

## **Staff Responses to Council Questions**

### **October 10, 2017**

#### **8. First Reading**

##### **A. Ordinance: Increase the Number of Beer & Wine Recreational Facility Licenses**

*Please provide information about the business interested in applying for this license, should it be created.*

The proposed applicant is Fun Zone, and it is proposed to be a 23,500 square foot venue located at 2011 W. 63rd Street. The applicant intends on opening a multi-purpose family entertainment center featuring video gaming, kids multi-level climbing structure/play area, laser tag, spin zone (bumper cars), XD theater, eatery and entertainment venue with casual American food and beverages. There will be flexible party and event space for public, private and corporate events.

*This is another "designer" ordinance to expand with a particular business in mind. Has this facility (same or different owners) ever had a liquor license before?*

In 2010 a gaming facility license was created. Shortly thereafter, omnibus changes to the Liquor Code were made to streamline license types. The REC- classification was adopted to better categorize actual "recreation facilities" such as Tivoli Bowl, DG Sand Club, Q Billiards, (full alcohol) and Legends Indoor Golf (beer & wine) – where the main and principal business is recreational activities. Food service is required, but not a main function of the establishment.

A previous business, Game Pazzo, held a full liquor recreational license at this location.

*What is the history of this business in terms of police activity?*

Fun Zone has not held a liquor license before. Game Pazzo did not have any control buy violations. However, there was police activity involving parking lot fights when hosting unlicensed events at this location.

*If approved, what are the next steps in the process?*

If the number of recreational licenses is increased the applicant would have to file an application and attend a hearing before the Liquor Commission.

*Has the Liquor Commission weighed-in on this or similar facilities? Would it be better process to have a Liquor Commission recommendation first before expanding the number of licenses?*

The Liquor Commission has discussed the creation of this license classification in the past. In the past, increasing the number of licenses available has been a Village Council decision. The Liquor Commission will conduct an application hearing and make a recommendation regarding this particular applicant.

*Who holds the other license and what is the history there?*

Legends Indoor Golf holds the only beer and wine recreational liquor license available. There have been no control buy violations and no police activity at this location.

*What is the Village's history with Recreational licenses?*

Currently the Village has issued three full alcohol recreational licenses:

1. Tivoli Bowl - 2 control buy violations (1986 & 1998) and no police activity.
2. DG Sand Club - no control buy violations and no police activity.
3. Q Billiards - 1 control buy violation in 2015 and no police activity.

Legends Indoor Golf holds the only other wine and beer recreational license available. There have been no control buy violations and no police activity at this location.

## **B. Information: Potential Amendments to Stormwater Management Regulations**

*Explain the difference between detention and retention*

Both detention and retention are forms of site runoff storage, required when development sites meet criteria such as increasing the impervious area by 25,000 square feet or more. Detention ponds are dry bottom ponds or underground facilities and are designed to empty completely between storm events. Retention ponds retain water as either a pond or a wetland bottom. Both hold stormwater during storm events and slowly release it at the design rate. Generally, retention ponds have more impact on water quality.

*Explain or amplify the concept "Recommended Level of Service"*

In the 2014 Stormwater Project Analysis the Village set a goal to provide a minimum uniform standard of stormwater infrastructure to all properties within the Village as a service to residents and business owners. Stormwater infrastructure consists of ditches, storm sewers, inlets, catch basins/manholes, curb and gutter, culverts, ponds, control structures (restrictors), wetlands, and streams. The Analysis recommended, as a starting point, a level of service to safely convey 95% of all rainfall events that occur, on average, in a given year. This standard storm is called the "Service Level Drainage Event," which is approximately 3.35 inches of rain over a 6-hour period. This level of service was established to assist in prioritizing projects. Where flooding is reported, the area is reviewed first to see what stormwater infrastructure currently exists and whether or not it is of sufficient capacity to safely convey or store the runoff from the "Service Level Drainage Event." Areas that do not meet this recommended level of service are given higher priority.

*Review the concepts "BMP" and "PCBMP" and explain the differences.*

The term BMP refers to best management practices related to stormwater and includes structural, vegetative or managerial practices used to treat, prevent or reduce flooding and water pollution.

Post Construction Best Management Practices, or PCBMPs, are facilities designed to treat, store, filter and/or infiltrate a proportion of stormwater runoff onsite and improve water quality before sending it to the receiving stream. They are required when any construction project(s) results in a net increase of impervious surfaces over a set threshold (700 square feet in the Village of Downers Grove). PCBMPs consist of two components - water quality and volume control. PCBMPs include facilities such as rain gardens with deep rooted plantings, dry wells, infiltration trenches, permeable paver systems, and native vegetated swales.

PCBMPs are designed to store and infiltrate stormwater from the 2-year event as well as improve water quality. They are designed to store and treat runoff from 1.25 inches of rain and are not designed to reduce flooding.

*Are there instances in Downers Grove where sump pumps are lifting ground water to the surface? How common are those situations?*

It has been observed that sump pumps are generally more active for new homes, especially those with larger, deeper basements. Generally speaking the houses with deeper basements and therefore deeper foundation drains and sump pumps tend to pump more groundwater to the surface. Director Newlon will provide additional information on this issue during tonight's meeting.

