

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 9, 2004 (B of T) Date: August 19, 2004

TITLE: BOT 04-10: 100 Yorktown Mall

SUBMITTED BY: Department of Community Development *Off/WH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development staff transmits for your consideration its recommendation regarding the above-referenced petition. This petitioner has requested variations to grant relief from the Lombard Code of Ordinances Chapter 151: "Flood Control"; Subsections 151.55 "Retention/Detention Basins" and 151.57 "Detention Variance Fee Program". (DISTRICT #3)

The petitioner requests waiver of first reading.

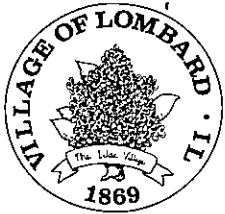
Staff recommends approval of the variation request to Subsection 151.55 for on-site detention but denial of the variation request to Subsection 151.57 for the fee in-lieu-of detention. The Ordinance has been drafted accordingly.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *William T. Lichter* _____ Date *8/10/04*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David P. Gorman, P.E., Development Engineer *DPG*

DATE: July 29, 2004

SUBJECT: **BOT 04-10: 100 Yorktown Center (Claim Jumpers Restaurant)**

Please present the attached items to the Board of Trustees for their review and approval at their August 19, 2004 meeting. The petitioner, Highland Yorktown LLC, has requested variations from Chapter 151: "Flood Control"; Subsections 151.55 "Retention/Detention Basins" and 151.57 "Detention Variance Fee Program" to waive the requirements for on-site detention and the fee in-lieu-of detention.

The subject 1.88-acre property is the former location of the Ward's Auto Center. The petitioner has applied for a permit to construct the site improvements for a new restaurant called Claim Jumpers. Village Code requires 0.315 ac-ft of detention for the project but the Countywide Ordinance does not require detention since the aggregate area disturbed of 24,935 sf is less than 25,000 sf. The aggregate area disturbed is limited to that area where the drainage characteristics are changing (e.g. land use, land slope, storm inlets or imperviousness).

As an aside, there have been discussions at the County about amending the Countywide Ordinance to allow a lesser detention requirement to redevelop impervious properties. If such an amendment is enacted, then staff will likely prepare a similar amendment to amend the Village Code. However, the Countywide Ordinance as currently written would have also required detention for this project except for the fact that the total aggregate area disturbed is less than 25,000 sf.

There is no known flooding downstream of the site. Furthermore, the improvements will not increase the runoff volume or otherwise be problematic for downstream properties. The petitioner would be able to provide the requisite detention on the property in an underground pipe system. However, variations have been requested from both the requirements to provide on-site detention and to pay a fee in-lieu of detention fee.

Recommendation:

Staff recommends that the Board of Trustees approve the variation request to Subsection 151.55 for on-site detention but denial of the variation request to Subsection 151.57 for the fee in-lieu-of detention. The Ordinance has been drafted accordingly. The fees would be deposited into the Village's stormwater detention fund for the Salt Creek watershed.

DG:dg

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cc: David A. Hulseberg, AICP, Director of Community Development

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Board of Trustees HEARING DATE: August 19, 2004
FROM: Department of Community PREPARED BY: David P. Gorman, PE
 Development Development Engineer

TITLE

BOT 04-10: 100 Yorktown Mall: Request for a variation to provide relief from Chapter 151: "Flood Control"; Subsection 151.55 "Retention/Detention Basins".

GENERAL INFORMATION

Petitioner & Owner: Highland Yorktown LLC
203 Yorktown Center
Lombard, IL 60148

PROPERTY INFORMATION

Property Identification Number: 06-29-301-011
Existing Land Use: Automotive Center (Recently Demolished)
Size of Property: 1.88 acres
Existing Zoning: B3PD Community Shopping Planned Development District
Surrounding Zoning and Land Use: North: B3PD Community Shopping Planned Development
(Mall Parking Lot)
South: B3PD Community Shopping Planned Development
(Buca Di Beppo Restaurant)
East: B3PD Community Shopping Planned Development
(Yorktown Mall)
West: B3PD Community Shopping Planned Development
(Highlands of Lombard)

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Plans entitled "Claim Jumpers Restaurant Yorktown Mall" by Siebert Engineers, Inc. with last revision date of May 28, 2004.
2. Letter dated May 5, 2004 from Siebert Engineers, Inc. to the Village of Lombard and accompanying stormwater detention calculations dated May 04, 2004 concluding that the site improvements require 0.315 ac-ft of detention volume.
3. Letter dated July 28, 2004 from Siebert Engineers, Inc. to the Village of Lombard requesting variations to (a) waive the requirement for on-site detention and (b) waive the requirement for a fee in-lieu-of detention.

