



AGENDA ITEM # 9A

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
October 28, 2019**

Item Title: Appian Stone Werks Special Use Permit

Staff Contact: Patrick N. Watkins, Community Development Director

VILLAGE BOARD ACTION

Pass an ordinance granting a special use for a contractors and construction offices and yard in the M Limited Industrial District (Jerome, Steven, and Anthony Noti d.b.a. Appian Stone Werks, Inc. – 399 Central).

Executive Summary:

Attached is an ordinance granting a special use permit for a contractor and construction office and yard for Jerome, Steven, and Anthony Noti d.b.a. Appian Stone Werks. At the October 14th Committee of the Whole meeting, staff was directed to proceed with an ordinance approving the special use subject to two (2) conditions:

1. Any storage within the fenced yard south of Spring Brook Creek shall not exceed the height of the existing fence (8’).
2. Any storage of materials or equipment on the site shall conform to the requirements within Section 15-82 of the DuPage County Stormwater Ordinance.

As there was discussion regarding the floodplain status of the property, staff reached out to the petitioners to confirm that they understand the implications of how they are permitted to use the property. They have agreed to the above conditions to approval of the special use.

Implications:

Is this item budgeted? N/A

Any other implications to be considered? None

Attachments:

Ordinance

ORDINANCE 2019-_____

**AN ORDINANCE GRANTING A SPECIAL USE FOR A
CONTRACTORS AND CONSTRUCTION OFFICES AND YARDS
IN THE M LIMITED INDUSTRIAL DISTRICT**

(Jerome, Steven, and Anthony Noti d.b.a. Appian Stone Werks, Inc. – 399 Central)

WHEREAS, Jerome, Steven, and Anthony Noti d.b.a. Appian Stone Werks, Inc, (hereinafter “Contract Purchaser”), has petitioned the Village for a special use for a contractors and construction offices and yards in the M Limited Industrial District at 399 Central (hereinafter the “Property”); and,

WHEREAS, the special use described herein is being adopted pursuant to the authority set forth in the Roselle Zoning Ordinance, Section 10.01(C)(3) “Special Uses”, M Limited Industrial District; and,

WHEREAS, the Planning and Zoning Commission held public hearing PZ 19-1083 on October 1, 2019, pursuant to a published legal notice and neighborhood notification as required by the Village of Roselle and Illinois State laws, to consider the petition requesting the granting of a special use for a contractors and construction offices and yards at the Property; and,

WHEREAS, the Contract Purchaser has demonstrated just cause for the special use by reason of the compatibility of the proposed land use and existing zoning with the existing land uses and existing zoning in the surrounding area; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Roselle have been advised of the findings and recommendations of the Planning and Zoning Commission with respect to said special use; and,

WHEREAS, the Corporate Authorities have decided to grant a special use to allow a contractors and construction offices and yard at the Property in a manner consistent the public hearing and applicable ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, as follows:

SECTION 1: A special use is hereby granted for a contractors and construction offices and yards in accordance with: Chapter 13, Section 13.11, “Special Uses”, and Section 10.01 “M Limited Industrial District (C) Special Uses”, of the Roselle Zoning Ordinance, and pursuant to the conditions set forth in Section 2 of this Ordinance (the “Special Use”) for the Property is legally described as:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER

AND RUNNING THENCE EAST ON THE QUARTER SECTION LINE 100.0 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 450.0 FEET; THENCE WEST 100.0 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH ON THE SAID WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 3 450.0 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE NORTH 40.0 FEET THEREOF, HERETOFORE DEDICATED FOR A PUBLIC HIGHWAY, IN DUPAGE COUNTY, ILLINOIS.

PIN: 02-03-300-011 and commonly addressed as 399 Central.

SECTION 2: The Special Use shall be developed and maintained in accordance with the Site Plan prepared by Anthony Bonavolonta, dated May 5, 1993, attached hereto and incorporated herein by reference as fully set forth as Exhibit "A."

SECTION 3: The Special Use is shall be subject to the following conditions:

1. Any storage within the fenced yard south of Spring Brook Creek shall not exceed the height of the existing fence (8'); and,
2. Any storage of materials or equipment on the site shall conform to the requirements within Section 15-82 of the DuPage County Stormwater Ordinance, which is attached hereto and incorporated herein by reference as fully set forth as Exhibit "B."

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This Special Use is further subject to all applicable ordinances and codes of the Village of Roselle.

