


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: April 25, 2007 (B of T) Date: May 3, 2007
TITLE: BOT 07-01: The Shops on Butterfield, 100, 102, 300 to 390 Yorktown
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development staff transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner has requested a variation to grant relief from the Lombard Code of Ordinances Chapter 51: "Water"; Subsection 51.12 "Multiple Use of Meters". (DISTRICT #3)

Staff recommends approval of the variation.

Staff is requesting a waiver of first reading.

Fiscal Impact/Funding Source: None required.

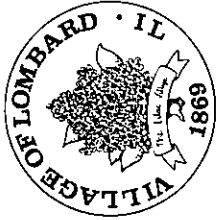
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X  _____ Date 4/25/07

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: Nick Hatfield, P.E., Development Engineer *Nick Hatfield*

DATE: April 24, 2007

SUBJECT: BOT 07-01: Water Meter Variation for Shops on Butterfield

Please present the attached items to the Board of Trustees for review and approval at their May 3, 2007 meeting. The petitioner, Long Pehrson Associates, LLC., has requested a variation from Chapter 51: "Water"; Subsection 51.12 "Multiple Use of Meters" to waive the requirement for a customer to maintain and read secondary or subtraction meters and for each customer to have a separate water service line and b-box.

Background:

The petitioner has designed and constructed the water service system for the Shops on Butterfield, located at 100, 102, and 300 to 390 Yorktown Road, consistent with the manner in which the existing Yorktown Mall water metering system is set up: each tenant has a separate meter that is read by the Village and the Village then bills each tenant based on their usage. There is a master meter ahead of all the sub meters that measures the total volume of water for the building. The original metering system for the existing mall was constructed prior to the passage of §51.12, and thus the petitioner was not aware that a variance was required for the construction of the Shops on Butterfield.

The petitioner is requesting that the Village read, own and maintain each individual meter for each tenant within the Shops on Butterfield. This request is a variance of both §51.12(A) and §51.12(B). Specifically, for §51.12(A), the petitioner is requesting a variance to allow for sub metering with the Village reading and maintaining the sub meters. For §51.12(B), the petitioner is requesting a variance to allow for combined service lines, without separate b-boxes.

Recommendation:

Staff recommends that the Board of Trustees approve the above variation request to Subsection 51.12 with the following conditions:

1. All sub meters shall be located within a readily accessible area of each tenant build out (including all future build outs). The meters shall not be located in the ceiling, within cabinets, behind shelving, etc. The Department of Public Works shall approve each meter location prior to occupancy.
2. Each sub meter shall have a remote sensor extended to the back dock areas of the buildings, and these sensor pads shall be grouped and clearly identified as to which pad is for which tenant.
3. Long Pehrson Associates shall be ultimately responsible for the sub meter bills. Should a tenant not pay a bill within 60 days, the bill will be forwarded to Long Pehrson for payment.
4. Payment for consumption discrepancies greater than 5% between the master meter and the sub meters is the responsibility of Long Pehrson Associates.

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cc: David A. Hulseberg, AICP, Assistant Village Manager and Director of Community Development

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Letter dated April 5, 2007 from Long Pehrstron Associates, LLC to the Village of Lombard requesting a variation.
2. Recommendation for approval dated April 24, 2007 from Wes Anderson, Director of Public Works.

DESCRIPTION

The petitioner has designed and constructed the water service system for the Shops on Butterfield, located at 100, 102, and 300 to 390 Yorktown Road, consistent with the manner in which the existing Yorktown Mall water metering system is set up: each tenant has a separate meter that is read by the Village and the Village then bills each tenant based on their usage. There is a master meter ahead of all the sub meters that measures the total volume of water for the building. The original metering system for the existing mall was constructed prior to the passage of §51.12, and thus the petitioner was not aware that a variance was required for the construction of the Shops on Butterfield.

The petitioner is requesting that the Village read, own and maintain each individual meter for each tenant within the Shops on Butterfield. This request is a variance of both §51.12(A) and §51.12(B). Specifically, for §51.12(A), the petitioner is requesting a variance to allow for sub metering with the Village reading and maintaining the sub meters. For §51.12(B), the petitioner is requesting a variance to allow for combined service lines, without separate b-boxes.

