

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

 X Resolution or Ordinance (Blue) _____ *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: October 25, 2005 (B of T) Date: November 3, 2005

TITLE: BOT 04-10: 100 Yorktown Mall – Repeal of Ordinance No. 5530 Regarding a Stormwater Detention Fee Variation

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development staff transmits for your consideration its recommendation to repeal Ordinance No. 5530. That Ordinance approved a stormwater detention fee variation on August 19, 2004. Since then, an arrangement has been reached between the owners of the Mall, Cinema and Hotel/Convention Center to raise the weir in the existing detention pond. This will create the additional detention volume required for the subject site as well as the other developments around the Mall. Therefore, the variation is no longer necessary. (DISTRICT #3)

Staff recommends approval of this request.

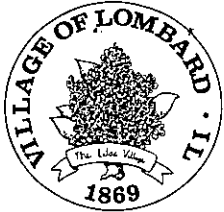
Please place this item on the November 3, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *10/24/05*

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 A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: October 25, 2005

**SUBJECT: BOT 04-10: 100 Yorktown Mall – Repeal of Ordinance No. 5530
Regarding a Stormwater Detention Fee Variation**

Please present the attached items to the Board of Trustees for their review and approval at their November 3, 2005 meeting. The Board of Trustees had approved Ordinance No. 5530 on August 19, 2004. That Ordinance approved a variation from Chapter 151: "Flood Control"; Subsection 151.55 "Retention/Detention Basins" to accept a fee in lieu of providing on-site detention for the development at 100 Yorktown Center.

The subject 1.88-acre property is the former location of the Ward's Auto Center. The owner has constructed the site improvements for a new restaurant called Claim Jumpers. Village Code requires 0.315 ac-ft of detention for the project. The Village and County Codes were amended after the variation was approved to only require 2-yr detention rather than 100-yr detention for such redevelopments. This new volume is 0.10 ac-ft.

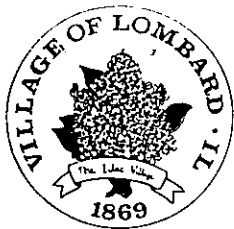
Furthermore, an arrangement has been reached between the owners of the Mall, Cinema and Hotel/Convention Center to raise the weir in the existing detention pond. This will create the additional detention volume required for the subject site as well as the other developments around the Mall. Therefore, the variation approved by Ordinance No. 5530 is no longer necessary.

Recommendation:

Staff recommends that the Board of Trustees approve the attached ordinance in order to repeal Ordinance No. 5530.

DG:dg H:\CD\WORDUSER\BOT\04\04-10\bot-memo (Repeal).doc

cc: David P. Gorman, P.E., Development Engineer



VILLAGE OF LOMBARD

255 E. Wilson Avenue
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TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

September 13, 2005

Village Clerk
Brigitte O'Brien

Trustees

Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Mr. Chuck May
CBL & Associates
5600 N. River Road, Suite 800
Rosemont, IL 60018

RE: Yorktown Center Stormwater Detention Volumes

Dear Mr. May:

Village Manager
William T. Lichter

This letter summarizes the proposal to provide the required stormwater detention volumes for Yorktown Center developments, as agreed upon by the Village of Lombard, Lombard PFC, Long-Pehrson and AMC Cinema.

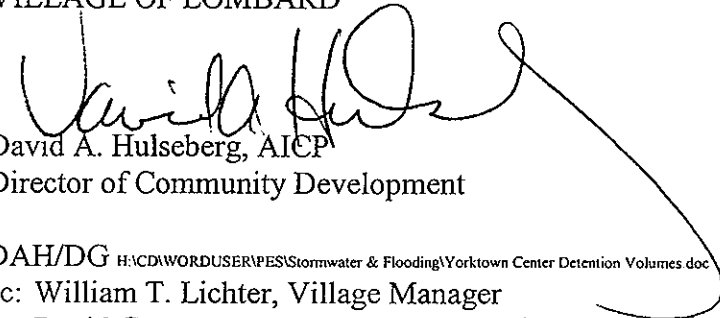
The weir for the detention pond will be raised to 730.49'. This would produce a 100-yr elevation of 730.71' in the pond and on small areas of AMC Cinema's pavement. The attached table demonstrates that there will be sufficient volume in the pond after the weir is raised to accommodate the detention requirements for all existing and proposed developments. However, final engineering calculations will still be required to verify the required volumes for the proposed developments.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

Please contact me at 630-620-5756 if you have any questions.

