

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: March 24, 2005 (B of T) Date: April 7, 2005

TITLE: PC 04-07: 309 & 315 W. St. Charles Road (Walgreens)

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Title 5, Chapter 51, Section 51.02 of the Lombard Village Code in regard to prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method. (All DISTRICTS)

Please place this item on the April 7, 2005 Board of Trustees agenda.

Staff recommends approval of this request.

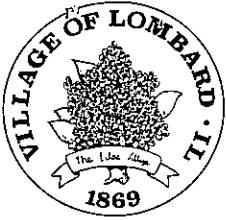
Staff is requesting waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X W. T. Lichter Date 3/25/05

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 *D. Hulseberg*

**DATE:** April 7, 2005

**SUBJECT:** **PC 04-07: 309 & 315 W. St. Charles Road (Walgreens) – Groundwater Supply Ordinance**

At the September 16, 2004 Village Board meeting, the Board approved final zoning actions, a development agreement and the companion vacation of the Elizabeth Street right-of-way, all associated with the proposed Walgreen's development at 309-315 West St. Charles Road. A companion Highway Authority Agreement (HAA) that addresses environmental remediation activities within the public rights-of-way was approved at the March 3, 2005 meeting. As noted in staff's supplemental memorandum to the Village Board dated March 3, 2005, the HAA included a Village obligation to further restrict groundwater usage for potable or domestic purposes.

Attached is an Ordinance drafted by Village Counsel that will further amend Title 5, Chapter 51, Section 51.02 of the Village Code which will prohibit the installation or drilling of wells for potable and/or domestic water purposes within a 2,500 foot radius of the Walgreen's site. Staff has also attached a map showing the radius for reference purposes.

Staff does not have an objection to the proposed code amendment. Village Code currently has significant restrictions that preclude the drilling of wells for domestic water purposes. The Ordinance change would not affect any property owners within the radius, as they would be obligated to connect to the Village's public water distribution system. This Ordinance further reinforces the rationale for our existing codes as well as providing an additional comfort level to the purchaser of the subject property that the impacts of the existing contamination will not be exacerbated.

Staff also recommends a waiver of first reading of the attached Ordinance.

# Location Map

2,500 ft. buffer around Walgreens property



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 51, SECTION 51.02  
OF THE LOMBARD VILLAGE CODE IN REGARD TO  
PROHIBITING THE USE OF GROUNDWATER AS A  
POTABLE WATER SUPPLY BY THE INSTALLATION OR USE  
OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

**WHEREAS**, the President and Board of Trustees of the Village of Lombard have found that the property legally described below is located in the Village of Lombard and has been used over a period of time for commercial/industrial purposes; and

**WHEREAS**, because of said use, concentrations of certain chemical constituents in the groundwater in the vicinity of the said property may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

**WHEREAS**, the Village of Lombard desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of the property that is or may be impacted with the said chemical constituents;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Title 5, Chapter 51, Section 51.02, of the Lombard Village Code is hereby amended by adding a new subsection (E) thereto, which shall read in its entirety as follows:

“(E) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (E) prohibiting such use, the use or attempt to use, as a potable water supply (any water used for human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods), groundwater from within a 2,500 foot radius of the boundaries of the property legally described below by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

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 DUPAGE 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 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 DUPAGE COUNTY, ILLINOIS.

PARCEL NUMBERS: 06-07-208-016, 06-07-208-021, 06-07-208-022

**SECTION 2:** If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

**SECTION 3:** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as required by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees of the Village of Lombard this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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

Barbara A. Johnson, Deputy Village Clerk