

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 04-11: 309 & 315 W. St. Charles Road

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

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development staff transmits for your consideration its recommendation regarding the above-referenced petition. This petitioner requests a variation to grant relief from the Village of Lombard Code of Ordinances Chapter 151: "Flood Control"; Subsection 151.55 "Retention/Detention Basins". (DISTRICT #1)

The petitioner requests a waiver of first reading.

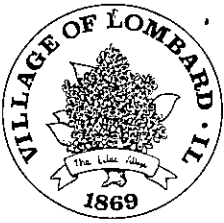
Staff recommends approval of this variation.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>W. T. Lichter</i>	Date	<i>8/10/04</i>

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: August 9, 2004

SUBJECT: BOT 04-11: 309 & 315 W. St. Charles Road (Walgreens)

Please present the attached items to the Board of Trustees for their review and approval at their August 19, 2004 meeting. The petitioner, Bradford Real Estate, has requested variations from Chapter 151: "Flood Control"; Subsection 151.55 "Retention/Detention Basins" to waive the requirement for on-site detention.

The 1.15-acre property is the former location of a gas station. A Walgreens store is proposed for the property. The project would require 0.51 ac-ft of stormwater detention. However, due to soil contamination from the past use, the petitioner has asked the Illinois EPA for permission to leave the soils undisturbed. Part of the contamination is beneath St. Charles Road. The petitioner has requested that the Village enter into a Highway Authority Agreement instead of removing the soils (and road pavement) at this time. Dave Dratnol is handling that negotiation and will present the Agreement to the Village Board for approval before this stormwater variation would be approved.

An on-site stormwater detention system (i.e. either an above-ground basin or underground pipes) would only be possible if the contaminated soils were completely removed from the site and adjacent right-of-way. This is the main reason for the variation request.

Runoff from this site during heavy rains will be go to the Finley-Crescent Basin, west of this site. Furthermore, there is no known flooding downstream of the site. Therefore, there is no anticipated problem to allow the property to be developed without on-site detention.

A variation is also required from the DuPage Countywide Stormwater and Floodplain Ordinance. The County's Stormwater Committee voted on August 3rd, 2004 to grant the variation provided that a fee in-lieu-of detention is paid to the Village.

Recommendation

Staff recommends that the Board of Trustees approve the variation with the condition that the typical processing fee of \$150.00 and fee-in-lieu of detention amount of \$82,620.00 be deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed. Approving the variation with this condition would be consistent with past variations.

DG:dg

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

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 04-11: 309 & 315 W. St. Charles Road: Request for a variation to provide relief from Chapter 151: "Flood Control"; Subsection 151.55 "Retention/Detention Basins".

GENERAL INFORMATION

Petitioner: Bradford Real Estate
 1 North Franklin, Suite 3602
 Chicago, IL 60606

Property Owner: MacIntyre & Kehoe
 309-315 W. St. Charles Road
 Lombard, IL 60148

Relationship of Petitioner: Contract Purchaser

PROPERTY INFORMATION

Property Identification Numbers: 06-07-208-016, -021, -022

Existing Land Use: Gas Station

Size of Property: 1.15 acres

Existing Zoning: B5A Downtown Perimeter District (Just rezoned from B2)

Surrounding Zoning and Land Use: North: R4 Limited General Residence District – multi-family and single-family homes
 South: Union Pacific Railroad Tracks; R2 Single-Family Residence District – Sacred Heart
 East: B5 Central Business District – strip shopping center

West: R4 Limited General Residence District – single-family home

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Plan entitled “Bradford Real Estate Drainage Plans, Sheet No. C300” by Woolpert LLP dated June 30, 2004.
2. Letter dated June 14, 2004 from Siebert Engineers, Inc. to the Village of Lombard requesting a fee in-lieu-of detention variation.
3. A Stormwater Management Report by Woolpert LLP dated July 2004 concluding that the site improvements require 0.51 ac-ft of detention volume.
4. Groundwater Investigation report by Clayton Group Services dated July 6, 2004 stating that contaminated soils have been found on the subject property and the adjacent St. Charles Road right-of-way.