DESCRIPTION

The property is at the west edge of Yorktown Center. It is the former site of Ward's Auto Center.

The proposed development consists of a new building, parking lot and utilities to accommodate a restaurant called Claim Jumpers. The development requires stormwater detention according to Village Code. The petitioner has requested variations to (a) waive the requirement for on-site detention and (b) waive the requirement for a fee in-lieu-of detention.

ENGINEERING

The project requires 0.315 ac-ft of detention per Village Code but not the Countywide Ordinance since the aggregate area disturbed of 24,935 sf is less than 25,000 sf. The aggregate area disturbed is limited to that area where the drainage characteristics are changing (e.g. land use, land slope, storm inlets or imperviousness).

The subject 1.88-acre property is the former location of the Ward's Auto Center. The petitioner has applied for a permit to construct the site improvements for a new restaurant called Claim Jumpers. Village Code requires 0.315 ac-ft of detention for the project but the Countywide Ordinance does not require detention since the aggregate area disturbed of 24,935 sf is less than

25,000 sf. The aggregate area disturbed is limited to that area where the drainage characteristics are changing (e.g. land use, land slope, storm inlets or imperviousness).

As an aside, there have been discussions at the County about amending the Countywide Ordinance to allow a lesser detention requirement to redevelop impervious properties. If such an amendment is enacted, then staff will likely prepare a similar amendment to amend the Village Code. However, the Countywide Ordinance as currently written would have also required detention for this project except for the fact that the total aggregate area disturbed is less than 25,000 sf.

There is no known flooding downstream of the site. Furthermore, the improvements will not increase the runoff volume or otherwise be problematic for downstream properties. The petitioner would be able to provide the requisite detention on the property in an underground pipe system. However, variations have been requested from both the requirements to provide on-site detention and to pay a fee in-lieu of detention fee.

The Private Engineering Services (PES) Division of the Department of Community Development has reviewed the requested variation. Per Subsection 151.56 (G), the Acting Director of Public Works has also reviewed the requested variation and provided the following comments:

1. That the normal fee of \$150.00 to process the variation (151.56.D) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.
2. That the normal fee in-lieu-of detention amount of \$51,030.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.

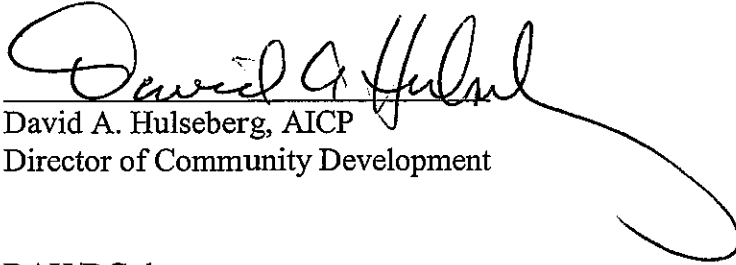
FINDINGS AND RECOMMENDATIONS

Staff recommends that the variation be approved with these conditions:

1. That the normal fee of \$150.00 to process the variation (151.56.D) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.
2. That the normal fee in-lieu-of detention amount of \$51,030.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.

Board of Trustees
Re: BOT 04-10
Page 4 of 4

Inter-Departmental Review Group Report approved by:

A handwritten signature in black ink, appearing to read "David A. Hulseberg". The signature is written in a cursive style and extends to the right, ending in a large loop.

David A. Hulseberg, AICP
Director of Community Development

DAH/DG:dg
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c. Petitioner

SIEBERT ENGINEERS INC.

261 EISENHOWER LANE SOUTH • LOMBARD, ILLINOIS 60146
PHONE 630-268-0020 FAX 630-268-9594

SPECIALISTS IN PLANNING, DESIGN, AND MANAGEMENT OF CAPITAL EXPANSION PROGRAMS

July 28, 2004

Mr. David Hulseburg
Directory of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Re: Claim Jumper Restaurant — Yorktown Mall
SEI Project No. 6919

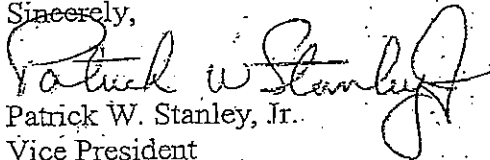
Dear Mr. Hulseburg:

On behalf of our client Long/Pehrson, owner of the parcel for the proposed Claim Jumper Restaurant, we hereby request a variance from the required site detention component of this project. Specifically, we are requesting to have the on-site detention and fee-in-lieu of detention requirements waived for this project. Additionally, we request a waiver of the first reading so that we may present our case to the Village Board of Trustees for their consideration, and therefore request to be placed on agenda for the next Board meeting.

The proposed re-development of the former Ward's Auto Center will yield many positives, namely a reduction of the paved surface area on the subject parcel. The pervious area will be increased approximately 8% in comparison to the prior site conditions. In comparison to this same type of re-development, in an unincorporated area of DuPage County, this site would not be required to provide detention under current County ordinances because we are under the 25,000 sq. ft. disturbed area threshold. The requirement for site detention and the construction costs associated with it, put us at a competitive disadvantage economically with other areas of the County attempting to attract this type of re-development. Therefore, we are requesting a variance from the Village of Lombard requirement for storm water detention and request that the requirement for this project be waived.

Should you require additional information or have questions concerning the above, please feel free to contact me at (630) 268-0020, ext. 114.

Sincerely,


Patrick W. Stanley, Jr.
Vice President

PWS/ld

C: Jim Romano — Long/Pehrson
Henry Stillwell III — Rathje & Woodward

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A VARIATION OF THE LOMBARD CODE OF
ORDINANCES CHAPTER 151 "FLOOD CONTROL";
SUBSECTION 151.55 "RETENTION/DETENTION BASINS"**

(BOT 04-10: 100 Yorktown Center, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Code of Lombard, Illinois, and;

WHEREAS, a request has been made for the Village of Lombard to grant a variation from Chapter 151 "Flood Control"; Subsection 151.55 "Retention/Detention Basins", and;

WHEREAS, a public hearing has been conducted by the Board of Trustees on August 19, 2004 pursuant to appropriate and legal notice; and

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of staff and incorporate such findings and recommendations herein by reference as if they were fully set forth herein:

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: That a variation is hereby granted from the provisions of Chapter 151 of the Code of Lombard, Illinois, for the property described in Section 2 below to waive the requirement to provide 0.315 ac-ft of detention on the subject property.

Section 2: That this ordinance is limited and restricted to the property located at 100 Yorktown Center, Lombard, IL and legally described as follows:

LOT 2 IN TBA RESUBDIVISION PLAT, BEING A RESUBDIVISION OF LOT 7 IN YORKTOWN, BEING A SUBDIVISION OF PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DU PAGE COUNTY, ILLINOIS, EXCEPT THAT PART DESCRIBED AS BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHLAND AVENUE, AS DEDICATED BY DOCUMENT NO. R68-10071 RECORDED MARCH 22, 1968, AND THE NORTH LINE OF SAID LOT 7; THENCE EASTERLY ALONG SAID NORTH LINE, HAVING AN ILLINOIS EAST ZONE GRID BEARING OF 87 DEGREES 35 MINUTES 17 SECONDS EAST, AND A DISTANCE OF 20.02 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 24 SECONDS EAST 62.79 FEET; THENCE SOUTH 40 DEGREES 02 MINUTES 36 SECONDS WEST 28.28 FEET, TO A POINT ON SAID EAST RIGHT OF WAY LINE OF HIGHLAND AVENUE; THENCE NORTH 04 DEGREES 57 MINUTES 24 SECONDS WEST 83.68 FEET, ALONG SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING IN DU PAGE COUNTY, ILLINOIS.

PIN: 06-29-301-011

Section 3: That this ordinance shall be subject to the following conditions:

- A. That the normal fee of \$150.00 to process the variation (151.56.D) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.
- B. That the normal fee in-lieu-of detention amount of \$51,030.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2004.

First reading waived by action of the Board of Trustees this ____ day of _____, 2004.

Passed on second reading this ____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk