		AGENDA ITEM EXECUTIVE SUMMARY						
		Title:	Recommendation regarding a request to reduce 20' separation between Building and Public water main for proposed development at 1510 E. Main St. (former Baker's Square)					
		Presenter:	Christopher Tiedt					
Please check appropriate box:								
	Government Operations				Government Services			
X	Planning & Development (2/13/2012)				City Council			
Estimated Cost:		N/A		Budgeted:	YES		NO	
If NO, please explain how item will be funded:								
<p>Executive Summary:</p> <p>Attached is a request from an attorney representing the Thatcher Property Group, LLC, to reduce the minimum separation distance between their proposed building and existing public water main from 20' to 9' for their proposed development.</p> <p>A 20' Public Utility Easement exists along the westerly property line on the parcel located at 1510 E. Main St. (former Baker's Square). Located within this easement are an existing 24" public storm sewer and an 8" water main, with the water main being close to the easterly edge of the existing easement.</p> <p>Section 16.44.070 paragraph B states "Water main and publicly owned water appurtenances shall be located a minimum of 20 feet from building or structures. If site conditions will not allow for the minimum separation; approval must be received from the City Council."</p> <p>We have obtained feedback from the Public Works Department. The Public Works Department has provided their comments and recommendation on this matter.</p>								
Attachments: (please list)								
<ul style="list-style-type: none"> • Aerial Photo depicting parcel, easement location, and public utilities • Request letter from Lawrence Freedman to reduce 20' separation between building and public water main • Site Plan for proposed development • Memo from Public Works 								
Recommendation / Suggested Action (briefly explain):								
<p>Staff does not recommend approval of the variance request at this time because the new site allows for flexibility in the development of the structures and therefore staff felt that this request was not substantiated. However, if the Committee desires to grant the developer's request, staff would ask that the variance approval require the developer to work with Public Works staff to protect the water main.</p>								
For office use only:		Agenda Item Number: 4b						



City of St. Charles, Illinois

Two East Main Street, St. Charles, IL 60174-1984
Phone: 630-377-4400 Fax: 630-377-4440 - www.stcharlesil.gov

Precision GIS

DONALD P. DEWITTE *Mayor*
BRIAN TOWNSEND *City Administrator*



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Data Source:
City of St. Charles, Illinois
Kane County, Illinois
Dupage County, Illinois

Projection: Transverse Mercator
Coordinate System: Illinois State Plane East
North American Datum 1983

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GEORGE J. ANOS, 1951-2005

January 25, 2012

VIA EMAIL

Mr. Matthew O'Rourke
AICP Planner
City of St. Charles
St. Charles, Illinois

Re: 1510 East Main Street
St. Charles, Illinois
Our File No. 12-13

Dear Mr. O'Rourke:

Please be advised that I represent Thatcher Property Group, L.L.C., an Illinois limited liability company, the contract purchaser of the captioned property. As evidence of our client's interest of the subject property, I enclose herewith a copy of the executed contract to purchase. As I am sure you are aware, the subject property has been unoccupied for considerable period of time and was the former Baker's Square site. Our client proposes to redevelop the site with 15,800 sqf. of retail pursuant to a preliminary site plat, which is attached.

As you are also aware, the engineering requirements of the City require that the proposed structures be set back a minimum of 20 feet from the 8 inch watermain which is located in the utility easement along Hunt Club Drive. Given the unique site conditions, our client is unable to economically develop the site as contemplated without obtaining some relief from the City with respect to the 20 foot set back. We are requesting that the City consider reducing the setback from the existing watermain to 9 feet.

The subject property poses significant changes in elevation which in order to be addressed require the addition of retaining walls and extensive earth work. The fact that the property has lost an additional 10 feet for the benefit of IDOT along Main Street further complicates engineering the site to accommodate the slopes running through the property.

We appreciate the rationale for requiring a 20 foot separation to allow for the maintenance of the water line. We believe, however, that if the relief we are requesting is granted, that there will still be sufficient room for the City to maintain and service the water line while allowing our client to feasibility develop the property.

LAW OFFICES

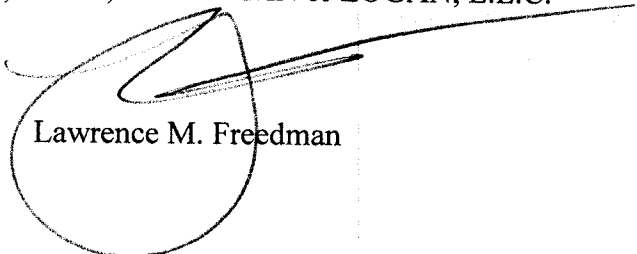
ASH, ANOS FREEDMAN & LOGAN, L.L.C.