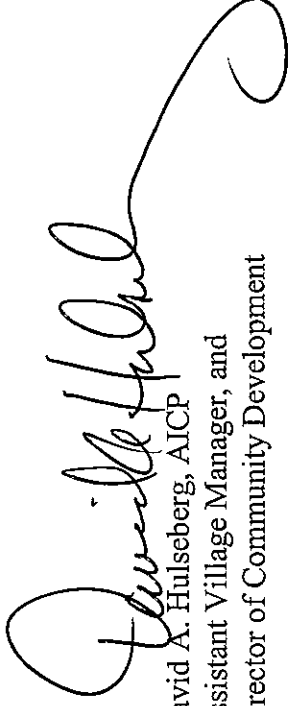
FINDINGS AND RECOMMENDATIONS

Staff recommends that the Board of Trustees approve the above variation request to Subsection 51.12 with the following conditions:

1. All sub meters shall be located within a readily accessible area of each tenant build out (including all future build outs). The meters shall not be located in the ceiling, within cabinets, behind shelving, etc. The Department of Public Works shall approve each meter location prior to occupancy.

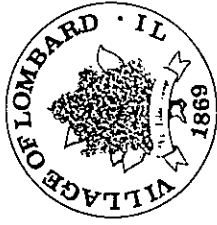
Board of Trustees
Re: BOT 07-01
Page 3 of 3

2. Each sub meter shall have a remote sensor extended to the back dock areas of the buildings, and these sensor pads shall be grouped and clearly identified as to which pad is for which tenant.
3. Long Pehrson Associates shall be ultimately responsible for the sub meter bills. Should a tenant not pay a bill within 60 days, the bill will be forwarded to Long Pehrson for payment.
4. Payment for consumption discrepancies greater than 5% between the master meter and the sub meters is the responsibility of Long Pehrson Associates.



David A. Hulseberg, AICP
Assistant Village Manager, and
Director of Community Development

DAH/NH:nh h:\cd\worduser\bot\07\07-01\staff report.doc
c. Petitioner



MEMORANDUM

TO: Wesley B. Anderson, PE, Director of Public Works
FROM: Nick Hatfield, PE, Development Engineer *NHH*
DATE: April 24, 2007
SUBJECT: BOT 07-01: Water Meter Variation for Yorktown Mall

The petitioner, Long Pehrson Associates, LLC., has requested a variation from Chapter 51: "Water"; Subsection 51.12 "Multiple Use of Meters" to waive the requirement for a customer to maintain and read secondary or subtraction meters and for each customer to have a separate water service line and b-box. This approval must be granted by the Board of Trustees, and as part of the Board package, your recommendation is requested.

Background:

The petitioner has designed and constructed the water service system for the Shops on Butterfield, 360 Yorktown Road, consistent with the manner in which the existing Yorktown Mall water metering system is set up: each tenant has a separate meter that is read by the Village and the Village then bills each tenant based on their usage. There is a master meter ahead of all the sub meters that measures the total volume of water for the building. The original metering system for the existing mall was constructed prior to the passage of §51.12, and thus the petitioner was not aware that a variance was required for the construction of the Shops on Butterfield.

The petitioner is requesting that the Village read, own and maintain each individual meter for each tenant within the Shops on Butterfield. This request is a variance of both §51.12(A) and §51.12(B). Specifically, for §51.12(A), the petitioner is requesting a variance to allow for sub metering with the Village reading and maintaining the sub meters. For §51.12(B), the petitioner is requesting a variance to allow for combined service lines, without separate b-boxes.


Recommendation:

I recommend that the Board of Trustees approve the variations with the conditions that:

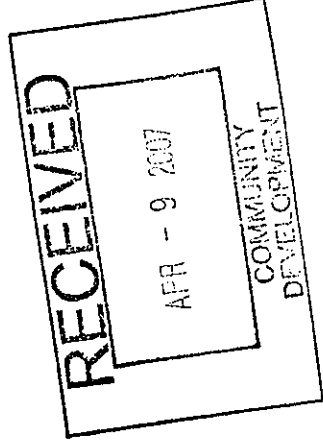
1. All sub meters shall be located within a readily accessible area of each tenant build out (including all future build outs). The meters shall not be located in the ceiling, within cabinets, behind shelving, etc. The Department of Public Works shall approve each meter location prior to occupancy.
2. Each sub meter shall have a remote sensor extended to the back dock areas of the buildings, and these sensor pads shall be grouped and clearly identified as to which pad is for which tenant.
3. Long Pehrson Associates shall be ultimately responsible for the sub meter bills. Should a tenant not pay a bill within 60 days, the bill will be forwarded to Long Pehrson for payment.
4. Payment for consumption discrepancies greater than 5% between the master meter and the sub meters is the responsibility of Long Pehrson Associates.

Please call me at x-5973 if you have any questions.

I recommend the petition be: **Approved** **Denied**


Wesley B. Anderson, PE
Director of Public Works

Real Estate Management & Development



April 5, 2007



Mr. William Mueller
President
Village of Lombard
255 East Wilson
Lombard, IL 60148

Re: Yorktown Water Meters – The Shops on Butterfield

Dear Bill,

As you are aware we are well into the completion phase of our new project, The Shops on Butterfield at Yorktown. At this time I am requesting from the Village of Lombard a waiver from the Village Code 51.12.

The purpose of this request is to ensure that the water readings of the meters for The Shops on Butterfield tenants will be handled in the same manner as our existing main mall tenants. The Village currently reads the water meters and sends the bill directly to each individual tenant for usage.

I would truly appreciate your consideration of this request.

Very truly yours,

Robert W. Long
President

RWL/dmr
Cc: David Hulseberg
James Romano

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A VARIATION OF THE LOMBARD CODE OF
ORDINANCES CHAPTER 51 “WATER”;
SUBSECTION 51.12 “MULTIPLE USE OF METERS”**

(BOT 07-01: Shops on Butterfield, 100, 102, 300 to 390 Yorktown, 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 51 “Water”; Subsection 21.12 “Multiple Use of Meters”, and;

WHEREAS, a public hearing has been conducted by the Board of Trustees on May 3, 2007 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 of §51.12(A) and §51.12(B) is hereby granted from the provisions of Chapter 51 of the Code of Lombard, Illinois, for the property described in Section 2 below so that the Village of Lombard shall read, own and maintain each individual sub meter, along with the master meter, as well as allow for combined service lines, without separate b-boxes.

Section 2: That this ordinance is limited and restricted to the property located at the Shops on Butterfield, 100, 102, and 300 to 390 Yorktown, Lombard, IL and legally described as follows:

LOT 1 IN TBA RESUBDIVISION PLAT OF LOT 7 IN YORKTOWN, BEING A SUBDIVISION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SPETEMBER 27, 1968 AS DOCUMENT R68-44972, IN DUPAGE COUNTY, ILLINOIS.

CONTAINING 674,000 SQ. FT. (15.5 ACRES)

PIN: 06-29-301-012

Section 3: That this ordinance shall be subject to the following conditions:

1. All sub meters shall be located within a readily accessible area of each tenant build out (including all future build outs). The Building Department and the Department of Public Works shall approve each meter location prior to occupancy.
2. Each sub meter shall have a remote sensor extended to the back dock areas of the buildings, and these sensor pads shall be grouped and clearly identified as to which pad is for which tenant.
3. Long Pehrson Associates shall be ultimately responsible for the sub meter bills. Should a tenant not pay a bill within 60 days, the bill will be forwarded to Long Pehrson for payment.
4. Payment for consumption discrepancies greater than 5% between the master meter and the sub meters is the responsibility of Long Pehrson Associates.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nayes: _____

Absent: _____

Approved by me this _____ day of _____, 2007.

ATTEST:

William J. Mueller, Village President

Brigitte O'Brien, Village Clerk