Sincerely,

VILLAGE OF LOMBARD


David A. Hulseberg, AICP
Director of Community Development

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

DAH/DG H:\CD\WORDUSER\PES\Stormwater & Flooding\Yorktown Center Detention Volumes.doc

cc: William T. Lichter, Village Manager

David Gorman, PE, Development Engineer

Dan Deeter, PE, Mackie Consultants, 9575 W. Higgins Road, Suite 500, Rosemont, IL 60018

Pat Stanley, PE, Siebert Engineers, 261 Eisenhower Lane South, Lombard, IL 60148

Barnett Ruttenberg, Esq., Gardner Carton & Douglas LLP, 191 N. Wacker, Chicago, IL 60606

Thomas McGuigan, Lombard PFC, 377 E. Butterfield Road, Suite 690, Lombard, IL 60148

Jim Romano, 203 Yorktown, Lombard, IL 60148

Robert Long, Long-Pehrson Associates, LLC, 203 Yorktown Shopping Center, Lombard, IL 60148

YORKTOWN CENTER DETENTION VOLUMES

| | Ac-Ft | Balance | Comments: |
|---|--------------|----------------|--|
| Raise weir elevation to 730.49 for a new HWL of 730.71 (low rim on AMC Cinema property is at 729.99) | +16.19 | 16.19 | See Siebert's 5/17/05 Stormwater Summary & Siebert's 3/16/05 fax w/ TR-20 calcs |
| Detention volume provided for all eastern lots (including cinema development and for future 80% imperviousness on lots 2 & 4)* | -13.19 | 3.00 | See Joseph A. Schudt's 7/8/97 Yorktown Stormwater Submittal Design Narrative |
| Additional volume required for 95% imperviousness for hotel/convention center on lot 2 (80% imperviousness allocated in 13.19 ac-ft) | -0.10 | 2.90 | See Joseph A. Schudt's 7/8/97 Yorktown Stormwater Submittal Design Narrative |
| Volume required for widening of Convention Way | -0.24 | 2.66 | See Mackie's 4/9/04 Stormwater Management Report for the hotel/convention center |
| 2yr./24hr. detention volume required for Claim Jumper | -0.10 | 2.56 | See Siebert's 3/24/05 letter (based on TR-20) |
| 2yr./24hr. detention volume required for Yorktown Center Shops on Butterfield | -1.40 | 1.16 | See Siebert's 5/17/05 Stormwater Summary |
| 2yr./24hr. detention volume required for future perimeter developments at Yorktown Center | -0.73 | 0.43 | See Siebert's 3/16/05 fax (based on TR-20 calcs) |
| Additional volume that will be required for 95% imperviousness for development on lot 4 (80% imperviousness allocated in 13.19 ac-ft) | -0.40 | 0.03 | See Joseph A. Schudt's 7/8/97 Yorktown Stormwater Submittal Design Narrative |

* Lot 2 will be the hotel/convention center and lot 4 is currently grass-covered.

CP

ORDINANCE NO. 5530

**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 19th day of August, 2004.

Passed on second reading this 19th day of August, 2004.

Ayes: Trustees Tross, Koenig, Sebby, Florey and Soderstrom

Nays: None

Absent: Trustee DeStephano

Approved this 19th day of August, 2004.


William J. Mueller, Village President

ATTEST:


Barbara A. Johnson, Deputy Village Clerk

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 5530, ADOPTED AUGUST 19, 2004,
REGARDING 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 had approved Ordinance No. 5530 on August 19, 2004 to accept a fee in lieu of on-site stormwater detention for a development at 100 Yorktown Center, and;

WHEREAS, an agreement has since been reached between Yorktown Holdings LLC (owner of Yorktown Mall), AMC-GCT, Inc. (Owner of Yorktown Cinema) and Lombard Public Facilities Corporation (owner of the Hotel/Convention Center) to raise the 100-yr flood elevation in the existing detention pond in order to provide the detention volumes required for developments around the Mall, including 100 Yorktown Center.

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 Ordinance No. 5530 is repealed in its entirety.

Section 2: 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 _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

Ordinance No. _____

Page 2 of 2

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2005.

Brigitte O'Brien, Village Clerk