*In the context of on-site detention, clarify or amplify statements regarding lack of infrastructure for on-site detention to connect to (i.e. outlet). (See page 8 of October 16, 2016 staff report document / page 10 of the October 10, 2017 document posted for the agenda)*

Detention facilities function at optimal levels when they are connected to formal, properly sized stormwater management systems. Detention facilities constructed in neighborhoods lacking formal stormwater management systems are likely to be less effective. On-site detention facilities would be constructed at a depth lower than the existing property. In order for these new facilities to drain, they must have an outlet (pipe, ditch or creek) lower than the bottom of the new detention to drain into. In some locations, such infrastructure does not exist. Without an outlet the newly created on-site detention facility would fill with water and not drain, or drain very slowly as the stormwater infiltrates into the ground if it has some porosity. An alternate could be to use a pump to drain the detention, however, pumps require maintenance and could result in a slow trickle of water that lasts for an extended period after a storm, similar to a sump pump discharge.

*Are there locations within Downers Grove for which the “Recommended Level of Service” cannot be achieved except through on-site detention?*

No, recommended levels of service can be achieved in all locations of the Village with the construction of detention or retention and a conveyance system. In an area with less than the recommended level of service on-site detention could reduce the impact of runoff from new impervious areas on the under designed areas. Even with on-site detention, areas with less than the recommended level of service would need additional stormwater infrastructure.

*In 2015, the Village adopted a revision to the stormwater ordinance to require PCBMPs. As of today, what is the level of success arising from these changes?*

In April of 2013, the Village adopted the revised County stormwater ordinance which included the requirements for PCBMPs. The County regulations require PCBMP's in instances where impervious area is increased by 2,500 square feet or more. In 2015, the Village Council adopted an amendment making the Village regulations more restrictive than the County regulations. The amendment requires the installation of PCBMP's with 700 square feet or more of net new impervious area. Although the Village does not have the staff capacity to monitor water quality it is accepted that PCBMPs help improve water quality and slow the release of runoff into our drainage systems to a degree. However, their effectiveness during back to back rain events is limited. It often takes a few days for water to infiltrate or evaporate. In fact, PCBMPs are designed to hold runoff for 48-96 hours, which provides the water quality benefits. Problems arise when storm events occur prior to the PCBMP emptying (or if the PCBMP cannot empty because of soils) or the runoff exceeds the capacity of the PCBMP (more than 1.25 inches of rain). Constructing BMPs with overflow is beneficial, but again this requires a downstream system (ditch or storm sewer) to connect to, which is not present in all areas of the Village, otherwise the overflow will typically flow into a neighbor's yard.

In addition, the topography (or changes in ground elevation) in Downers Grove is not always ideal for PCBMPs. For example, if a new house is constructed and the ground elevation is higher at the front of the lot and lower at the back, the runoff naturally flows to the back. This is where the PCBMP must be located in order to capture the runoff from the impervious areas. This means the discharge from the PCBMP and the overflow beyond 1.25" of rain all follow the natural direction of the ground elevation downhill toward neighboring properties.

*At the June 23, 2016, meeting of the Stormwater and Flood Plain Oversight Committee a member of the public stated that he is a civil engineer and he stated that in general: “BMPs don't work” – BMPs help get plans approved but do little to solve actual problems. (See page 9 of the minutes / page 29 of the October 10, 2017, document posted for the agenda). With respect to Downers Grove, and considering unique factors such as soil with high clay content, how accurate is the foregoing opinion?*

Staff has found that some PCBMPs do provide water quality and runoff benefits, especially for smaller rain events. As noted above, there are challenges with larger rain events, back to back rain events, and some lot conditions.

*In addition to Elmhurst, are there communities in the Chicago Metro area that require on-site detention?*

Wilmette, which has combined sewers.

Northfield requires detention with 1,000 sf or more of impervious.

### **Attachments**

rEmarks are attached.



**rRemarks Data for October 10, 2017 Village Council Meeting**

Agenda Section	Agenda Item	Comment	Commenter
Consent Agenda	B. RES 2017-7533 A resolution authorizing an agreement with V3 Companies of Illinois, Ltd. regarding a stormwater project and road construction at Brookbank Road	Would the Village please summarize the legal matters that led to the decision for the Village to pay for something the developer was supposed to pay for, and provide the legal documents that underlie the decision for the Village to pay for it now.	John Schofield, 1125 Jefferson Avenue, Downers Grove
Consent Agenda	B. RES 2017-7533 A resolution authorizing an agreement with V3 Companies of Illinois, Ltd. regarding a stormwater project and road construction at Brookbank Road	<p>I have carefully read RES 2017-7533 A Contract for Design and Construction of a Portion of Brookbank Road and Associated Stormwater Facilities.</p> <p>Curiously there is no mention of impact on -- or interaction with -- the neighborhood.</p> <p>* It appears the proposed detention area will be built upon 1225 Arnold Court.</p> <p>* It appears the detention pond construction impacts the neighboring properties: 1227 and 1231 Arnold Court and 1200, 1206, 1212, 1218, and 1224 60th Place.</p> <p>Before approving the expenditure for the project on the consent agenda, it would be helpful for the Village to detail the expected impact on those properties and the interactions the Village has already had with the owners of those properties.</p> <p>Also, please clarify who will be responsible for maintaining this detention facility.</p>	John Schofield, 1125 Jefferson Avenue, Downers Grove