DESCRIPTION

The property is located at the southwest corner of Elizabeth Street and St. Charles Road. It is currently the site of a gas station.

The proposed development consists of a new building, parking lot and utilities to accommodate a Walgreens store. The development requires stormwater detention according to Village Code and the DuPage Countywide Stormwater & Floodplain Ordinance. The petitioner has requested a variation to allow a fee to be paid to the Village in lieu of on-site detention.

ENGINEERING

The project requires 0.51 ac-ft of detention per Village Code and the Countywide Ordinance. The variation was approved by the County Stormwater Committee at their August 3rd meeting subject to payment of a fee in-lieu-of detention to the Village.

Due to soil contamination from the past use, the petitioner has asked the Illinois EPA for permission to leave the soils undisturbed. Part of the contamination is beneath St. Charles Road. An on-site stormwater detention system (i.e. either an above-ground basin or underground pipes) would only be possible if the contaminated soils were completely removed from the site and adjacent right-of-way. This is the main reason for the variation request. The petitioner has requested that the Village enter into a Highway Authority Agreement instead of removing the soils (and road pavement) at this time. That Agreement will be presented to the Village Board for approval prior to the stormwater detention variation.

During heavy rains, runoff from this site will go to the Finley-Crescent Basin, west of this site. Furthermore, there is no known flooding downstream of the site. Therefore, there is no anticipated problem to allow the property to be developed without on-site detention.

A variation is also required from the DuPage Countywide Stormwater and Floodplain Ordinance. The County's Stormwater Committee voted on August 3rd, 2004 to grant the variation provided that a fee in-lieu-of detention is paid to the Village.

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 East Branch DuPage River Watershed.
2. That the normal fee in-lieu-of detention amount of \$82,620.00 shall be required and deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed.

FINDINGS AND RECOMMENDATIONS

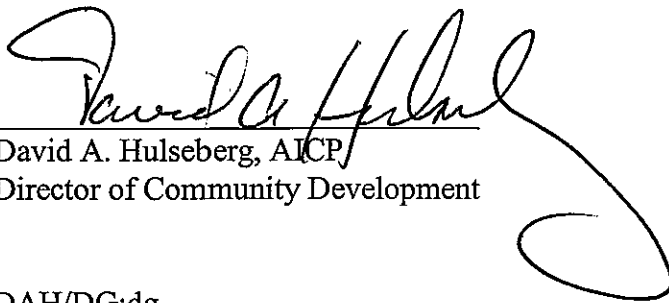
Based on the above considerations, staff recommends approval of the variation with the following conditions:

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 East Branch DuPage River Watershed.

Board of Trustees
Re: BOT 04-11
Page 4 of 4

2. That the normal fee in-lieu-of detention amount of \$82,620.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed.

Inter-Departmental Review Group Report approved by:



A handwritten signature in black ink, appearing to read "David A. Hulseberg", is written over a horizontal line. A long, sweeping flourish extends from the end of the signature down and to the right.

David A. Hulseberg, AICP
Director of Community Development

DAH/DG:dg
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c. Petitioner

ORDINANCE NO. _____

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

(BOT 04-11: 309 & 315 W. St. Charles Road, 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, the DuPage County Stormwater Committee has voted on August 3, 2004 to approve the variation from the DuPage Countywide Stormwater and Floodplain Ordinance's requirement for on-site detention provided that a fee in-lieu-of detention be paid to the Village of Lombard, 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 0.51 ac-ft of detention on the subject property.

Section 2: That this ordinance is limited and restricted to the property located at 309 & 315 W. St. Charles Road, Lombard, IL and legally described as follows:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DU PAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE

Ordinance No. _____

Page 2 of 2

OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DU PAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-07-208-016, -021, -022

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 East Branch DuPage River Watershed.
- B. That the normal fee in-lieu-of detention amount of \$82,620.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the East Branch DuPage River 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: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk