

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DATE: May 17, 2007

SUBJECT: Text Amendments: Section 150.298(B) of the Village Code – Driveway Openings

Attached is a proposed text amendment for Village Board consideration. The proposed amendment provides for reimbursement of traffic consultant fees associated with a review of permits associated with driveway openings.

Background:

Section 150.298(B) of the Building Code reads as follows:

§ 150.298 DRIVEWAY OPENINGS; PERMIT REQUIRED.

(B) In the event the use of the real estate for which permission to construct driveways has been granted shall change or be altered in any such way so as to substantially effect the use of the driveways and the effect of the said use on public health, welfare, or safety based on the usual and ordinary standards of traffic engineering and traffic safety, the Director of Public Works shall have the right to revoke the use of such driveways or to direct the alteration or change of the width or location of any such driveway or driveways. Any owner changing the character, kind, or intensity of use of the property for which driveways have been constructed shall submit a new application for a driveway permit upon the request of the Director of Public Works.

This section provides for Village review of driveway curb cuts when the associated adjacent land use changes in character, kind or intensity. However, the section does not provide for reimbursement of professional services costs associated with the requisite review of the driveway permit application. Staff notes that the Village incurred significant consultant fees in the review of a driveway permit plan in 2006.

Staff is proposing a text amendment that provides for the Village the ability to hire professional traffic consultants to assist staff in its review of any affected driveways. The amendment would also provide to require the owner/applicant to reimburse the Village for any traffic consultant fees incurred as part of the driveway permit review process.

Proposed Text Amendment

Staff recommends that the following paragraph be added to Section 150.298(B):

As part of the permit review, the Director of Public Works shall have the authority to hire professional traffic and/or engineering consultant(s) to facilitate the review of any submitted driveway permit plans. If in the event that the Director of Public Works determines that professional consultant services will be required as part of the driveway permit review process, the owner/applicant shall provide the Village with a \$1,000.00 deposit which will be used to pay for the consultant review. If the review does not expend the entire \$1,000.00 noted above, the owner/applicant shall be entitled to a reimbursement of the unspent amount. If the consultant fees exceed \$1,000.00, the additional amount shall be fully paid by the owner/applicant prior to issuance of any associated driveway permit plans.

Recommendation:

Staff recommends that this item be placed on the May 17, 2007 Board of Trustees agenda and the Board adopt the text amendment to Section 150.298(B).