

**Staff Responses to Council Questions
May 8, 2018**

7. First Reading

B. Ordinance: Amend the Wine Boutique Liquor License Classification

Is "food service" defined in the ordinance? If not, how will it be interpreted by staff?

No, food service is not defined in the liquor ordinance. Food service will be interpreted as requiring the sale and serving of food on the premises for consumption.

Is food service a requirement for all Village liquor license classifications?

All current liquor license classification require food to be available on-site except the following:

- AS License - Arts and Crafts (Board and Brush)
- BF License - Brewing Facility (Alter Brewing)

11. Manager's Report - Committee Room

A. Report: Discuss Potential Amendments to Stormwater Management Regulations

In typical recent years, how many construction projects, other than new houses and major additions, which increase impervious area are completed? How much impervious area do they add?

Between 2015 and 2017, the Village averaged a total of 267 commercial and residential permits, other than new houses and major additions, annually which increased impervious area. The annual average amount of impervious surface added was 140,707 square feet. A breakdown by permit type is shown below:

| Permit Type Not Subject to Draft Ord. | # of Permits (Annual Average) | Sq. Ft of New Impervious (Annual Average) |
|--|--|--|
| Commercial New Building | 2 | 25,372 |
| Residential Patios | 80 | 24,397 |
| Commercial Site Work | 4 | 24,238 |
| Residential Accessory Structures | 36 | 15,468 |
| Residential Additions (minor) | 40 | 14,763 ¹ |
| Commercial Additions | 4 | 10,236 |

| | | |
|--|--|--|
| Residential Driveways | 45 | 9,990 |
| Residential Pools | 12 | 9,140 |
| Residential Decks | 44 | 7,103 |
| Sub-Total | 267 | 140,707 |
| | | |
| Permit Type Subject to Draft Ord. | # of Permits (Annual Average) | Sq. Ft of New Impervious (Annual Average) |
| Residential Additions | 8 | 5,000 ¹ |
| New Single Family | 55 | 87,135 |
| Sub-Total | 63 | 92,135 |
| | | |
| Total | 330 | 232,842 |

¹ Note - this is an estimated number because the permit software does not separate major additions from minor additions

ATTACHMENTS

rRemarks are attached.

Letters/comments from the April 24th stakeholder meeting



rRemarks Data for May 8, 2018 Village Council Meeting

| Agenda Section | Agenda Item | Comment | Commenter |
|------------------------------|--|---|--|
| Comments of a General Nature | Comments of a General Nature | I would like the council to reconsider the removal of the planned sidewalks for Drendel south of Indianapolis. I was disappointed to learn this after a unanimous agreement to put them in. There is not full support on our block to remove them. For the safety, connectivity and sense of community please put them back in the plan. Thank you | Shantel Smith, 4611 Drendel Road, Downers Grove |
| Comments of a General Nature | Comments of a General Nature | It is my understand the Village of Downers Grove has a strategic vision to place sidewalks on one side of every street in Downers Grove. Close to meeting that goal, very few streets in the village remain sidewalk-less. I happen to live on one of these few streets. My home sits a half a mile away from school but my children are bused due to hazardous walking conditions. Two years ago, myself and other neighborhood residents started a petition to have sidewalks installed in our neighborhood. We went through all the proper channels and TAP recommended they go in for safety and connectivity purposes. We live walking distance to the prairie, Puffer, the metra, golf course, Rec center and more. The village council unanimously voted in favor of a plan that included adding sidewalks to the whole neighborhood. Plans were created and discussed at a neighborhood meeting and as far as we knew, the first phase of the project was beginning this summer and sidewalks were a part of that plan. I was greatly disappointed to find sidewalks had disappeared from the plans on Drendel. I understand some neighbors are opposed to change and do not want sidewalks. While I can empathize with the fact they don't want their front yards to change, I can't understand why the village would prioritize their desires over safety. I am asking you reconsider and go back to the original plan that included sidewalks on every street in our neighborhood, not just some. All DG residents deserve the safety sidewalks provide. | Lauren Singdahlsen, 2529 Indianapolis Ave, Downers Grove |
| Manager's Report | A. REP 2018-7624 Discussion of potential amendments to stormwater management regulations | Longtime residents' yards and, increasingly, homes are being decimated by stormwater runoff from large new homes whose owners and builders are seemingly unaccountable for the effects of their construction. On April 22, Council Member Barnett was kind enough to meet with a number of us on Oakwood Ave., where our properties are being used without our consent to accommodate this runoff. The Village -- through denial of permits -- impedes our own legitimate efforts to prevent further damage to our property yet looks the other way in cases of outrageous construction at, to cite just one of many examples, Middaugh and Chicago (goo.gl/LC5T1V). As we consider all proper remedies at our disposal, we urge the Council to immediately cease construction or reconstruction that is inconsistent with the new ordinance and cease the ongoing financial harm that includes inability to use our yards, the cost of repairs and remediation necessitated by others' new construction, and diminished resale value. Much of our neighborhood group will attend the May 8 meeting to discern the Council's intentions and emphasize the need for immediate action to 1.) head off the damage being done daily to our properties, and 2.) define a course that will reverse this inequitable and -- some would say -- legally questionable practice of holding current residents to a far higher standard than builders and new residents. | Tom Garritano, 4600 Oakwood Ave., Downers Grove |
| Comments of a General Nature | Comments of a General Nature | | Aaron Cates |



VILLAGE OF
DOWNERS GROVE

Megan Miles <mmiles@downers.us>

Fwd: Proposed Amendments to Stormwater Regulations

2 messages

Stanley Popovich <spopovich@downers.us>
To: Megan Miles <mmiles@downers.us>

Tue, May 8, 2018 at 10:28 AM

----- Forwarded message -----

From: **Mike Ricklefs** <Mike.Ricklefs@greenscapehomes.com>

Date: Tue, May 8, 2018 at 9:05 AM

Subject: Proposed Amendments to Stormwater Regulations

To: Kerry Behr <kbehr@downers.us>, "Village of Downers Grove (jlomax@downers.us)" <jlomax@downers.us>, "Phil Laures (plaires@downers.us)" <plaires@downers.us>, Stanley Popovich <spopovich@downers.us>

Cc: Brian Hyde <Brian.Hyde@greenscapehomes.com>, Matt Brost <Matt.Brost@greenscapehomes.com>, Jennifer Brost <Jennifer.Brost@greenscapehomes.com>, Joe Rice <Joe.Rice@greenscapehomes.com>, Jeff Hayes <Jeff.Hayes@greenscapehomes.com>

Hello all,

Please see the attached comments that we have compiled regarding the proposed stormwater ordinance changes that were discussed at the April 24th meeting. I trust that this will get passed on to the appropriate Village Board members and Village staff.

Thank you,

Michael W. Ricklefs, P.E.

Director of Engineering



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5/8/2018

The Village of Downers Grove Mail - Fwd: Proposed Amendments to Stormwater Regulations

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Stan Popovich, AICP
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Village of Downers Grove
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DG Storm Water 5-8-18.pdf
272K

Village of Downer Grove Staff and Village Board,

First, I would like to say thank you for inviting us to the meeting to discuss the potential stormwater ordinance changes. Obviously, the proposed changes will have a substantial impact on the building community and the real estate market as a whole in Downers Grove. We hope the Village Board takes time to reflect on what this ordinance would do to the Village overall and not just as a quick fix for stormwater runoff at a micro scale instead of looking at the whole picture.

Some of the major concerns with what is proposed besides the major financial implications are the actual logistics of designing and constructing a system like this within the tight lots that are being redeveloped. We evaluated one of our typical 50' x 132' lots in Downers Grove and came up with a drywell detention sized at 46'x35'x3' deep with (12) 24" perforated culverts (assuming no issues with high water table or infiltration). In order to fit this in a rear yard while keeping a safe distance away from the foundation we would virtually go lot line to lot line, leaving no room for utility easements. This would also entail removing all existing vegetation, which would take away any additional infiltration or transpiration caused by root systems. Systems like this will not be easily pieced together by utilizing the front yards, the front yard is mainly consumed with sanitary & water services and driveway. This does not leave sufficient room for a storm detention system of this magnitude. Leaving a substantial portion of the detention volume in the rear yard.

In addition, the hydraulics of the proposed systems are idealized. It is not frequent that lots, that are being redeveloped, are capable of directing all new impervious to either the front or the rear yards. As well as the idea that the existing Village storm systems are capable of being extended without pumps in the majority of the redeveloped areas. If the solution to there being no outlet for the detention is making the detention larger, this plays into the issue of lack of space. Not to mention if there is any issues with high water table (ESHW) or drawdown times which would increase the footprint of the detention area as well. These redeveloping areas were not originally subdivided with low enough density to make the proposed stormwater ordinance practical.

A third concern is usability and maintenance of the potential homeowner's yards and detention system. If these massive detention areas are located on single lot properties, it will leave the homeowners with back yards that have zero space for any kind of outdoor living. No space for patios, swing sets, or decks leaving the back yards useless. This will affect the desirability of the Downers Grove real estate market, hurting the ability of the Village to bring in new tax paying residents.

In addition, the future maintenance on a proposed system to be the sole responsibility of a single homeowner is unreasonable. If a drywell system would ever need to be replaced, due to sediment build up within the voids, a homeowner is not going to be willing or able to absorb a \$70,000 expenditure. Leaving the proposed solution inactive and having the potential of returning to the very issues we face today with storm runoff affecting the surrounding properties. We urge the Village to take a new approach to solving an ongoing village wide issue with stormwater runoff that will have a stronger and long lasting positive effect on solving the issue.

Financial Ramifications:

Stormwater ordinance will affect potential development two-fold.

1. Costs of new home and substantial renovation projects will increase by \$50,000-\$100,000.
2. The resulting new development will have less actual value in the real estate market because yards will be void of desired amenities such as trees, vegetation, outdoor living areas, etc. Basically, only lawn or other pervious surface will be present over all of the new massive required drywells, which drastically changes the character and usability of homeowners' properties, and the overall community.

So why will people pay substantially more money to get less of what they ultimately want in a home? They will not, most people will abandon their thoughts of proceeding with future projects. The extra substantial cost might put them over their available budget, or over the real estate market value. They might go to another neighboring community to build instead, taking their tax revenue money with them. Existing housing stock will be de-valued for resale to potential development candidates, therefore hurting the existing Downers Grove residents. Old/worn housing stock will remain and potentially deteriorate further. If the home has no value as a teardown and requires too much money for rehabilitation, it does not make financial sense to invest large amounts of money into a home that would immediately be worth less than what was put into it. This will not help with any beautification of the village, further devaluing property values in the community.

There are many older existing deteriorated homes that are worthy of demolition and new construction. There are many reasons for declining conditions such as routine home maintenance neglect, older inferior structural code requirements that lead to issues, inefficiencies of energy usage because of older less efficient equipment and prior insulation and energy code requirements that do not compare to today's strict energy codes, homeowner bankruptcy/foreclosure, etc... If these homes are not candidates for demolition or redevelopment because of this new associated stormwater ordinance costs, they will remain as-is and negatively impact the future of the community.

All relatively recent new development that has occurred could be financially devalued as well. Many people have invested large amounts of money in new homes and large renovation projects anticipating that more development that is similar will take place in the future. If that future development is slowed or halted, those residents will be affected negatively. Neighborhoods that are in the middle of a transition period will be stuck in that scenario indefinitely.

We understand that the cost implications of a major "big picture" solution to the village's stormwater issues are staggering and the money at the local and state levels of government are lacking. Infrastructure projects are needed at many levels and municipalities do not have all the funding they need to complete them. However, it does seem that "big picture" solutions are needed instead of making individuals store water underground on their property. Villages buying existing homes in especially low lying areas and dedicating them to open lands or stormwater retention areas is just one alternative idea that would alleviate localized flooding issues on a much greater level than a private drywell paid for, and hopefully maintained by a homeowner.

The cumulative, negative financial trickle-down effects of this ordinance could be substantial to the Downers Grove community. The community development revenue from building permits and building activities would decline substantially if people are not developing. The added property tax revenue generated from newer, larger homes will disappear. Downtown commercial and retail development will be negatively affected. Instead, it could be financially beneficial for the Village to spend more money on "big picture" village stormwater projects in comparison to what it could lose from all other revenue loss created by enacting this stormwater ordinance and squelching development projects.

Stan,

I can not make it on the 24th.

My only comment is if the Village is considering "On Site detention for single family homes and major residential additions" I believe the Village is heading into a administrative and maintenance nightmare.

No resident is going to effectively maintain these stormwater facilities after final approval takes place and, most likely, the resident will manipulate the facility to meet their needs. This puts undo pressure on you to police and maintain these sites.

Secondly, the Village has probably hundreds of LPDAs scattered throughout the Village by creating individual detention areas by house I think will only extend this problem.

Your statement "On Site detention for single family homes and major residential additions" raises more questions than answers (probably was your intent to get people thinking for meeting) but as you know there are multiple scenarios that will change the correct course.

1. Will detention be tied into the stormwater system? What if there is no stormwater system present? Will the homeowner have to pay to extend? how far? Any french drain not tied to the stormwater system is useless I have experienced this in other towns.

2. How will subdivisions with detention areas already be handled?

There are hundreds of questions to be answered.

Stormwater is a problem but just because someone is the last to build or remodel why should they solely carry the cost burden?

Dave Bradley

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*****Note that our address has changed- All future mail/ communications should go to the address highlighted below!*****

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Thanks for the invite Stan. I'll be there!

In the meantime, I noted something that I think misleads council to think the impact on additions will be small. Naneil Newlon's April 3 report to council states that a large project (underline and bold are my emphasis): *"Alters a total of 600 square feet or more (inclusive of the size of the addition **and any remodeling of the existing house**)"*. The memo goes on to state (again underline and bold are my emphasis): *"In 2016 and 2017, there were approximately 330 house additions. Twenty-seven of these additions, about **8%, would have qualified as a major addition** under the proposed definition.* I don't believe this is true! In my experience, **almost all additions, and especially small ones**, involve some remodeling of the existing home. It's pretty easy to get to 600sf, and determining an exact area of the existing space to be remodeled is left to considerable interpretation. For instance, if one wall in a room is coming down but the rest of the space remains as-is with only a change in paint or flooring, should the entire room be included in the area calculation? Should the room on both sides of the wall be included? It's not an exact science. What is exact is the amount of addition area. I suggest that only the addition area should be considered when determining the size of a "large" addition project. This would be consistent with our current policy for construction site management requirements. Since the addition is the thing impacting stormwater, why would we include remodeled existing areas? And if remodeled areas should be included, how can we justify forcing stormwater detention on a house with a 100 sf addition and 500 sf remodeled area but not on a house that is completely being remodeled but has no addition?

I also encourage staff and council to reconsider the 600sf size requirement. Maybe it should be larger or smaller. Was the size requirement seriously considered or was 600 sf just carried forward based on past practices? Or maybe it would make sense to use 700 square feet or more of net new impervious area as the trigger to align with the PCBMP requirements? This leads to my next point: Isn't adding a bunch of impervious paving almost as bad as adding an addition or new home? The only difference so far as I can tell is the foundation sump discharge created in an addition....assuming there is a crawl space or basement and not a slab-on-grade construction (which has no sump). To force the new detention requirements on additions and new homes but not on impervious paving projects seems discriminatory to me.

I look forward to your reply.

Mike



Michael J Davenport, ALA, NCARB

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Please visit our website! www.davenportarchitects.com

Good morning Nan,

I attended the meeting on Tuesday to hear more about the potential changes to the stormwater ordinance. As a professional engineer, stormwater management is a large focus of every project that I work on. With that being said, asking homeowners provide detention on their property will serve almost no hydrologic benefit to downstream properties. The cost/benefit ratio for the new requirements is completely upside down.

The amount of detention a single family development will require is extremely minuscule in hydrologic terms. When Villages such as Downers experience drainage problems, the solution is to provide large regional detention basins that can hold exponentially more water than an underground tank on a 50'x150' lot. The amount of water that needs to be stored to alleviate the drainage problems in Downers cannot physically fit on a single family lot, let alone in an underground tank. I appreciate the intent for the synergistic approach to single family detention, but in all reality how many homes will go through with a remodel/reconstruction that requires detention? Continuing this notion, how much water/how many gallons need to be stored to alleviate the drainage problem? How many homes will have to be constructed/remodeled with detention to achieve this volume, and how long will that take? This is not a practical solution to the drainage problems.

I understand there is a problem - and I would like offer some input on how to improve the situation. I pay a stormwater utility bill each month, and it's relatively low. I believe we are on the order of \$30 per month. I would accept raising this tax by 10-15% to generate more revenue to improve the stormwater infrastructure.

What about requiring an additional permit fee for new home/large remodels based on the impervious square footage? Rather than having a homeowner pay \$50,000 for a tank (which is probably on the low end), \$7,000 for a civil engineer to design the system that stores a small amount of water, what if they paid a single lump sum fee of +/- \$4,000 (just making numbers up)? This money could be collected from each development and used to improve the infrastructure.

I wanted to make sure that you heard from a licensed civil engineer on this matter. I spend a significant amount of my time solving 'stormwater problems', and this approach simply doesn't make sense. I'll certainly be attending the public meetings as this is discussed further, and I look forward to providing the scientific and technical reasons why this is a bad idea.

Should you have any questions or would like to discuss in further detail, please do not hesitate to reach out.

Respectfully,

Joseph M. Iovinelli
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- Do you have a sample community in DuPage County or Illinois that has this standard?
- Will the PCBMP requirements still apply or will they be waived if you do 100-year detention?
- If the point is not to change existing conditions, then why the detention at the NIPC 0.15 cfs/acre rate? The existing 100-year flows from a single family home are probably more than 0.15 cfs/acre so now you are requiring existing (additions) and new homeowners to have the burden of over restricting to make up for decades of no detention for the area? Why not just make them have no adverse impact and have proposed flows = existing flows and a max impervious area similar to Elmhurst?
- For an example watershed, if 5 new homes design to this new detention requirement, what is the affect on the overall 100-year flow rate at the downstream release point? A lot of people on NextDoor that live near St. Joe's Creek for example think this will solve all of their problem, whereas I think they won't see any affect.
- Instead of making a single homeowner put in a detention area, the builder/homeowner should pay a fee towards improving overland flow routes through the neighborhood to a detention area and mandating drainage easements in areas that make sense.
- Has the City considered oversized storm sewers in these areas?
- Where does the funds from the private cost-share program come from and if not the SWU then can these be increased to help pay for more 100-year type projects?
- Why isn't it based upon new impervious like pools, patios, outdoor kitchens/fireplaces? Those can create just as much runoff as a roof.
- What exactly is the Council voting on at the next meeting?
- A number of neighbors on NextDoor stated that this could encourage more demos and less additions (because of cost of detention system) which seems to be opposite than what the Council is trying to do. It harms the ones that have the cape cod who are trying to keep the 'small town' feel and just add an addition. It's actually the #1 topic the last week.

Overall I think this is short sided and a bandaid. I will try to be at the May meeting and will reach out to the Council as well. Bob Barnett has been active on Nextdoor with a post about this and while I understand where he is coming from as I live in one of these areas, I think its a waste of time and money and nobody will see a positive affect.