

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**SEPTEMBER 23, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Stormwater and Flood Plain Control Ordinance Variances – 4958 Forest	✓ Resolution Ordinance Motion Discussion Only	Michael D. Millette, P.E. Stormwater Administrator

**SYNOPSIS**

An ordinance has been prepared to grant two variances from the Stormwater and Flood Plain Control Ordinance (SWFPCO) for the property located at 4958 Forest Avenue. One variance would allow a structure to be built one foot higher than the base flood elevation instead of the minimum requirement of three feet. Additionally, the variance would allow ponding of up to 18-inches of storm water in a parking lot instead of the permitted maximum of 12-inches.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Authentic Downtown – The Heart of Our Community*. A supporting objective of this goal is: *Increase Service Businesses and Retail Grocery Stores, Hardware Stores*.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval on the October 7, 2008, active agenda.

**BACKGROUND**

The property is located at the northwest corner of Forest Avenue and Warren Avenue (4958 Forest Avenue). There is currently a one-story drive-through bank on the site. The bank building has been vacant for just over a year. The site is surrounded by the Oak Tree Towers senior development on the north and west, Downers Grove Community Bank on the south and medical offices to the east.

The applicant is proposing to redevelop the site. The existing building would be razed and a new one-story office building would be constructed. The building would contain approximately 3,000 square feet. Surface parking would be provided on the site. The applicant is proposing to locate an eye clinic in the new building. The proposed use and building is consistent with the surrounding neighborhood. No zoning variations are being requested as part of this development.

On August 28, 2008, the Stormwater and Flood Plain Oversight Committee held a public hearing to consider two variances from the SWFPCO for the subject property. No objections were received from any East Branch DuPage Watershed Communities or from the County. The County inquired about the ponding depth variance; however, the County did not voice any concerns. Elevating a building three feet above the base flood elevation is a Village requirement. The County requires buildings in a flood plain to be elevated one-foot above the base flood elevation, which matches the applicant's request. Two residents spoke in favor of the variances during the hearing. The Committee unanimously recommended approval of both variances with the requirement that signs be posted in the parking lot indicating the potential depth of ponding. Staff concurs with the Committee's recommendation.

**ATTACHMENTS**

Stormwater Administrator's memo

Variance Petition

Excerpted Minutes



## Department of Public Works Engineering & Transportation Group Interoffice Memorandum

**To:** Stormwater and Flood Plain Oversight Committee  
**From:** Michael D. Millette, P.E., Stormwater Administrator  
**Date:** August 26, 2008  
**Subject:** Variance Petition – 4958 Forrest

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### PETITION SUMMARY

Larson Eye Center is interested in redeveloping the former Downers Grove National Bank Drive-Up facility. They are asking for variances to two provisions of the Stormwater and Flood Plain Control Ordinance: one to section 26.62-3 for one foot of freeboard versus three feet required, and one to section 26.62-4 to allow 18 inches of inundation over parking lot pavement where 12 is allowed.

### STAFF ANALYSIS

We find the petition to be complete. Proper notice was given per sections 26.120 and 26.130. We find the applicant's rationale to be sound and their conclusions are valid.

### STAFF RECOMMENDATION

Staff concurs in granting the two requests. If the request for reduced freeboard is granted, the applicant should consider such approval to be notice pursuant to section 26.120.12 that cost of flood insurance may be increased as a result of their request.

### COMMITTEE ACTION OPTIONS:

1. Recommend to the Village Council that the variance be granted.
2. Recommend to the Village Council that the variance be granted with modifications.
3. Recommend to the Village Council that the variance be denied.

Written recommendation shall be made to the Council within 35 days of the public hearing's closure.

### ATTACHMENTS:

- Variance petition SW2008-01
- Technical Memorandum dated 8/6/08
- Aerial photo exhibit

c: File:

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

**AN ORDINANCE GRANTING  
STORMWATER VARIANCES FOR 4958 FOREST AVENUE**

WHEREAS, the Village has previously adopted the Downers Grove Stormwater & Flood Plain Ordinance (Chapter 26 of the Downers Grove Municipal Code, herein after referred to as the “Stormwater Ordinance”); and

WHEREAS, pursuant to the Stormwater Ordinance, new developments are to provide certain levels of flood protection; and

WHEREAS, pursuant to the Stormwater Ordinance, an application may be made for a variance for unique and extraordinary circumstances; and

WHEREAS, application has been made by the owners of the property located at 4958 Forest Avenue requesting a variance from certain flood protection elevations and a variance from storm water surface flow; and

WHEREAS, a public hearing was held on August 28, 2008 before the Downers Grove Stormwater and Flood Plain Oversight Committee which has recommended the granting of the variance request; and

WHEREAS, the Downers Grove Village Council has considered this matter and has determined that the applicant meets the requirements for a variance from the Stormwater Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Village Council of the Village of Downers Grove as follows:

1. That a variance is hereby granted to permit the surface elevation of one(1) foot above the base flood elevation, in lieu of the three (3) foot minimum required per Section 26-62.3 of the Stormwater Ordinance.
2. That a variance is hereby granted to permit stormwater surface flow depths of eighteen (18) inches over parking lot pavement, in lieu of the twelve (12) inch maximum surface flow depths per Section 26-62.4 of the Stormwater Ordinance.
2. This variance is conditioned upon compliance with all applicable Village Ordinances, including those related to the location and construction of an eye care facility and adjoining parking lot/loading area.
3. This ordinance shall be in full force and effect from and after its adoption in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

**DRAFT MINUTES  
VILLAGE OF DOWNERS GROVE  
Stormwater and Flood Plain Oversight Committee Meeting  
August 28, 2008, 7:00 p.m.**

**Downers Grove Public Works Facility  
5101 Walnut Avenue, Downers Grove, Illinois**

**Call to Order**

Acting Chairman Gorman called the meeting to order at 7:03 p.m. A roll call followed and a quorum was established.

Members Present: Mr. Barnette, Mr. Gorman, Ms. Matthies, Mr. Scacco

Members Absent: Mr. Crilly, Mr. Eckmann

Staff Present: Asst. Dir. of Public Works- Engineering Mike Millette and Lori Godlewski,  
Recording Secretary

Others Present: Frank Falisch, 820 Prairie  
Robert Ruyle, 1236 Blanchard  
Dan Loftus, GC Engineering  
Jeff Williams, GC Engineering  
Don Keisling, Larson Eye Clinic

**APPROVAL OF APRIL 24, 2008 MINUTES**

**Minutes of the April 24, 2008 meeting were approved on motion by Mr. Scacco, seconded by Mr. Matthies. No changes.**

**Motion carried by voice vote of 4-0**

**PUBLIC COMMENTS - No comments**

**NEW BUSINESS**

Acting Chairman Gorman opened up the public hearing.

**A. PUBLIC HEARING - Variance Petition regarding 4958 Forest Avenue.**

MR. MILLETTE: I shall. Thank you Mr. Chairman. We are being asked to consider is a variance from two portions of the Stormwater Floodplain Control Ordinance, Section 26.120 and Section 26.130. They relate to the Village's own requirement that three feet of freeboard preferred in structures adjacent to or within a floodplain and the second is for the ponding depth allowed over a parking lot of -- one foot is allowed by code and 18" inches is the request

The petitioner's application was received in a timely manner. Their fees have been paid. We were notified that the variance was noticed properly and the recommendation -- the possible recommendations are listed in the memo transmittal from myself to you, dated August 26<sup>th</sup> and the petitioner has is represented by an engineering firm and I believe, with your permission, they will like to make a brief presentation.

CHAIRMAN GORMAN: Please go ahead.

MR. LOFTUS: As I [inaudible words] here, I'll introduce myself. I'm Dan Loftus with GC Engineering, 5200 Main Street, Suite 210 -- we're upstairs. We'd like to thank you for allowing us to give this presentation tonight. With me this evening is Jeff Williams, our Senior Drainage Engineer from GC Engineering and Don Keisling from Larson Eye Clinic, in case you have any questions of the applicant.

Just a bit -- a bit of brief history, for those that might not be one hundred percent aware of what this property is, it is currently a -- it's about a 10,000 square foot parcel at the corner of Forest and Warren Avenues, just north of the railroad tracks on Forest Avenue. The existing use is a bank drive-through facility, unoccupied right now. It's not being used for that but that's what it was built out for and the construction of this parcel was, and historically, just to give us a base of reference, constructed prior to the adoption of the current Stormwater Ordinance that were are currently considering this evening.

Typically, the existing condition is that the, the flow of stormwater -- is it easier for me to turn this around if the public wants to see it as well? Kind of a tough room to present in here. It's like Vanna White, I can -- but the current overland flow condition is typically from the north to the south. From a standpoint of regulatory floodplain -- the majority of this property -- and I can show this to the group, cause I know that the committee members have seen this drawing as part of our application -- based on the regulatory flood mapping in the area -- this is in a Zone A floodplain, and on this exhibit the majority that is hatched here is within that Zone A flood plain. The base flood elevation in the area is 7/10 and that's an important number for us to remember as we proceed here

a little bit. That number was provided to us and verified by the Village staff, the stormwater engineer for the Village, and that is the basis for our presentation this evening.

The proposed project, as we get back to this other board here, is an approximately 3,000 square foot eye center with associated parking and, and stormwater improvements. This is an allowable use within the Downtown Business District zoning. The post building, as proposed this evening, would have a finished floor elevation of 7/11. That's one foot higher than the base flood elevation. And it is approximately 2.25 feet higher than the existing finished floor elevation of the bank drive-through.

The fill in the flood plain is a result of this meeting of the ordinance, or, meeting of the requirement to get the building out of the flood plain, is approximately 170 cubic yards. That 170 cubic yards would result in a compensatory storage number of about 255 cubic yards and that is in accordance with the ordinance to provide compensatory storage and one and a half times the fill in the flood plain.

Additionally, the proposed site would utilize the existing pavement -- the existing parking area -- and, and, the grades that are out there, as much as possible, to minimize additional fill in the flood plain. This would also allow us to provide the additional, or, the necessary parking and drive aisle widths for the eye center. And that elevation of the existing pavement and existing parking would be at approximately 708.5 or 1.5 feet below the based flood elevation.

It should be noted, I guess, that some of the existing pavement -- and we, we have a preliminary site plan that shows some of the demolition required -- it should be noted that some of the pavement would need to be removed for the footprint of the proposed building and also -- with your permission -- there is some concrete pavement that is underneath the overhang of the drive-through that we need -- we would need to remove and replace to make it -- the drive aisles and the parking area for the eye center. So there would be some existing pavement removal but we would replace that at an existing elevation.

As Mike mentioned, tonight we are seeking two exceptions to the Village's Stormwater Ordinance. The first is to construct a proposed finished floor elevation at one foot above the base flood elevation, which improves the existing condition by about two and a half feet. But it does not meet the three foot requirement that the Village has adopted in excess of the county-wide ordinance that is one foot.

Additionally, the current elevation of the pavement that we are seeking to maintain is approximately, on average, one and one-half feet below the base flood elevation. The coordinates, as adopted by the Village requires a one foot ponding, or, or, of allowable ponding on parking areas. So we are seeking an extra six inches up to allow us to minimize the fill in the flood plain and maintain that existing pavement.

I'd like to turn things over to Jeff now to talk a little bit more about the details on the exception requests that we have, our justifications for that, and the impacts that we believe are burdensome to the applicant in this case, and the impacts of meeting the ordinance.

Jeff?

MR. WILLIAMS: I'll go back to the colors so it's easier for everyone to see. To our re-write to some degree, by following the Village ordinance as written, we would be three feet above the flood inundation at 7/13. We're looking to follow instead the DuPage County Ordinance, which only requires one foot to go [inaudible] to 7/11. To kind of keep a perspective on things, Dan had mentioned the existing buildings are about 708.75. So it would be either a two and a quarter foot radius for the county ordinance requirements or a four and a quarter foot radius for the Village requirements.

The adjacent finished floor elevations were approximately 708.6, which is roughly even to bank fill-in to the west and 709.1, which is again, roughly even to what's out there now. If we were to raise as high as the Village ordinance required, we'd be in the neighborhood of 3.9 to 4.4 feet higher than the two adjacent parcels -- both of which would be within a hundred feet from the edge of the building to the edge of the proposed building.



So we believe that would make a poor aesthetic and just kind of a bad perception among the neighbors of what our impact would be -- whether it would be adverse or not but it wouldn't look very good. On top of this, if this were [inaudible] this were a residential parcel, they would not allow such a drastic difference between one finished floor elevation and those of its neighbors.

Above and beyond just the overall aesthetic, there is the issue of ADA access. According to the ADA regulations, you would need to provide a landing every 30 inch rise. Based on the elevation we would like to get through the variance of 7/11, we would not go as high as that 30 inches, so we won't be able to do a single ramp for ADA access. Once we go up to 7/13 we raise above both from the existing sidewalk and the proposed pavement. Above that 30 inch, we would need an additional ramp. This would be some hardship for anyone utilizing those ramps as well as taking up more space that could be used for any number of things on the site, such as parking, pedestrian or vehicular access or green space or whatever is eventually decided upon.

Secondly, to touch back on the compensatory storage. As mentioned, the area is pretty much entirely on the property within Zone A flood plain. Zone A means it's the hundred year flood elevation. It's just not mapped by the county. Based on this, Dan had mentioned, for building alone -- and this is regardless of the exceptions to the flood plain below both the Village and county requirements for the finished floor -- but based upon this, it would be 170 cubic yards of fill and using one and a half to one compensatory storage ratio, 255 cubic yards of compensatory storage required. We would anticipate to derive this entirely on the property either through vault building or vaults or pipes beneath the parking lot as appropriate or by Village staff -- once we know the final engineering.

If we were to raise the rest of the lot to comply with the one foot elevation to the flood plain, those numbers go significantly. We only had two foot county topos. This would be -- have to be finalized once we had our surveyors go in and everything else and also once we have final design -- but based upon an approximate look at it, it came out to about 515 cubic yards of total fill

and at the one and a half to one ratio, would be 770 cubic yards of compensatory storage. That's approximately a three-fold factor increase. Even allowing the approximate methods that we use, we're still looking at a two -- two to three times increase for what would be required just from the building itself, if we -- if we have the parking lot as is versus if we raised it.

One other adverse issue from raising the parking lot, we would be modifying the overland flow conditions as the presently exist. Currently, Dan mentioned this before, flows starts from the north and goes south. The low point roughly at the center section and extends pretty much in all directions up until we reach the base flood elevation. If we were to raise our parking lot, any overland flow that currently spills over the back of curve into our parcel would not have to raise up.

The biggest concern for that, cause we obviously would have to provide some form of pipe or other conveyance so that this flow would have path through, but the biggest concern you would have is that you always have to consider where the flow goes in the event of failure. In this case, if our pavement was going to be at 709 and then we add -- its a six-inch curb for a standard curb -- it would be 709.5. This building's finished floor, again, was only 709.1. So in the event of a failure of any conveyance system we put through, we would want to make sure that the flow would not go into a neighboring parcel or cause any adverse conditions off-site.

As a final issue, at least from a technical side, due to the relatively small size of the parcel -- it's about 10,500 square feet, pretty much any compensatory storage we provide will have to be underground. And while this is perfectly acceptable under any FEMA, Army Corp, local regulations, it would still have some degree of maintenance and some degree of risk of failure, partly going back to what I said before, which [inaudible words] using underground systems. So, in part , to reduce the maintenance for the future tenant as well as to reduce the risks to flooding for the neighbors, we would like to keep the pavement at the existing grades and I think I'll give it back to Dan. Thank you.

MR. LOFTUS: Thanks Chuck. I guess just to keep things short because there is a much more eloquent orator from Illinois speaking tonight, that is much better than I am on many issues, except engineering, I just wanted to, to say thank you again, and reiterate that, that what we're presenting here this evening -- the, the -- what we're -- the findings here are, of course, going to be subject to final engineering and an approval by not only the Community Development Department but the Engineering and Public Works Department, but we do not anticipate there being any significant modification to the, the numbers that we presented this evening upon detailed engineering.

We seek both of these exceptions for the purpose of taking what is, I think, a unique parcel in its size and, and location within this flood plain, and allowing a use that we currently don't have in our downtown that we would welcome, that would be a great assets to our community, we don't seek what I think is an undue exception to the ordinance. Both are supportive over -- the first is supported by the countywide ordinance and the second, I think, would certainly allow for a continuance of the existing condition that is out there, especially given that the adjacent properties and, and buildings are currently at their elevations, and, and by raising this, I don't think we make a huge improvement to the watershed as a whole, without taking all of the properties in the vicinity and doing the same thing.

In closing, I guess I would just like to, to mention that we've spoke with the applicant and they are committed to assigning this area for parking and, and the drive aisles, as exclusive for not only their customers but also give some indication and warning that in an extreme event there is the potential for as much as one and one-half feet of ponding on the property.

Again, going to the unique nature of this applicant and their use of this property, this isn't all day parking. There is no overnight parking. There is no long-term parking. These are exclusively for customers or clients of the eye clinic. They would come in for their approximately two hour average --

SPECTATOR: It's going to be a max.

MR. LOFTUS: -- the maximum two hour appointment, and , and they would be leaving, so. If there is a significant event happening, they -- given the nature of the surrounding area -- would be able to a) access the property or b) park their vehicle for, for much longer than it would take for the ponding to occur on the pavement as it is right now. So with that, I'll thank you and ask if there are any questions we would welcome them.

