

## MEMORANDUM

**TO:** William T. Lichter, Village Manager

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

**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