SECTION 5: Provided further, this Ordinance shall automatically become null and void without further action of the Board of Trustees unless, within 30 days of the approval of this Ordinance, it is signed by the Petitioner and returned to the Village Clerk. An extension to this section may be granted by the Village Board following a written request by the Petitioner.

SECTION 6: This Ordinance shall be binding upon the Petitioner, the Owner, and their administrators, assigns, beneficiaries, contract purchasers, executors, grantees, heirs, and successors. For purposes of this Ordinance, the terms "Petitioner" and "Owner" shall include all subsequent owners, successors, heirs, or assigns.

SECTION 7: That if any part or portion of this Ordinance is declared invalid by a court of competent jurisdiction such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 8: Upon adoption and publication of this Ordinance as required by law, the Village Clerk is authorized and directed to record this Ordinance in the office of the DuPage County Recorder of Deeds. The Village Clerk is also authorized to secure

reimbursement from the Owner for any and all costs incurred by the Village to record this Ordinance.

AYES:

NAYS:

ABSENT:

PASSED and APPROVED this 28th day of October 2019.

PUBLISHED in pamphlet form this ___rd day of _____, 2019.

Mayor, Village of Roselle

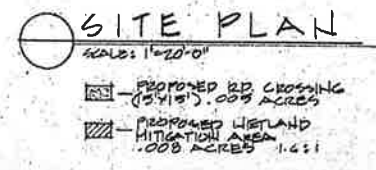
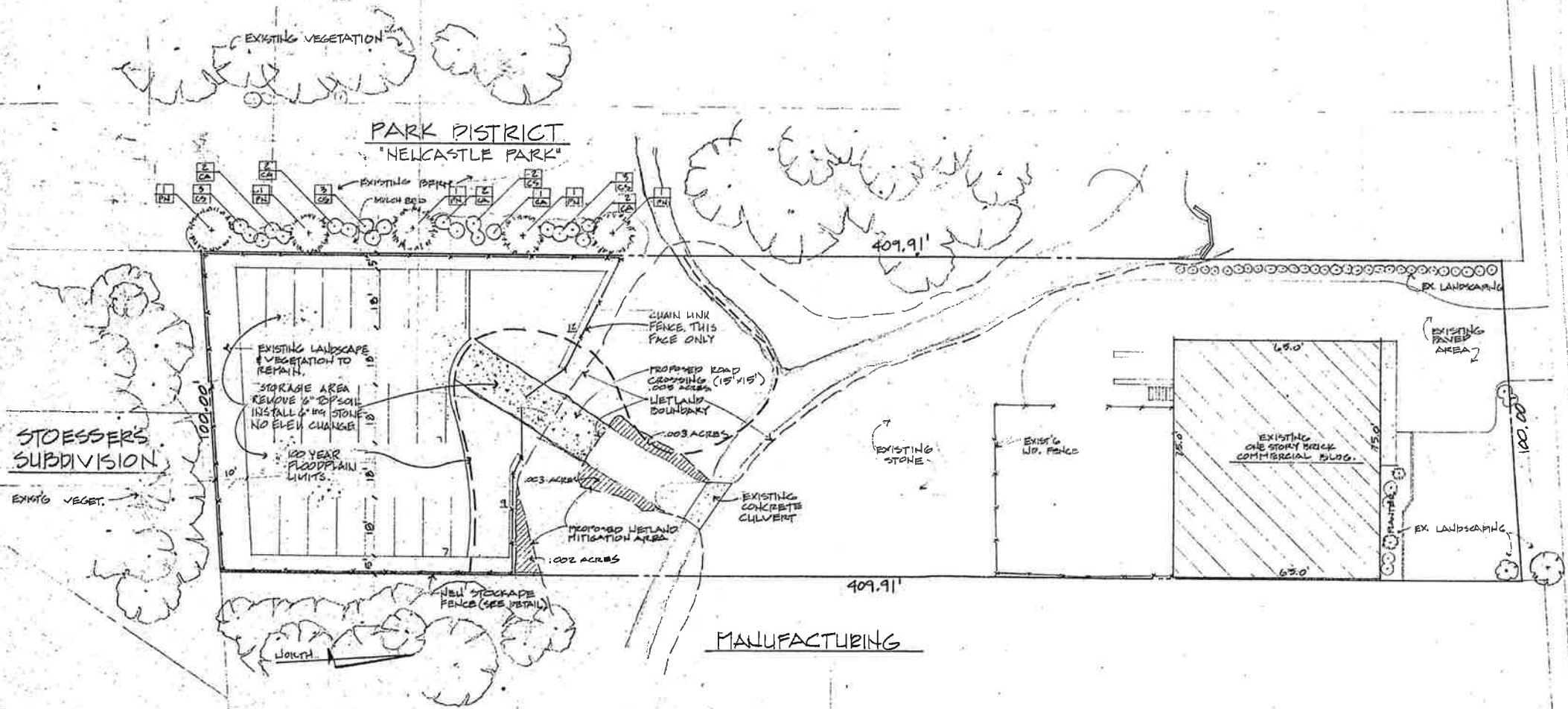
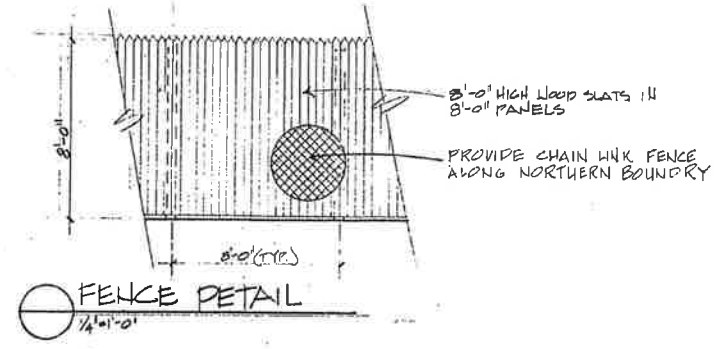
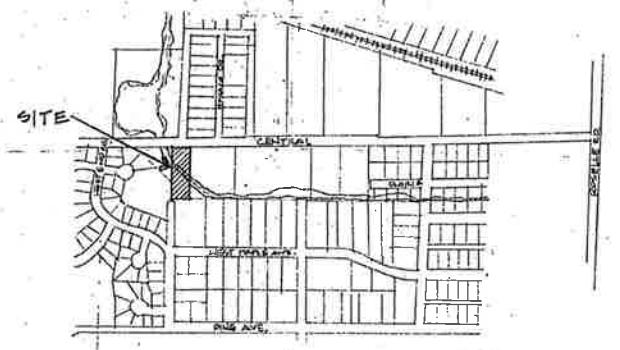
ATTEST:

Village Clerk

Petitioners

ATTEST:

REVISIONS	BY
6/16/13	PL
8/13/13	PL



NEW LANDSCAPE LEGEND

CODE	NO.	SIZES	BOTANICAL NAME	COMMON NAME
TA	2	6" B13	PINUS NIGRA	AUSTRIAN PINE
CA	11	4-5 B13	CORNUS SERICEA 'BOILEY'	SAILEY RED DOGWOOD
CA	1	4-5 B13	COTYLEDON ACUMINATA	PEKING COTTONWOOD

CERTIFIED SPECIAL MANAGEMENT AREA CITY BY: 11/27/12

AUG 30 8583
93-280003
Stormwater Management Division

B. B. S. PROPERTIES
AUTO TECH & BODY
571 W. CENTRAL
ROSELLE

ARCHITECTS XXI
ANTHONY A. BONAVOLONTA
1803 S. MICHIGAN AVE. SUITE 502
CHICAGO, ILLINOIS 312-408-0246

Date 5/5/13
Scale AS NOTED
Draw 12, P.
Job
Sheet 1

15-81.A.5 A copy of an application for a **LOMC** to remove a property from the **SFHA** including all the required information, calculations, and documents shall be submitted to the **Department** and **Waiver Community** concurrent with the application to **FEMA** or **IDNR-OWR** or its designee.

15-81.A.6 In areas outside the **Regulatory Floodway** but within the **Flood Plain**, maximum flow depths on new parking lots that are used for permanent parking shall not exceed one foot during the **Base Flood** condition and shall be designed for protection against physical **Flood** damages. Parking areas that are used solely for the purpose of overflow, temporary, or short-term parking may allow **Flood** depths greater than one foot. Parking in areas below the **Base Flood Elevation** shall be clearly posted with **Flood Hazard** signs.