Mr. Matthew O'Rourke
January 25, 2012
Page 2

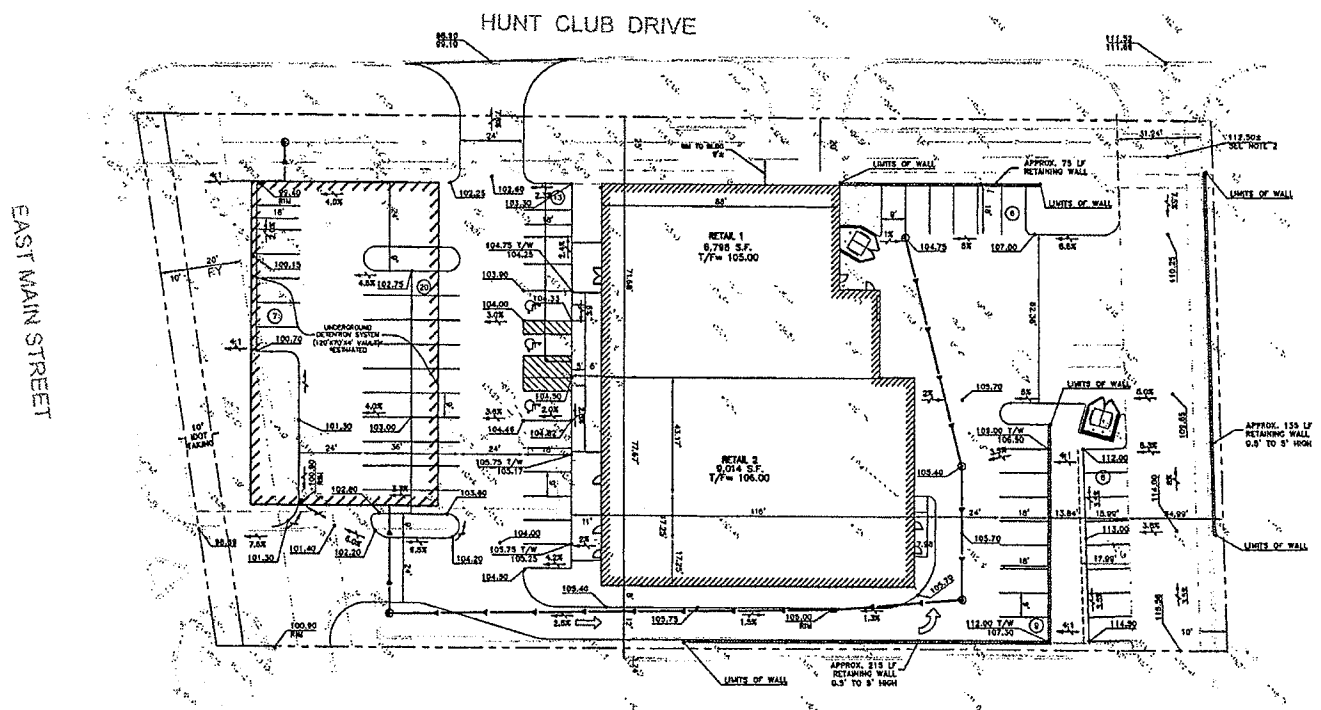
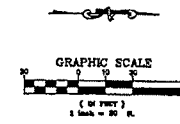
We would appreciate an opportunity to discuss the problem with the Committee of the Whole of the City Council at its next available meeting in order to find an amicable solution to the problem. We are confident that we will be able to work together to allow the property to be developed while addressing the City's concerns. Thank you.

Very truly yours,

ASH, ANOS, FREEDMAN & LOGAN, L.L.C.

BY:  Lawrence M. Freedman

LMF:eas
Enclosure



- NOTES**
1. BOUNDARY SHOWN IS APPROXIMATE. ALTA SURVEY IN PROGRESS.
 2. MAINTAIN 5' MIN. COVER OVER EXISTING 8" WATERMAIN. FIELD VERIFICATION OF EXISTING VERTICAL DEPTH IS REQUIRED.

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CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND RECORDS. INFORMATION HEREON AND RECORD IS CONFIDENTIAL.		PRELIMINARY SITE PLAN PROPOSED RETAIL DEVELOPMENT ST. CHARLES, IL		SHEET 1 OF 1



Interoffice Memorandum

Public Works Engineering Division

To: Matthew O'Rourke
From: James Bernahl and Mark Koenen
Date: January 31, 2012
Subject: 1510 East Main Street – Former Baker's Square Site

The following memo is an overview on the request for clarification of staff's review comments for the former Baker's Square site located at 1510 East Main Street.

On January 13, 2012 staff met with representatives for the National Shopping Plaza/ Mr. George Hanus pertaining to a proposed development at the former Baker's Square site. The proposed development comprises the removal of the existing structure, re-grading of the lot, building of a new structure, and the installation of a site detention facility.

An impediment for the new building is the location of the existing 8-inch ductile iron water main located within the right-of-way along the east side of Hunt Club Drive. Based on the proposed site plan the new proposed building would be located a distance of approximately 9-feet from the existing main.

During the Pre Application meeting staff had advised the developer that the new proposed structure would need to be a minimum distance of 20-feet from the existing water main. This requirement is part of the City Code 16.44.070 paragraph B which states,

“Water main and publicly owned water appurtenances shall be located a minimum of 20 (twenty) feet from buildings or structures. If site conditions will not allow for the minimum separation approval must be received from the City Council.”

Because the new site allows for flexibility in the development of the structures staff felt that this request was not substantiated. Various recommendations were made to the developer's representatives at that time that would allow the same proposed square footage of building to remain while meeting code requirements. One specific recommendation allowed for the relocation of the existing 8-inch water main to the roadway on Hunt Club Drive.

After further review of the history of the existing water main staff believes that there are several conditions that should be considered before approval of this request. The first condition is the age and condition of the existing main. The existing 8-inch water main is approximately 40-45 years old, and has a history of water main breaks on both the main line and the existing service connections to the former Bakers Square building. Many of the former excavations for repairs to the water main are still visible on site today. By allowing a new structure to be built approximately 9-feet from the existing water main staff is concerned with potential ground disturbance that could trigger additional water main breaks and the potential risk for a future

foundation blow-out should a water main break occur near the structure. Based on the configuration of the City's existing overall water system the need for this water main to remain in place is necessary.

The Council is being asked to grant a variance to the code as noted above. Based on the knowledge of present Public Works staff, we do not recall a variance request of this nature being requested or granted. Granting a variance of this nature suggests a precedent regarding the present Code requirement. However, if the Council desires to grant the developer's request, Public Works would ask that the variance approval require the developer to work with Public Works staff to protect the water main. The Public Works staff would look to the developer to relocate a new water main to a location where the 20 ft. separation would be maintained.