



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Community Development Director *WA*

**MEETING DATE:** April 6, 2017

**SUBJECT:** **BOT 17-01: 515 W. NORTH AVENUE STORMWATER VARIATION – REVISED ORDINANCE**

In the original April 6, 2017 Village Board meeting packet was a draft Ordinance granting approval of a variation from Section 151.55 of the Village Code pertaining to stormwater detention requirements for the Broadview Avenue right-of-way.

Attached is an updated Ordinance which incorporates a few recommended edits by Village Counsel for clarity. The revised ordinance also states the requisite fee in lieu of detention payment in the amount of \$28,998.00 that will be assessed per Village Code, which will be paid by the developer of the adjacent property.

Please replace the previously transmitted Ordinance with the revised Ordinance.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE GRANTING A VARIATION FROM THE LOMBARD CODE OF ORDINANCES CHAPTER 151 “FLOOD CONTROL,” SECTION 151.55 “RETENTION/DETENTION BASINS”**

(BOT 17-01: 515 W. North Avenue, Lombard, Illinois)

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,” Section 151.55 “Retention/Detention Basins” for only the portion of the development involving the Broadview Avenue right-of-way improvements required by Village code; and

WHEREAS, a public hearing has been conducted by the Board of Trustees on April 6, 2017 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 Section 151.55 of the Lombard Village Code, relative to the development of the property described in Section 3 below, to allow for the reconstruction of Broadview Avenue without providing the required stormwater detention for said Broadview Avenue improvements.

**SECTION 2:** The relief set forth herein shall be subject to the provisions of Section 151.57 of the Lombard Village Code, which requires a fee in lieu of detention payment in the amount of \$28,998.00. Said payment shall be made by Bluestone Single Tenant Properties, LLC (the “Developer”) of the prior to the issuance of a stormwater management permit and with said payment to be placed in the applicable watershed planning area account administered by the Village.

**SECTION 3:** That this Ordinance is limited and restricted to the property generally located in the 700 Block of North Broadview Avenue (PIN: not applicable, public right-of-way), Lombard, Illinois, as part of the required public improvements for the redevelopment of 515 W. North Avenue, which is legally described as follows:

Parcel 1: Lot 4 and 5 in block "G" in Lombard Terrace, being a resubdivision of part of Elmore's Northview, a subdivision in the North ½ of Section 6, Township 39 North, Range 11 East of the third principal meridian, according to the plat thereof recorded December 20, 1933 as document 341767, in DuPage County, Illinois.

PIN Number: 06-06-100-004 and, 06-06-100-005

Parcel 2: Lot 35 in block "G" in Lombard Terrace, being a resubdivision of part of Elmore's Northview, a subdivision in the North ½ of Section 6, Township 39 North, Range 11, East of the third principal meridian, according to the plat thereof recorded December 20, 1933 as document 341767, in DuPage County, Illinois.

PIN Number: 06-06-100-012

Parcel 3: Lots 33 and 34 in block "G" in Lombard Terrace, being a resubdivision of part of Elmore's northview, a subdivision in the North ½ of Section 6, Township 39 North, Range 11, East of the third principal meridian, according to the plat thereof recorded December 20, 1933 as document 341767, in DuPage County, Illinois.

PIN Numbers: 06-06-100-013 and 06-06-100-014

Parcel 4: Lot 2 in James D. Raines Resubdivision being a subdivision in the north ½ of Section 6, Township 39 North, Range 11, East of the third principal meridian, according to the plat thereof recorded third principal meridian, according to the plat thereof recorded August 11, 1970 as document R70-27995, in DuPage County, Illinois except that part described as follows: commencing at the northwest corner of said Lot 2, for a point of beginning, thence north 87 degrees 30 minutes 28 seconds east along the north line of said lot 2, 5.00 feet; thence south 2 degrees 08 minutes 34 seconds west, 109.06 feet to a point on the south line of lot 2; thence north 88 degrees 51 minutes 46 seconds west along said south line of lot 2, 2.13 feet to the southwest corner of lot 2, thence north 0 degrees 38 minutes 07 seconds east along the west line of lot 2, 109.01 feet to the point of beginning.

PIN Number: 06-06-100-048

Parcel 5: Lots 32 in block "G" in Lombard Terrace, being a resubdivision of part of Elmore's Northview, a subdivision in the North ½ of Section 6, Township 39 North, Range 11, East of the third principal meridian, according to the plat thereof recorded December 20, 1933 as document 341767, in DuPage County, Illinois.

PIN Number: 06-06-100-015

Parcel 6: Lots 6, 7, 8, 9, 10 and 11 in block "G" in Lombard Terrace, being a resubdivision of part of Elmore's Northview, a subdivision in the North ½ of Section 6, Township 39 North, Range 11, East of the third principal meridian, according to the plat thereof recorded December 20, 1933 as document 341767, in DuPage County, Illinois.

PIN Numbers: 06-06-100-006, 06-06-100-007, 06-06-100-008, 06-06-100-009, 06-06-100-0010, and 06-06-100-011

**SECTION 4:** That the proposed reconstruction of Broadview Avenue be completed in compliance with the submitted site civil plan prepared by Kimley-Horn and Associates, Inc. as approved as part of the development plans for Thornton's, dated September 14, 2015, Latest Revision dated January 25, 2017, which plan is incorporated herein by reference, and is on file with the Village.

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 \_\_\_\_\_, 2017.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk