

**VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
SPECIAL MEETING SEPTEMBER 15, 2005**

1. Call to Order

Chairman Irv Ochenschlager called the special meeting to order at 7:05 p.m. in the John Shields School Gymnasium.

2. Roll Call

Plan Commission/Zoning Board of Appeals (ZBA) members present:
Steve Benesch, Brian Schiber, Irv Ochenschlager, Bob Dray, Ed Saloga
Absent: Ryan Reuland
Quorum present

Also present:

Mike Ferencak, Village Planner; Pete Wilson, Village Attorney; Nancy Zak, Recording Secretary and a Court Reporter

3. Public Hearings - None

4. Old Business

a. Petition 05-001 (Continued):

Raging Waves Water Park - Rezoning, Planned Unit Development, Preliminary Plat (after annexation), Lundmark Group LLC Petitioner

Ochenschlager explained that the public hearing on the petition had been continued on three occasions, concluding on September 7, 2005. After the close of the hearing, the Plan Commission/ZBA began discussion on the petition and testimony heard. That discussion was continued to this date, September 15, 2005. Staff had distributed its recommendations and a list of conditions for approval of the petition on the date of the last meeting. Neither the Plan Commission nor Petitioner had had the opportunity to review and make comment on them at that time.

McCracken, the attorney representing the petitioners, stated they had received the staff recommendation and responded to each one in writing. They met with staff yesterday. They applauded Staff for the positions identified, all of which were appropriate, and which provided a good framework for what must be addressed for the proposed annexation.

The Commission asked that McCracken comment on each of the points Staff listed in its conditions and recommendations since the Plan Commission/ZBA did not as yet know what the petitioner's responses were. McCracken agreed.

Staff had recommended approval of the proposed rezoning to B-3, Planned Unit Development, Preliminary Plat of Subdivision and Special Use for an Outdoor Water Recreation Facility. The recommendation was based on the following conditions of approval.

McCracken, as requested, read each of them and relayed the Petitioners' response.

1. The development shall substantially conform to the Preliminary Plat of Subdivision, Raging Waves, by Craig R. Knoche & Associates, last revised 3/8/05, Raging Waves On-Site Improvement Plans, Sheets CO.1 to C7.5, by RLS Landscape and Nursery Company, Sheets L-1 to L-6, last revised 7/12/05, the Preliminary Landscape Plan, by Craig R. Knoche & Associates, last revised 3/9/05, and the Architectural Elevations by Archiplan International, Sheets AS1.00 to A4.00 (6 sheets), last revised 4/1/05, except as such plans may be revised to conform to Village codes and ordinances and the conditions below.
The Petitioners were in agreement.
2. The property east of the new public street shall only be used as an Outdoor Water Recreational Facility. Any changes to the development that are not show on the site plans shall require either a Major or Minor Planned Development Amendment, depending on the nature of such changes.
The Petitioners were in agreement.
3. The outlot on the west side of the new public street shall be used only for a Hotel with Indoor Water Recreational Facility. Restaurants may also be permitted on this property as part of a Hotel with Indoor Water Recreational Facility.
The Petitioners were in agreement.
4. Buildings shall not exceed 35 feet in height, and rides shall not exceed 70 feet in height above existing grade at the base of the ride.
The Petitioners were in agreement.
5. The developer shall post a bond or letter of credit with the Village, in an amount to be determined by the Village, to guarantee the removal of all buildings, rides and site improvements. The Village may use this bond or letter of credit to demolish all improvements on the site if the facility is not in operation for more than 30 days in each of two (2) consecutive operating seasons.
The Petitioners agreed to provide the bond. They have recommended some specific language with respect to the timing and application of that bond, but they have agreed to supply the bonds.
6. The developer shall be responsible to install all roadway improvements as shown in the traffic study by Gewalt-Hamilton, dated 7/20/05. This shall

include the construction of the new public road through the development, widening of Galena Boulevard, installation of an eastbound Galena to

westbound Route 56 on ramp, and installation of traffic signals at the new public road intersection at Galena Boulevard and the ramps on the west side of Route 56,

The Petitioners had concerns regarding this condition. There are more than just one developer involved and language should be added relative to the financial responsibility and the need for all parties to pay a proportionate share. That would be one of those topics that would require time and energy to work out the language dealing with this in the annexation agreement.

At this point Ochsenschlager said he and Benesch both expressed a major concern about the roadway improvements. They thought of the Chicago Premium Outlet Mall on I-88 and Farnsworth Avenue where tremendous backups on I-88 occurred. They did not want that to happen along I-88 and Route 56 interchange. In addition to the water park, the Pulte Homes and Settlers Ridge development will cause a traffic impact on the Village of Sugar Grove.

McCracken said they respect that concern and Grieve would address that issue to try to alleviate any concerns.

7. The parking area initially shall be limited to 625 spaces. The developer and the Village shall review the parking areas annually to determine if additional areas need to be paved due to overflow parking during the season. If additional parking is required, developer shall pave all additional parking areas prior to the beginning of the next season. The parking areas shall be landscaped and designed with pedestrian linkages to the park in a similar manner as the parking lot to reflect the comments in the staff comment list dated 6/1/05.

The Petitioners added a note to this condition because based on their extensive research; the 625 parking spaces would not be sufficient. They are happy to provide 625 and leave parking as one of those primary issues for discussion.

8. A public sidewalk shall be extended along the Galena Boulevard frontage from the west property line to the Galena Boulevard bridge over Route 56. **The Petitioners agree to install the sidewalk, but are concerned about safety issues. That would be a sidewalk to and from nowhere. The Petitioners suggest posting a letter of credit for the completion of that sidewalk, so when it has something to up hook to, there is that money set aside for installation of that sidewalk.**

9. The developer shall relocate the main access drive further to the west to save existing trees on the site. The developer shall preserve trees on the site at the direction of the Village. All tree removals shall be subject to the tree replacement requirements in the zoning and subdivision ordinances.

Unauthorized removals shall also be subject to a \$1,000 fine per tree removed.

The Petitioners understand the desire to save these trees. They do have some concerns relative to that. The location of the main access as it is proposed now is intended to be lined up with the Pulte access. If it is moved, then two T intersections are created. That not only would impact their ability to develop the hotel site, but also impact their ability to get signalization at that intersection. In addition, the Engineer indicated throughout this process that some significant grade changes during the construction process could affect those trees. They prefer that intersection not being moved any further west than it already is. The Petitioners do, however agree with tree replacement.

10. The existing home shall be demolished prior to the issuance of building permits for any portion of the facility.
The Petitioners said this issue has been resolved. The house would likely come down when land grading takes place. There is no need to worry about the house being there for any significant period of time.
11. On site security shall be provided during all operating hours. Security personnel shall patrol the parking lot areas and shall provide traffic control within the site. If the Village Police Department determines that on site security is not being adequately provided, they may make a recommendation to the Village Board to require an increase in security personnel. The Village Board at its discretion may require the developer to increase such security within 30 days.
The Petitioners have agreed.
12. The developer shall provide low light security lighting in the parking lot areas. If the Village determines that parking is occurring during dusk or evening hours, the Village may require the installation of standard lighting fixtures in the parking lot area.
The Petitioners have agreed.
13. All billboards on the site shall be removed no later than 60 days from the date of annexation.
The Petitioners have agreed, but have a concern. They need to have the language subject to the lease terms existing. It appears they are all terminable, but these were agreements entered into with the prior property owner that the Petitioners have taken subject to.
14. Signage shall be reviewed prior to approval of the Final Plat and prior to issuance of a building permit for the facility. No exposed neon signs, strobing or flashing lights shall be permitted within the development.
The Petitioners have agreed.

The Landscape Plans shall be reviewed and approved by the Village's landscape consultant prior to approval of the development by the Village Board.

The Petitioners have agreed.

15. The Village shall review and approve of all architectural plans for the development.
McCracken said after the last hearing, Plan Commissioners approached the Petitioners and indicated they would like to see some improvement in the architectural plans. The Petitioners have agreed to do that. They suggested Commissioner Saloga serve as their advisor on the elevations. When they met with Staff, Staff requested that that be a proposal made by the Board of Trustees. There are a series of ways to deal with architectural standards, whether it be a committee of the Board with a Plan Commission representation or something else.
16. A backup Special Service Area shall be established prior to recording the final plat for the purpose of maintaining the detention areas on the lots in the subdivision if the developer/owners should fail to do so.
The Petitioners have agreed.
17. All street improvements shall be completed prior to issuance of an occupancy permit for any part of the development.
The Petitioners have agreed that all improvements of streets in the jurisdiction of the Village of Sugar Grove shall be completed prior to issuance of a certificate of occupancy for any part of the development. They requested that language be added to take into consideration the improvements involving IDOT and that the Village agree to issue a temporary certificate of occupancy while those improvements are being constructed.
18. All comments from the Village Engineering consultant shall be addressed prior to recording the final plat.
The Petitioners have agreed.
19. The special use shall be subject to an annual review by the Village Board. If it is determined that the developer is not maintaining the development in conformance with the special use standards, the Village may require corrective action within 60 days of the review, if it occurs during the operating season. If the developer fails to correct the deficiencies within the 60 days (or longer if not within the operating season as determined by the Village Board), the Village may revoke the special use in accordance with the special use revocation procedures outlined in the zoning ordinance. The Village Board may waive the annual review at its discretion after the first year of operation.

The Petitioners are in agreement that the special use shall be subject to review by the Village Board. They have a comment regarding the timing and would like the insertion of wording that the review takes place at least 30 days before the operating season.

20. A noise study shall be conducted to determine noise impact levels prior to approval of the development by the Village Board.
There are specific noise studies that have been completed and the Petitioners are prepared to provide the Village with those studies.
21. The hours of operation for the facility shall be limited to 10 AM to 8 PM daily. Additional hours may be approved by the Village Board on a temporary nature.
The Petitioners have agreed.
22. The facility shall open no earlier than May 1 of each year, and shall close no later than September 30 of each year.
The Petitioners have agreed.
23. A revised plan shall be submitted showing pavement and building setbacks prior to final approval.
The Petitioners have agreed.
24. Plans shall be revised to provide specific designated areas for bus parking and provide appropriate accommodations for bicycle parking.
The Petitioners have agreed.
26. The landscape buffer along IL. Route 56 will be increased in width to a minimum of 75' to provide additional opportunities for buffering and overall enhancement of the Route 56 corridor consistent with the plans recently approved for Settlers Ridge on the south side of the highway.
The Petitioners have agreed to a 50' buffer. This is an issue to be worked out. They have some question relative to that landscape buffer and setback particularly as it relates to the parking they have shown exceeds the parking Staff requires. There may be a trade off relative to the buffer and setback related to parking.
27. Architectural plans should be modified based on staff comments (item 43 in the Staff (Teska report) comment letter).
The Petitioners are prepared to address the architectural issues. It is a matter of with who and when that is done.

Dray noted McCracken did not make comment on a part of condition 3. The part that read, Any development on this property shall require a Major Planned Development Amendment. The Hotel with Indoor Water Recreation Facility shall submit a petition for approval no later than 18 months from the date of the Outdoor Facility approval, and

shall be in operation no later than 30 months from the date of the Outdoor Facility approval. The Hotel and Indoor Water recreation Facility shall be located on the same parcel and not separated by a public roadway. Dray questioned if that was in the Plan Commission/ZBA purview? McCracken responded that the Petitioners were in agreement with the concept, but thought the time frame should be a little bit closer to 24 to 36 months and they have suggested some alternative language relative to that. McCracken said they don't agree that this requirement is part of their process, but rather than say they don't think the Village has the right to require it, they would first say that is a part of what they intend to do. Attorney Wilson commented that he thought the requirement was only that they file the application, and doesn't say that either the Plan Commission or Village Board would approve it.

Benesch asked what Staff thought about the changes the Petitioners were requesting? Ferencak said there were some comments that need to be discussed further as a part of the annexation agreement.

Dray questioned if for any given day the paved parking lot is full, would parking then be placed on the grass. Someone of the public thought the overflow parking would be sent across the street. McCracken said they fully intend to have visitors park on the grass when overflow and land has specifically been designated for this purpose. There is a lot of space for adequate parking.

Schiber asked why the Petitioner did not have architectural plans for the Plan Commission/ZBA to view? McCracken said they have architectural elevations, however, they would like to get additional input before finalizing them.

Grieve then discussed the traffic plans. He began by focusing a great deal on how ideal it would be to have a ramp connection back to the west (onto Illinois Route 56). A ramp to the west is not on the Village's Transportation Plan. If seriously contemplated, it would have to be an addition on to that plan. Should that be pursued, there would have to be a lot of coordination with IDOT and depending upon the design of the ramp, possibly Federal Highway Administration. This ramp connection can't be an assumption, so his firm took the existing road network and the Village Transportation Plan for the numbers their study was predicated on.

Their traffic study demonstrated the water park could be worked into the road system. Typically IDOT would have 4 lanes at the Galena Boulevard intersection, Galena Boulevard then narrows to 2 lanes and Galena Boulevard would be widened for a left turn lane and right turn lane.

Regarding traffic signals, they do want them. It is still uncertain if IDOT will approve signalization for opening day of the water park. IDOT likes to see five lanes for a traffic light. It also prefers to see traffic figures on a day-to-day basis for the 365 days a year. A

number of developments would benefit from traffic lights and they would actually be a regional benefit. It must be determined what the fair share of the costs would be for this developer.

IDOT is currently reviewing the traffic study. It is their call on when signals can be installed.

It also must be determined what road improvements would be made along Galena Boulevard and figure out how much needs to be built initially and who is paying what percent of it. He said he knew IDOT is very interested in having a co-ordinated set of improvements along this stretch of Galena Boulevard that will serve the water park, the lands to the west, Pulte to the north and Settlers Ridge.

Ochsenschlager made reference to the backups experienced on I-88 for the Chicago PremiumOutlet shopping center. Grieve said that there is a huge difference between the shopping outlet and the water park. The Outlet generates five times the amount of traffic the water park would. Another factor in that back up was that there was only one tollbooth to accommodate all the traffic that needed to stop to go through. He believes there are now two tollbooths.

Ochsenschlager had concerns about back ups when people exit the water park and go east on Route 56 to get onto I-88. Grieve said their traffic study included the water park, the Pulte Development and all other components within the commercial development. Their study and Settlers Ridge traffic study arrived at the same conclusion, that the east and west set of ramps need traffic signals, as do Gordon Road and the new road west of the interchange. Grieve went on to say their traffic study demonstrates that there would be plenty of room for stacking space. Also taking into account that water park patrons do not leave the park all at the same time.

Saloga said the Petitioners did a good job with their submittals and testimony and he could see the benefit to the school and of the tax revenues. His concern was regarding the location of the proposed water park at the gateway to the Village. He wants to keep Sugar Grove as a special place and to see its development grow more along the lines of Long Grove. The Village holds other developers to strict guidelines. He viewed the Raging Waves Water Park as being designed much like the Magic Waters park. He did not think the developer was taking advantage of the natural topography. The inside of the park elevation appears to be above the berms. He believes the 75' buffer should be adhered to. The maximum height of the water slide, in his opinion, should be 40 to 50 feet in height, and perhaps the land could be built up around the slide site to make it look less noticeable. He would prefer the slide be painted green or blue to blend in with the natural setting of landscape and sky, not a bright color. He did not approve of the use of a cyclone fence on the site, preferring a fence constructed of wrought iron. The architectural guidelines have to be improved. He said he could not support the petition as currently designed.

Benesch said he could understand why the Petitioner would choose to drop moving the main access further west. Ferencak said the Village is requesting the same of the Pulte Development, so the two accesses would meet.

Ochsenschlager noted that Commissioner Reuland, who was unable to attend this meeting, sent an e-mail in which he stated he was in opposition to the petition for the Raging Waves Water Park. He did not believe the Special Use petitioned for met the criteria for a recommendation of approval. Reuland said he preferred that the Village wait for a better development for this site.

PLAN COMMISSION/ZBA ACTION

Schiber made a motion that the Plan Commission/ZBA recommend to the Village Board approval of that part of Petition 05-001 requesting rezoning from Kane County F-1 and from the Village of Sugar Grove R-1 to B-3 Regional Business District for the subject property commonly known as the southwest corner of Galena Boulevard and Illinois Route 56. Benesch seconded the motion.

Roll call vote on the motion.

**Ayes: Dray
 Benesch
 Schiber
 Saloga
 Ochsenschlager**

Nays: None

Absent: Reuland

Motion carried unanimously,

Benesch made a motion that the Plan Commission/ZBA recommend to the Village Board approval of that part of Petition 05-001 that requests a Special Use for a Planned Unit Development, subject to the conditions (27 in number) set down in the Staff Report, and based upon the few issues remaining in those conditions being resolved between the Village and the Developer.

The Plan Commission/ZBA recommends to the Village Board approval of the Findings of Fact for Petition 05-001, Raging Waves Water Park.

Dray seconded the motion.

Roll call vote on the motion.

**Ayes: Schiber Benesch
Nays: Dray Ochsenschlager Saloga
Absent: Reuland**

Motion failed by a 3 to 2 vote.

Ochsenschlager made a motion to approve the Preliminary Plat for the Raging Waves Water Park development. Schiber seconded the motion.

Roll call vote on the motion:

**Ayes: Schiber Benesch
Nays: Dray Ochsenschlager Saloga
Absent: Reuland**

Motion failed by a 3 to 2 vote.

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5. **New Business** - None
6. **Plan Commissioner Comments, Project Updates and Miscellaneous Information**
Ferencak said pending project updates would be continued to the regular meeting.
7. **Adjournment**
Schiber made a motion to adjourn the meeting. Dray seconded the motion.
Motion carried by unanimous voice vote.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Nancy Zak
Recording Secretary

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