MR. GORMAN: Okay. Thank you. Perhaps before we talk about it as a committee, if there is anyone who wants to make comment on the [inaudible words] you heard the presentation. Is there anyone who would like to speak in favor or even ask a question of the petitioner?

SPECTATOR: Yes. I'm going to have a question.

MR. GORMAN: Your name and address please?

MR. FALISCH: The name is Frank Falisch. Now, I'm wondering --

MR. GORMAN: And your address?

MR. FALISCH: 820 Prairie. Is that area prone to flooding? I, I don't think I've ever seen that. It's not really my direct area but I've never seen that whole area flooding. Is this common?

MR. GORMAN: Well, it's mapped as a -- if I'm right -- it's not on the Flood Insurance Rate Map. This is designated as a locally poor drainage area. It's on the Village's map as a flood plain. It was modeled by Christopher Burke Engineering. They determined that the flood elevation would be 710 for a hundred year, one percent storm. Anything else to add to that?

MR. MILLETTE: We, we seen inundation in, in, in force but to be, to be quite frank with the committee, this may be one of those areas where the theoretical has quite a lot of buffer in it because it didn't flood as high even when we running around on October 2<sup>nd</sup>. It didn't flood as high. As the model shows, there, there's a potential inconsistency. When the modeling was done for Community Bank to the south, there is potential inconsistency or there's one of those hard thing to model and there's the culverts that go into the, the railroad tracks.

And then they, they discharge to the south side on Gilberts. So it -- if this could happen, if, if, you know, all the plants aligned right and the stream was already up and the culverts were already full, but I don't think it's likely an event as maybe the modeling shows.

MR. GORMAN: So it's theoretical flood plain [inaudible].

MR. FALISCH: Yes. Because [inaudible words].

MR. GORMAN: But it's based on modeling.

MR. FALISCH: I've never seen it flood. Of course I wasn't here for the October 10<sup>th</sup> or whatever that was -- flood, but it, you know, just wondered. And it seems to make sense. You don't want to build the area up to, to make a dam to, to flood the area even more. So that looks good.

MR. GORMAN: Thank you. Did you --

MR. RUYLE: Robert Ruyle, 1236 Blanchard in Downers. I looked at the property today. I saw the announcement that there was a hearing and I think the most significant thing is that the level of the final parking not be raised above its existing grade because of the foot proximity of the floor level of the building to the north. They were there first, done before current regulations and as long as the applicant can keep at that level or lower, I don't see a problem in changing the elevation, if they are willing to accept the risk factor. Though, in my thirty-four years of the Village, I've not seen water to that level that we're speaking of.

MR. GORMAN: Okay. Thank you. And for our new arrival, we're --

MR. RUYLE: Sorry.

MR. GORMAN: -- we're in the public hearing for the property at 4958 Forest --

MR. RUYLE: Yes.

MR. GORMAN: -- and we just had a presentation and for the committee starts the discussion and, and decides on the variance petition. Would you like to make any comments on that, on that case?

MR. RUYLE; No, that's fine.

MR. GORMAN: Okay.

MR. RUYLE: Are you done with that section of -- is that what you're saying?

MR. GORMAN: [Inaudible]. We, we, we're still in the middle of talking about that.

MR. RUYLE: Okay.

MR. GORMAN: Okay. I guess we'll close the public time period and talk amongst ourselves and the committee about this petition and ask questions.

(Whereupon the chairman closed the public hearing.)

Mr. Millette, explained that when this matter was reviewed at the staff level, the use of the eye clinic and its clientele was considered with a strong consideration for the ADA portion of the petition.

Mr. Scacco made a motion to forward a positive recommendation to the Village Council that the two requested variances for 4958 Forest Avenue be granted: one to Section 26.62-3 for one foot of freeboard versus three feet required, and one to Section 26.62-4 to allow 18 inches of inundation over parking lot pavement, where 12 is allowed.

Seconded by Ms. Matthies.

Roll call:

Aye: Mr. Barnett, Mr. Gorman, Ms. Matthies, Mr. Scacco,

Nay: None

Motion carried. Vote: 4-0

### **OLD BUSINESS**

A. **DuPage County Water Quality Best Management Practice (BMP) Manual - Update -**

B. **WIIP Update -**

### **ADJOURN**

**Mr. Scacco made a motion to adjourn the meeting at 8:02 p.m. Seconded by Ms. Matthies. Motion carried by voice vote of 4-0.**

Respectfully submitted,  
(as transcribed by tape)

/s/ Celeste K. Weilandt  
Celeste K. Weilandt, Recording Secretary