

Village Of Lemont
Planning and Zoning Commission
Regular Meeting of March 17, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, March 17, 2010 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance. Chairman Schubert asked everyone to continue standing and to raise his or her right hand. He then administered the oath.

B. Verify Quorum

Upon roll call the following were:

Present: Armijo, Murphy, Erber, Spinelli, Maher, Schubert

Absent: None

Planning & Economic Development Director Jim Brown, Village Planner Charity Jones, and Village Attorney Dan Blondin were also present.

C. Approve Minutes

Commissioner Murphy made a motion, seconded by Commissioner Erber to approve the minutes of February 17, 2010 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

II. CHAIRMAN COMMENTS

Chairman Schubert wished everyone a Happy St. Patrick's Day.

III. OLD BUSINESS None

IV. NEW BUSINESS

A. Case #09.03: Re-Plat of Covington Knolls Townhomes III.

Commissioner Spinelli made a motion, seconded by Commissioner Erber to open the public hearing for Case #09.03. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Mr. Brown stated that Gallagher and Henry requested to re-subdivide the plat of the townhouses in Phase III. The lots were very lengthy and the reduction will reduce the tax burden for three lots. Mr. Brown stated that the rear portion off the lots would be taken and added to an existing detention area. The Village is already maintaining that detention area. He said that staff has no issues with this request, and that the plat approved in June of 2009 was never recorded.

Chairman Schubert asked if anyone had any questions.

Commissioner Spinelli asked Terry Woolums if the surveyor has verified that a buildable depth of 75 feet was good enough. He said that the previous plat showed 91 feet.

Mr. Woolmus said that the surveyor was instructed to be very careful. He stated that he could only assume that he was.

Commissioner Murphy made a motion, seconded by Commissioner Maher to close the public hearing on Case #09.03. A roll call vote was taken:

Ayes: Armijo, Murphy, Erber, Spinelli, Maher, and Schubert

Nays: None

Motion carried

Chairman Schubert then read the Findings of Fact:

1. The re-platting of the approved subdivision will not violate zoning standards and will remain consistent with the documents approving the subdivision. *All Commissioners responded yes.*
2. The re-platting will have no or little negative effect on the health, safety, and morals of the Village of Lemont. *All Commissioners responded yes.*

Commissioner Maher made a motion, seconded by Commissioner Murphy to recommend approval for Case #09.03. A roll call vote was taken:

Ayes: Armijo, Murphy, Erber, Spinelli, Maher, Schubert

Nays: None

Motion passed

B. Case #10.01: Heritage Quarries Rezoning & Special Use.

Commissioner Maher made a motion, seconded by Commissioner Armijo to open public hearing for Case #10-01. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Mrs. Jones stated that Henry Fiene has requested a rezoning from R-1 to B-4, and a special use to allow scuba diving and campgrounds on subject site. Mrs. Jones provided a power point presentation, which consisted of an aerial photo of subject site with approximate boundaries, and various ground pictures of site. Mrs. Jones pointed out the access road that is mentioned in the staff report. She stated that it is not wide enough for two cars to pass one another, but there are spots for cars to pull to the side to let another car through.

Mrs. Jones said that there are six standards for a special use. She then read through each of those six standards and the staff's analysis for the Board and audience. All of this information was included in the staff report.

Mrs. Jones said she wanted to talk a little about the consistency with the Comprehensive Plan, which is a key determinate for evaluating rezoning requests. She said that the Comprehensive Plan states that the site should be Open Space, whether public or private. It also states that the Village should take all steps necessary to preserve the area around the canal corridor as recreational. Mrs. Jones stated that the B-4 zoning is the recreational zoning that allows for recreational uses. She said staff feels that this is compatible with the Comprehensive Plan more so than the existing zoning of R-1, and recommends approval for the re-zoning.

Mrs. Jones stated that the special use for camping would not be prudent at this time. She said that there is limited access for emergency vehicles and at night there are no lights so emergency response times would be delayed. She stated that it is not really possible for anyone to leave his or her immediate campsite area without trespassing onto Village property when the Quarry Park is closed at night. That creates a problem for the police department to enforce a trespass violation. Mrs. Jones said that because of the remote site, the use of alcohol would be difficult to control, and with the water being right there it can be dangerous. She said that trash and waste would be spilling over to Village property at night due to lack of supervision, compared to during the day.

Mrs. Jones stated that in regards to the scuba diving operation, there are questions that need to be resolved. She said one question would be the parking area. There is limited land on site. She said that staff is concerned that if there isn't adequate parking, customers using the scuba diving operation would be parking in public parking areas. Those spots are intended for people who are walking, biking or using the Heritage Quarries recreational area. She said that this might impair or deter their experience of the recreational area. Mrs. Jones also stated that the access road is only one lane with ruts and dips and the Village would be facing necessary improvements to it if significant traffic were added. The Village engineer noted that additional "pullouts" would have to be added. Mrs. Jones stated that staff is recommending that if the scuba diving special use was approved it would be contingent upon certain conditions. She said those conditions would be that the hours of operation shall coincide with the hours of the Heritage Quarries Recreation Area. The number of daily vehicle trips be limited, and that the limit shall be related to the amount of parking provided on-site. Lastly, no swimming allowed. She said this would remain consistent with the Village's no

swimming rules in the Quarries. She said staff does not want people using the loosely termed “beach area” as a public swimming beach. That would trigger all sorts of requirements for the property owner.

Mrs. Jones stated that in the staff report there are the comments from the Village Attorney, and on Tuesday staff received recommendations from IRMA (Intergovernmental Risk Management Agency). Mrs. Jones then read those recommendations. She said that IRMA recommends that the property owner sign a hold harmless/indemnity agreement in favor of the Village. Also, the owner must maintain commercial liability coverage in an amount not less than one million combined single limit per occurrence for bodily injury or property damage. The owner must name the Village of Lemont as an additional insurer on their policy.

Mrs. Jones then asked if the Board had questions.

Chairman Schubert stated that he had a few opinions and questions. He said on page 4, right above Site Design/Access, it states that a private park would not be a permitted use. He said this was in compliance with the Comprehensive Plan. He said on page 5, under Health and Safety, it states that scuba diving is an inherently dangerous activity. The Illinois Department of Natural Resources does not permit scuba diving on its properties because of safety concerns. Chairman Schubert states that the paragraph speaks for itself as it is worded. He said that there has been litigation with this property prior and more specifically with LDC. They could not use the access road to pursue its commercial marina development as planned, because the planned marina would unduly burden the Village of Lemont and K.A. Steel’s use and enjoyment of their respective properties. He said that in the paperwork that was given tonight, it also states that the applicant also indicates that a marina might be installed as part of the potential development.

Mrs. Jones stated that it was something originally written on the application, but the applicant has no plans for a marina. The special use is for scuba diving and the camping. The only facilities that would be on the site are for restroom facilities, a floating dock, and parking.

Chairman Schubert said that he agrees with staff in regards to the burden on the police department with other than dawn to dusk hours. He said there is an issue with only having one access, and Boyer Road cannot be used. Chairman Schubert stated that the Village Engineer has questions in regards to what improvements would be made to the access path due to the increase in traffic. He said that he has friends who are licensed divers and know the amount of parking that is required for these facilities. They have a lot of people that come to these sites, because there are only a couple of sites available in the Chicagoland area. Chairman Schubert stated that with this facility being centralized, there would be more traffic than any other facility. He said that the amount of traffic is something that they need to figure out before the board can make a verdict. He stated that he is excited that someone would have an interest in the Quarries. However, people who visit the Quarries do not see that imaginary line. In passing

people will see the name “beach” and the area that the divers use for entering/exiting. They could get the wrong idea about being allowed to swim in the Quarries. Chairman Schubert stated that these are things that the Board needs to know before they make a decision. He then asked if any other Board members had any comments.

Commissioner Murphy said that she expected the applicant to address all these concerns. She said that she shares her concerns on everything Chairman Schubert had commented on. She did ask if the applicant could answer how many divers and campers was he expecting. Commissioner Murphy said that there were comments from the Village Attorney about obstructions under the water. She asked if the applicant knew what was in the water.

Chairman Schubert asked if the applicant could please come forward.

Henry Fiene, 3375 W. Columbus Ave., Chicago, stated that he hopes he can answer all their questions. He said that as far as the name he could change and eliminate the word beach from the name. He said he came up with the name from when people use to travel to Lake Michigan and go to beach clubs via steamships. Mr. Fiene stated that allowing scuba diving in the Quarries would allow people to see what it looks like for the first time since when it first flooded in the 1950’s. This would be part of the draw to the Quarries showing the history with signage above and below the water ultimately making an underwater museum.

Mr. Fiene stated in regards to safety, scuba diving has received a bad rap, especially cave diving. He said he printed a report in regards to safety with scuba diving. (Mr. Fiene handed each Board member a copy of the report) In that report, biking and fishing, which are both allowed at the Quarries, are more dangerous than scuba diving. He said that this is based on an incident index per the number of injuries to how many times the recreation activity was done.

Mr. Fiene stated that Chairman Schubert was correct that there are not a lot of places for scuba diving. He said that he was not going to open this up to the general public. This would be a training facility. He stated that he would be working with local stores. Divers that would have had to travel an hour and half away down to Kankakee could now come here instead. Mr. Fiene stated that average divers income is between \$50,000.00 to \$90,000.00 a year. This coincides with the income of residents in Lemont. He said these customers are going to have to eat breakfast and lunch which would help the businesses in downtown Lemont. Mr. Fiene said that in the summer he could have as many as 45 divers a day. He said that ninety percent would take place on Saturday and Sunday from between 7:00 a.m. till about 2:00 p.m. Mr. Fiene stated that part of diving is doing a night certification. He said having to be closed by dusk is hard. It would be eliminating a whole part of the education process. He said that the divers would have to go somewhere else to do that, to finish their education. Mr. Fiene said he would like to propose extending the hours of operation on Friday and Saturday to just a couple of hours after dusk. Keeping in mind that nobody would be coming into the facility, and that they would just be leaving. Mr. Fiene stated that there were

comments about unsupervised activities. He said that anytime that the business is open and anytime someone is diving staff would be on hand. Nobody would be allowed to come there to just dive or camp. He stated that this is a business looking to make a profit and if they were not there then they would not get paid. He said that if something goes wrong it would reflect poorly on him and the business.

Mr. Fiene asked if the Board had any direct questions that he might have missed.

Commissioner Murphy asked if they would be providing their own security for the campsite.

Mr. Fiene said that on the original application he had asked for 20 campsites. He said that he did not need that many. The majority of divers have a lot of income, but some can be cheap. He stated he would like to be able to offer diving and camping, since the dive certification is a two-day process. He said he would lower the proposed amount from 20 to 2 sites. Mr. Fiene stated that they would be located where the stairs are now walking down to the water. There is plenty of parking for two cars, one for each campsite.

Mr. Fiene stated that he has done a study to ascertain how many parking spaces he could get without diluting all the property. He said he could put 32 parking spots on the property without using the Village's property at all. He stated that he would line the parking lot with evergreen trees. He said that he himself does not like looking at parked cars and this will help prevent anyone driving into the Quarries. He stated that this would help stop some of the run-off going into the Quarries. Mr. Fiene said that the current run-off going into the Quarries is slowly killing it. It is something that hasn't been addressed. He said that because it is a man made pond it is predominately filled by run-off. This is slowly dissolving the limestone and puts calcium in the water. Mr. Fiene said that the current visibility is about 30 inches. Mr. Fiene said that he would, at his own expense, try to naturally clean the water by planting certain plants. Mr. Fiene stated that he did have the water tested, but unfortunately those results were not back yet. He said that after personally diving there, marine life is missing on the bottom. There was no live swimming fish at that time.

Mr. Fiene stated that he could help protect the Village with release forms. He said that boilerplate release forms are a legal document and are binding in Illinois. He also stated that he would have insurance and would use the insurance company that the Professional Association of Dive Instructors uses. Mr. Fiene said that they would be a Professional Association of Dive Instructors Center. He stated that he was a dive instructor and used to run a dive charter boat on Lake Michigan. He is used to dealing with the public. He then asked if the Board had any questions.

Commissioner Armijo asked how long has he been diving.

Mr. Fiene responded 14 years.

Commissioner Armijo asked if everybody who was going to dive, would they be certified by using the Quarries.

Mr. Fiene explained that people would go to a scuba store and take a five-chapter course. While taking this course they do pool sessions that are based on repetition. He said in order for them to get certified they have to go into "open water". This would be the Quarries, and it has to be in at least 15 feet of depth. He said that the standards say it will be four dives in two days. Mr. Fiene stated that the first day they would do two dives, and follow the same steps that they did in the swimming pool. The next day, they would do two more dives. When they are done they are an open water diver and allowed to dive down to 60 feet. From there they can go on with additional training.

Commissioner Armijo asked how deep was the Quarry there.

Mr. Fiene responded that the average depth was 28 feet, and the deepest depth was 40 feet. He also stated that it is not just one Quarry. It is two, possible three. There is a submerged wall that goes all the way across to the other side that is only about 30 inches below the water. He said as far as obstructions, there is one car or possibly two. Mr. Fiene stated that they would leave them in there, but would make them safe. Divers do like to look at things under water.

Chairman Schubert asked if there would be refueling tanks and showers to wash off their equipment.

Mr. Fiene stated that with salt water it is mandatory that you wash off your equipment, but it is not mandatory with fresh water. He said that he would probably truck in water and that everything would be dock based. There is just not enough land and they really don't need it. He stated that it would be a simple shower system that uses about a gallon of water per diver.

Chairman Schubert asked about refueling tanks.

Mr. Fiene stated that the dive industry is kind of strange and that the store would be supplying tanks for their students. They prefer to supply the tanks. Mr. Fiene said that he does not see putting a compressor out there, but if they do it would be a small 9.0 and would fill the tank in ten minutes.

Commissioner Erber asked if any facilities would be built on this site.

Mr. Fiene said on land no.

Commissioner Erber asked how he planned on supervising and operating the business.

Mr. Fiene stated that on the dock there would be a small office/boat house. It would have a gangplank and when they were not there the gangplank would come up. He said this would be their way of securing it.

Chairman Schubert said that when he visited the property yesterday he noticed the staircase going down. He said that someone from the building department would need to take a look at that, because he feels it is not up to code.

Mr. Fiene stated that he did not put that there and he intends not to use it.

Commissioner Armijo asked with the safety concerns about the Fire and Police Department, are there any plans to upgrade the road coming into the property.

Mr. Fiene stated that the problem is that he doesn't own the road. He said because he doesn't own it, he cannot tell the Board he will fix the potholes. He could accidentally drop some gravel on the way to even out the parking lot if the Board would want him to. Mr. Fiene said he did get quotes to pave 1.9 miles of road with two inches of asphalt was about \$250,000.00. To lay down a two inch base of gravel was about \$25,000.00.

Commissioner Armijo said that there are safety concerns about emergency response times to the site. He asked if Mr. Fiene could address them.

Mr. Fiene said that the safety concern already exists. It is a public park and the public goes there for fishing and biking. He said that they are going to be staffed so someone will be there to react just in case something does go wrong. He said with the Village's permission he would be happy to fill the potholes, but he would not be able to put in a new road with all the restrictions they are already putting on him.

Commissioner Armijo asked what he meant by staffed.

Mr. Fiene said that staffed means a person on hand to oversee the people there. He/she would make sure they are not loud and not throwing trash around. He/she would make sure things are running smoothly. Mr. Fiene stated that the students would be coming from the store with a dive instructor and depending on the number of students a dive master to oversee what they are doing.

Commissioner Armijo asked if you have 40 or 30 students there, how many dive masters would you have.

Mr. Fiene said he doesn't foresee there being more than two stores there at a time. He said that there would be eight professional to 32 students. So there would be 40 people.

Commissioner Maher asked how he was planning to keep those people within the boundaries of his property when in the water.

Mr. Fiene said that diving is a site-specific type sport. He said that while they are in the water they would have a dive flag. He said if they want he could string a buoy so the diver does not go past that point. He said a case has been made that you can own the

bottom but you cannot own the water. A diver theoretically could swim to the other side, but they are not going to do it. Mr. Fiene stated that the training platforms would be located close to shore. He said that he might put something in the corner for the diver to look at. Maybe a structure that would attract fish. It would give the diver something to look. He stated that the diver is only going to go where the instructor tells him to go.

Chairman Schubert asked how long is a training dive.

Mr. Fiene stated that on average 25 to 30 minutes.

Chairman Schubert asked if when they come out of the water is their dive done.

Mr. Fiene stated that they come out and then they are debriefed. They go over the skill set that they did. Then they go in and do their second dive. He said after their second dive they are debriefed again. Then they will pack up their gear. Mr. Fiene stated that some people might barbeque and others go and get lunch somewhere. He said that you don't need a large beach area. Divers really don't like sand because it gets into their equipment. He said that is why he will be using docks.

Commissioner Murphy asked during what months would he be operating.

Mr. Fiene said predominately summer months. June, July, and August will be the biggest months because of warmer waters. He said it would be open from April to October. He said another training is ice diving so he could possibly be open in the middle of winter if there is enough ice coverage.

Chairman Schubert asked if he would allow ice diving.

Mr. Fiene stated yes to certify ice divers.

Chairman Schubert said he has concerns about access to that road.

Mr. Fiene stated that if it needed to be plowed, then that would be his responsibility.

Chairman Schubert stated that the restraint on the Fire Department in having to turn around would be more restrictive.

Mr. Fiene asked if he was saying no winter use at all.

Chairman Schubert stated that he was just asking questions and putting it out there for the Board to think about. He then asked what time would someone be leaving if they started at 7:00 a.m.

Mr. Fiene stated that a store brings out about 15 students, but they are not all there to do the same thing. Some are new, some are going for advanced, some could be for

specialties, and it varies. He said most times they are there by 7:30 a.m. and are gone by 1 to 2 in the afternoon.

Commissioner Murphy asked if the campsite would be staffed all night.

Mr. Fiene stated that it would be staffed all night. He said that he has all the same concerns as the Board. They all have liability.

Chairman Schubert asked if they have 40 people during the day and only 32 parking spots that is taking them into the Village for parking.

Mr. Fiene stated that is if only everyone drives separately. He said he doesn't think that it is a realistic situation. He stated that he thought half would carpool to save gas.

Chairman Schubert said if this becomes a lucrative business he could get a considerable amount more than 40.

Commissioner Murphy asked what would be capacity.

Mr. Fiene stated that it would hard to predict. He said he could not give a definitive answer. He stated that he would not want to push it and make it a bad experience for anyone.

Chairman Schubert then asked if anyone from the audience would like to comment.

Steve Rosendahl, Township Supervisor, 115 Warner Ave., Lemont, stated that the Township is partnered with the Village and owned 50 acres that is surrounding this area. He said any request on indemnification and reference to the Village on the liability and coverage, that the Township should also be named. Mr. Rosendahl said that he was also a certified diver. He has not done any diving here at the Quarries. He stated that he was also encouraged that someone would put something out there. He said that there are a lot of checks and balances for safety. There is an instructor for every three to four divers. Mr. Rosendahl stated that he thinks it is just a wrong spot. He said the access for police and fire, the parking, and overnight camping is hard to control. He stated that he is not against diving; it is a very logical application for use for the Quarry property. However, the location is totally wrong and would not support it for that reason.

Richard Pierce, 1000 Illinois Street, stated that he has been going down to the Quarries since the sixties. He said putting in a business like this would simply destroy the Quarries. He said you couldn't see anything down there in the water. He stated that it would be wrong for Lemont.

Greg Vavra, 726 Singer Ave., Lemont, stated that he was Chairman of the Heritage Committee. He said he couldn't speak for the entire committee because they are not all present at the meeting. He said he likes the idea of using the Quarries in some way, but

this is the right idea in the wrong location. Mr. Vavra stated that he would like to see where 40 cars could be parked on that site without opening up 300 feet of frontage. He said that there is not enough detail with the presentation. The proposed plan doesn't mesh. He asked where is everything going to be and will it be up to code. Mr. Vavra stated that the road is going to be a problem no matter when they get any potential business down there. He said that there is not enough land there for what the petitioner wants to do.

Susan O'Boyle, 115 Cass St., Lemont, stated that she came because she saw the sign there. She said that she goes everyday to the Quarries. She stated that most of her concerns have been brought up and she is grateful for that. Ms. O'Boyle stated that there is only room for one campsite there and the overnight camping is out of the question. She did state that you could fit two cars down that road and would not need to widen it. She said a fire truck could get down there but would not be able to turn around. She stated that nobody brought up about if lights would be put up down there. She said that this is our recreation area and the more you build it up it would lose its character.

Dave Moeller, 1009 Porter, Lemont, stated that he was also on the Heritage Committee. He said that he is also a certified diver himself, but feels that there is a concern with the parking. He stated that there should be a study or some firm lines drawn that shows the parking. The boat ramp parking holds about 10 to 12 cars. He said it is hard to see where he is going to fit that many cars and that should be done before the Commissioners can vote.

Mr. Fiene stated that he is curious where people think the right spot is for diving. He said that he addressed concerns about deforesting. He said about how the spots are available, the spots were laid out 8 ½ feet by 20 feet with a ten or twelve foot drive to get there and they are laid out using the lesser of the two existing plots. One is from the Village that was originally annexed into the Village. He said it (the image projected on the screen) is a tough picture to see. He said some is overgrowth, but using what is actually land and using a scaling ruler is how they were able to figure the parking. He said he wants to leave as much as natural and that is why they are concentrating parking in one spot. Mr. Fiene stated as far as lights at night, it doesn't seem that it will be approved. He said as far as being able to turn around, he has brought in a truck that was 24 feet. It was able to pull all the way down and turn around. He stated that the fire department would be able to get in and out if they needed. Mr. Fiene thanked Mrs. O'Boyle for stating that two cars can fit down that road. He said that even though two members of the Heritage Committee are here, they did state that they were speaking on their own behalf. Mr. Fiene said that he would be happy to add the Township and K.A. Steel to any indemnification or insurance policies. Mr. Fiene said in regards to the dock, it would be a professional built dock. It would be built on Styrofoam pontoon so they will not sink and will be built out of dock lumber. He stated that the structure built on the dock will be built with insulated SIP steel and will be fireproof.

Chairman Schubert stated that he wanted to bring up that the petitioner is also asking for a rezoning on the property from R-1 to B-4. The B-4 is the regulation for outdoor activities and recreation and the surrounding properties are B-4. He said that the rezoning is not an issue to him but will be brought up. If anyone had any issues regarding this they should bring them up now.

John Rutkowski, Fire Marshall for Lemont Fire Protection District, 15900 New Ave., Lemont, stated that the Board should have his response letter. He stated that parking is a concern and it is not spelled out where he is putting the cars. He said as far as using a turnaround, the Fire Department would use the parking space by the boat dock. There is a section to the west that they could use. He said that with the turnaround it would have to have signs and designation so nobody parks there. Mr. Rutkowski said that now the petitioner is proposing some type of structure on the property for his staff. He asked that those formal plans would be submitted to him and his department to be reviewed. Mr. Rutkowski said the big issue is the time element and the road condition. The road is in poor condition and that would decrease the response time. He said that they did a dry run, without lights flashing, at normal speeds, from Station One to his sight and it took 14 minutes. He stated that during the day, Monday thru Friday, there are trains that block the railroad crossing. Mr. Rutkowski said if this does get approved, there will be an increase in traffic and there is an unprotected railroad crossing. He said that if the petitioner is going to be bringing in potable water, with a small tank truck, just a reminder that the road is not based for any heavy vehicles. He stated that a gallon of water weighs eight pounds. If he brought in a 100 gallons of water, that is 800 pounds, plus the weight of the truck. Mr. Rutkowski asked if there were any questions for him.

Commissioner Armijo asked if it were "hot" run how much would it cut down on your response time with the road.

Mr. Rutkowski said approximately six to eight minute response time. He said the other issue is if a cell phone was used to call 911. There is a time lag and there is no control over that. He said time is very critical. Mr. Rutkowski said that he would request that Mr. Fiene and his staff come up with some kind of emergency action plan and share that plan with the Fire District.

Chairman Schubert asked if Boyer Road could ever be an access point. He said if the Village ever looked at it.

Mr. Rutkowski stated that right now there are two footbridges there. They would have to park and walk in carrying their equipment

Mr. Fiene stated that in regards to the train, trains run on a schedule. He said when they get the schedule, nobody would be allowed in the water at that time.

Brad Davidson, representing K.A. Steel, 1001 Main Street, Lemont, stated that they have not taken a position with the situation. However, he can clear up the train issue.

He said they get one to two switches a day. Trains come across those tracks that cross the I & M canal and enters their plant. The switch can last 20 to 30 minutes and can block the entrance road. It does not run on a regular schedule, but it is fairly predictable. Mr. Davidson said that it could be arranged that contact would be made with the dive crews to let them know the presence of the train. He said the other issue is there is a lot of truck traffic. An increase of 40 cars a day is a considerable amount of traffic, especially if it was after dark. Mr. Davidson stated that they were not taking a position either way; they are just concerned about the liability issues.

Mr. Blondin, Village Attorney, stated that they are guided by their legal ordinance as to what to do. He said they should focus on the standards for special use numbers two, four and five. He said there are a number of details that the Board should get more information on. Mr. Blondin said because there would be increased traffic on the road, it needs to be made clear that the Village is under no duty to improve the road. It is a publicly used road, but not like a side street. He stated that the insurance indemnification is a good thing and the Village and Township could be protected to some degree. The Village might have minor exposure with things like car damage due to potholes. Mr. Blondin stated that the Board has the right, because this is a special use, to restrict the parking requirements. Also with construction standards to the parking lot itself. He said it would be better to get a little more detail to see how those cars are going to fit in there and where things are going to be located.

Mr. Brown stated that the Village itself has a facility down there. He stated that the safety issues exist and asked if the Board's concerns based on an increase due to the intensity of the use. He stated that the response time would be the same if someone got hurt on the boat launch or dock.

Chairman Schubert said that he was glad Mr. Brown brought that up. He said that Village had lost a lot of money due to a break-in at their facility. He stated that they are trying to take steps to protect that facility, but an increase amount of traffic will increase amount of usage in the area. Chairman Schubert stated that the B-4 zoning made mention of a private park. He said that he wants to make sure that this would not be considered a private park.

Mr. Brown stated that if you read the definition of parks, it lists parks as something with a government agency. He said that this would be an outdoor recreation and not a park use. Mr. Brown then asked Mr. Fiene if most people would be arriving at 7:00 a.m., with several classes running in between, and people then leaving at various times or if everyone would leave around 2:00 p.m.

Mr. Fiene stated that people would be coming at different times and leaving at different times. It would not be a parade of 40 cars arriving all at once.

Mr. Brown asked if he knew how many different stores would be operating down here.

Mr. Fiene stated that there are different size stores. He said he would want the optimum number there and would have to arrange accordingly. He stated possibly about ten stores, because they don't come out every weekend. One store might come out once a month and another store twice a month.

Mr. Brown asked if he would manage it so that all ten stores don't come out on each weekend.

Mr. Fiene responded that he would have to.

Commissioner Erber stated that this plan is unique, but the petitioner needs to do a lot more research. He stated that not all the details are worked out and that the petitioner is not ready for this hearing.

Chairman Schubert said that whenever someone comes in wanting to build a home or business, they would have a sketch or plat showing us the parking and how the property is going to be used. He stated that he is not sure if the document in the staff report was the actual Plat of Survey.

Mrs. Jones stated that they did receive the actual Plat of Survey from the applicant on Friday.

Chairman Schubert stated that if this Committee decided they wanted to revisit this or not that is something that should be provided, along with a few other things. He said one was what size tanker would be bringing water to the campsites. Another would be what safety precautions would be in place for grilling on campsites. Chairman Schubert said that these are things that the Board needs to know about ahead of time.

Mr. Fiene stated that the State of Illinois spells out what you have to do to have a campground.

Commissioner Murphy made a motion, seconded by Commissioner Maher to close the public hearing on Case #10.01. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Chairman Schubert asked the petitioner if he felt that he presented his case as best as he could and would he like for the Board to vote on this tonight. Otherwise, the petitioner could ask for a continuance so he can come back with answers to the Board's questions.

Mr. Fiene stated that his concern is that he was given a list of things that he had to produce and he did. He is concerned if he delays and answers the Board's questions at the next meeting, would there just be more questions at that time.

Chairman Schubert stated that there is more. He then asked Mr. Boldin what he thought about how the Illinois Department of Natural Resources would not allow scuba diving on their property. However, Mr. Fiene provided a document stating that it is not as dangerous as biking or fishing.

Mr. Boldin responded that the IDNR is probably more concerned about a liability issue. He said if somebody injures himself or herself while involved in this, they deemed to have known that they were going to participate in a hazardous activity. He said where you want to focus in on is your emergency response time and indemnification insurance. He stated that if the indemnification is done properly it can protect the Village, but it can't protect you from your other concerns of safety and that is what the Board should look at.

Chairman Schubert stated that as far as any more questions or comments on this particular subject, the public hearing is closed. He said he wanted to give Mr. Fiene the opportunity as to whether he wanted to have the Board vote on it tonight or hold off till the next meeting.

Mr. Brown asked the Chairman if what he wanted to see was a Site Plan for the dock, and parking.

Commissioner Spinelli stated he would like to see a Site Plan on the actual Plat of Survey.

Chairman Schubert said that it should include the dock, the building that they plan to build on the dock, where everything will be going, parking, and a commitment as to how many certified people will be watching. He said all of this should have been submitted before the meeting.

Mr. Fiene said he would like the Board to vote on it now. None of this was required when he submitted his application.

Chairman Schubert stated that the applicant stated he would like the Board to vote on it tonight. He stated that he would read the Findings of Facts:

- A. The proposed rezoning is consistent with the Comprehensive Plan guidance for this area, adjacent zoning, and adjacent existing land uses. *All Commissioners responded yes.*
- B. Through careful wording of the special use approval (for scuba diving), off-site traffic and parking impacts can be limited to an acceptable level. *All Commissioners responded yes, with one no vote by Chairman Schubert.*
- C. Scuba diving operations with hours of operation that are consistent with the Heritage Quarries Recreation Area will not create excessive demands on Village Services. *Commissioner Armijo and Maher responded yes, that it would not create an excessive demand. Commissioners Murphy, Erber, Spinelli, and Schubert responded no, that it would create an excessive demand.*

D. The proposed special use is consistent with the purpose and intent of the B-4 zoning district. *Commissioner Armijo, Murphy, Spinelli, and Maher responded yes. Commissioner Erber and Schubert responded no*

Chairman Schubert stated that the Board would vote on the rezoning, special use and campsite individually.

Commissioner Armijo made a motion, seconded by Commissioner Spinelli to recommend approval of the requested rezoning from R-1 Single Family Detached Residential to B-4 Commercial Recreation.

A roll call vote was taken:

Ayes: Armijo, Erber, Spinelli, Maher, Schubert

Nays: Murphy

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to recommend approval of the special use for campsites. A roll call vote was taken:

Ayes: None

Nays: Armijo, Erber, Maher, Murphy, Spinelli, Schubert

Motion failed

Commissioner Armijo made a motion seconded by Commissioner Maher to recommend approval of the special use to allow recreational scuba diving and scuba diving training with the following conditions.

1. The hours of operation shall coincide with the hours of the Heritage Quarries Recreation area.
2. No swimming allowed.
3. The number of daily vehicle trips be limited and that limit be related to the amount of parking that is made available on site.

A roll call vote was taken:

Ayes: Armijo, Maher

Nays: Murphy, Erber, Spinelli, Schubert

Motion failed

C. Case #28.06: Rezoning of Tiedt and Cox Properties.

Commissioner Murphy made a motion, seconded by Commissioner Erber to open public hearing for Case #28.06. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Mr. Brown stated that in 1996 the Village approached Mr. Tiedt because it needed easements to extend utilities to Briarcliffe and the new Public Works facility. He said the Village offered him several incentives if he was to annex into the Village. Mr.

Tiedt gave the easements but did not decide to annex at that time. Mr. Brown said that two years ago Mr. Tiedt approached the Village to see if they would still honor those incentives. The request went to the Committee of the Whole in 2008, which agreed to honor those conditions. Mr. Brown said that staff approached Mr. Cox of Casey Equipment about annexation. He said that the Village thought it would be good sales tax revenue. Mr. Brown did say that Mr. Tiedt did pull out a couple of times due to some potential storm water requirements. He said finally in December he said he was finally ready to annex. He stated that it would be rezoned from Cook County I-1 to Lemont M-2 General Manufacturing District. Mr. Brown stated that both property owners intend to use their property exactly the way they have been using them.

Chairman Schubert said that he had only one concern and that was a recapture fee for water.

Mr. Brown said that there was a complicated recapture agreement done with Arrow Landings (now Briarcliffe) and Rolling Meadows. He said that these two sites are within that recapture, so when they tap on to the Village utilities they would normally have to pay that fee. But Mr. Brown said that he spoke with Mr. and Mrs. Jurniek (developers of Rolling Meadows) and they have agreed to relinquish their rights to recapture and should sign the paperwork soon.

Commissioner Spinelli asked if the current use did fall into the M-2 permitted uses.

Mr. Brown responded yes.

Chairman Schubert asked what tax would the Village recover.

Mr. Brown stated that Casey Equipment sells to a lot of municipalities so the Village wouldn't see anything there. However, they do sell service, parts and equipment to private customers as well. Some of the equipment is expensive. The Village would receive sales tax on those sales.

Commissioner Murphy asked about billboards.

Mr. Brown stated that there will be no billboards.

Commissioner Armijo made a motion, seconded by Commissioner Maher to close public hearing on Case # 28.06. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Chairman Schubert then read the Findings of Facts:

1. The rezoning will allow the territory to continue to be used in a manner that is consistent with the current use, and is consistent with the purpose and intent of the

Village's Comprehensive Plan and its zoning regulations. *All Commissioners responded yes.*

2. The rezoning will have little or no adverse effect on the enjoyment or use of adjacent properties. *All Commissioners responded yes.*

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to recommend approval of Case #28.06. A roll call vote was taken:

Ayes: Armijo, Murphy, Erber, Maher, Spinelli, Schubert

Nays: None

Motion passed

V. GENERAL DISCUSSION

Mrs. Jones stated that the Township has a variation request for a fence next month.

Commissioner Erber asked if Firestone was being built to plan.

Mrs. Jones stated yes.

VI. ADJOURNMENT

Commissioner Maher made a motion, seconded by Commissioner Erber to adjourn meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper

DRAFT