works. Nevertheless, from a zoning standpoint, staff had to take into consideration previous bufferyard and ground surface material variance requests and the surrounding environment. It was mentioned that the City has previously asked others to pave parking areas, so there was a concern with setting a new precedence. The uses proposed are appropriate within context of the area, but the amenities associated with said uses will not be present. As such, the staff recommendations were as follows:

1. Motion to deny the Petition for Special Use Permit.
2. Motion to deny the waiver of section 4.6.15.2: a landscape bufferyard reduction from 7 feet to 0 feet on south side of the subject property.
3. Motion to deny the waiver of section 4.11.4.2: a landscape bufferyard reduction from 15 feet to 0 feet on west side of the subject property.
4. Motion to deny foundation waiver for the three storage containers.
5. Motion to deny use of the compacted asphalt grindings for the use of the rental area on the west side of the subject property.

A. Jackson requests that this matter be brought back to staff for negotiations with the petitioner, and have a second continuance.

R. Jones asks for more clarification on Motions 2, 3 and 4.

N. Warda explains that:

Motion #2 is related to the requirement of a 7 foot landscape bufferyard between a parking area or vehicle use area and a public road. Since the petitioner owns part of the land across the street to the south, and since Jim Seckelmann leases the remained of the undeveloped land across the street to the south as well as owns the home to the west, the petitioner feels the buffer is unnecessary.

Motion #3 is related to the requirement of a 15 foot landscape bufferyard between adjacent properties, and since Jim Seckelmann owns the home to the west, the petitioner feels the buffer is unnecessary.

Motion #4 is related to the need for a foundation underneath the storage containers (kilns) as they are considered structures over 120 square feet.

N. Warda further explains that although there may be a possibility to provide more flexibility at this particular location the concern is setting precedence for other location in town, such as Martin Luther King Jr. Drive or Green Bay Road. Nevertheless, the PZC can put forth motions with contingencies if desired.

R. Jones asks is the storage containers are moved regularly.

Mr. Horigan explains that the layout of said containers has even been changed since the last PZC meeting, to satisfy City staff's concern with having too many entrances to the roadway. He goes on to say that the end goal is to eventually get to a point that there are no renters on the land, at which time the site plan would be more established.

R. Jones comments that she understands the concern of setting a precedent, but would like for staff to meeting with the applicant again to discuss additional options.

A. Jackson mentions that he thought this site may be able to "grandfathered".

H. Davis comments that he agreed with staff's finding, but was wondering if setback can be granted with time contingencies.

N. Warda explains that the City has done so in the past, most recently with the approvals for Krugel Cobbles. The City also did this for The Mulch

Center's production facility, but that use ended up turning into a permanent use. Managing the timeline is also a concern as staff and elected officials change over time. Another option is that certain actions trigger the need for improvements, rather than a time contingency. This was also implored in the approval for Krugel Cobbles for the landscaping on the east side of the site, which can be installed after the road is built.

Mr. Horigan asks what a denial would mean.

N. Warda explains the matter would still move forward to the City Council, simply with a recommendation from the PZC to deny, but City Council can vote as they please.

Motion to deny the Petition for Special Use Permit as presented

Motioned by: H. Davis

Seconded by: P. Carballido

Ayes: H. Davis, P. Carballido

Nays: G. Carr, R. Jones, A. Jackson, A. Douglass

Abstain: None

Absent: G. Jackson

Motion failed.

Motion to continue the public hearing for PZC-03-2022 (for all 5 motions

Motioned by: R. Jones

Seconded by: G. Carr

Ayes: G. Carr, H. Davis, P. Carballido, R. Jones, A. Jackson, A. Douglass

Nays: None

Abstain: None

Absent: G. Jackson

IV. New Business (moved to after Questions and Comments)

V. Questions and Comments

A. Jackson states that he is in support trying to keep Mr. Horigan's businesses in North Chicago, and to work with City staff to come up with a plan that works for both parties.

Bruce Horigan asks if there is anything specifically he can do to help the PZC make a decision.

H. Davis states his biggest concern is setback, as once you give them they are typically abused or you can't take them back, creating problems down the road.

Bruce Horigan mentions that he owns two sides of the street, while Fieldcrest owns the next section (on the south side of the road), and The Mulch Center owns the next section (on the north side of the road). Since the section of the roadway to the west has already been vacated, and if/when those addition parcels are acquired by Bruce Horigan and The Mulch Center (Jim Seckelmann), the roadway can also potentially be vacated, totally negating the need for certain bufferyard.

A. Jackson states that he hopes a common ground can be met.

Bruce Horigan states that everyone is invited to come visit the property at any time, if they would like to learn more about the business, and his wife Erika is there most of the time. Individuals can also call and set up an appointment if they would like him there are well.

N. Warda reminds the PZC that if they go to visit the site, that it be no more than two PZC members at a time, so as not to break the Open Meetings Act.

P. Carballido mentions there is an online course for anyone that is interested to learn more about the Open Meetings Act.

N. Warda clarifies all the PZC members can actually be together at one time, but just not to talk business.

A. Jackson mentions that City staff will let Mr. Horigan know when the next meeting will be held.

N. Warda states that by default it will be the next regularly scheduled meeting date.

New Business

a. PZC-03-2022; Findings of Fact:

Petition for Variance to landscape bufferyard, foundation and pavement requirements, as well as a Petition for Special Use Permit to lease the western half of the property for contractors shop/yard – landscaping, at 2946 23rd Street (PIN 12-06-407-022)

Continued until after public hearing is concluded.

Additional Questions and Comments

R. Jones mentions that she did not know about the last PZC meeting, and was wondering if they are being notified.

P. Carballido confirms she too did not received a notification.

N. Warda states that he will make sure the PZC receives calls moving forward.

VI. Public Commentary – None

VII. Adjournment

Motion to adjourn

Motioned by: P. Carballido

Seconded by: A. Douglass

Ayes: G. Carr, H. Davis, P. Carballido, R. Jones, A. Jackson, A. Douglass

Nays: None

Abstain: None

Absent: G. Jackson

Meeting adjourned at 7:18 PM