15-81.B Building Protection Standards

15-81.B.1 If a proposed **Building** is located in a **SFHA**, all **New Construction** and **Substantial Improvements** shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of **Building** resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. (ii) be constructed with materials resistant to **Flood** damage, (iii) be constructed by methods and practices that minimize **Flood** damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of **Flooding**. Existing **Buildings** that have not incurred **Substantial Damage** or meet the **Substantial Improvement** criteria may also be modified based on the above criteria. All construction below the **FPE** shall be of **Flood** resistant materials and conform to provisions in **FEMA/FIA** Technical Bulletin 2. All electrical, heating, ventilation, air conditioning, plumbing, and other appliances shall be located above the **FPE**. Storage of materials shall be in accordance with Section 15-81.C.1, which states that there can be no storage of certain listed materials below the **FPE**.

15-81.B.2 **New Construction** or **Substantial Improvements** of residential **Buildings** within a **SFHA** shall have the **Lowest Floor** elevated to at least the **FPE** and that the fully enclosed areas below the **Lowest Floor** that are usable solely for parking of vehicles, **Building** access or storage in an area other than a basement and which are subject to **Flooding** shall be designed to automatically equalize hydrostatic **Flood** forces on exterior walls by allowing for the entry and exit of **Floodwaters**. Designs for meeting this requirement must either be certified by a registered **Professional Engineer** or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to

anchored foundation system to resist floatation, collapse, and lateral movement accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870, provide adequate access and drainage and if pilings are used for elevation, applicable design and construction standards for pilings shall be met.

15-81.B.6 Recreational Vehicles placed on sites within a **SFHA** be either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of 44CFR60.3(b)(1) and the elevation and anchoring requirements of Section 15-81.B.4. A **Recreational Vehicle** is ready for highway use if it is on its wheels or jacking system, is attached to the site only by a quick disconnect type utilities and security devices, and has no permanently attached additions.

15-81.B.7 Accessory Structures such as detached garages and sheds may be constructed within a **SFHA** if they meet all of the following criteria:

15-81.B.7.a. Must be non-habitable, used for the storage of vehicles and tools, and cannot be modified later into another use.

15-81.B.7.b. Shall be located outside of the **Regulatory Floodway**.

15-81.B.7.c. Shall be on a single lot and be accessory to an existing principal **Building** on the same lot.

15-81.B.7.d. When the floor of an **Accessory Structure** is below the **BFE**, the walls of the **Accessory Structure** shall include openings to allow **Floodwater** to enter the **Structure** from the adjacent grade to the **BPE**. The location of the openings and the size of each opening shall be in accordance with **FEMA Technical Bulletin 1**.

15-81.B.7.e. All electrical, heating, ventilation, air conditioning, plumbing, and other appliances, or fixed mechanical or electrical devices shall be located above the **FPE**.

15-81.B.7.f. The detached garage must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost, whichever is greater, or less than five hundred and seventy six (576) square feet in size.

15-81.B.7.g. Shall be anchored to resist floatation and overturning.

15-81.B.7.h. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the **FPE**.

15-81.B.7.i. All construction below the **FPE** shall be of **Flood** resistant materials.

15-81.C Public Health Protection Standards

15-81.C.1 Temporary or permanent storage in the **Flood Plain** of the following are prohibited unless elevated or **Floodproofed** to one foot above the **Base Flood Elevation**:

15-81.C.1.a. Items susceptible to **Flood** damage; or

15-81.C.1.b. Unsecured buoyant materials or materials that may cause off-site damage including bulky materials, flammable liquids, chemicals, explosives, pollutants, or other hazardous materials; or

15-81.C.1.c. Landscape wastes.

15-81.C.2 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during **Flooding**.

15-81.C.3 Sanitary sewer systems shall be designed to eliminate infiltration or inflow of **Flood** waters and minimize discharge of sewage.

15-81.D **Compensatory Storage** Volume Standards

15-81.D.1 Any placement of fill, **Structures**, or other materials above grade in the **Flood Plain** shall require **Compensatory Storage** equal to at least 1.5 times the volume of **Flood Plain** storage displaced. The storage shall be provided incrementally using one of the following methods: i) between the 0 - 10-year and the 10 - 100-year **Flood** recurrence intervals; or ii) an approved equivalent, at a minimum 1:1 ratio. The remaining 0.5:1 required storage ratio can be provided at any elevation below the **BFE**. **Compensatory Storage** for fill in depressional storage areas shall be provided non-incrementally at a ratio of 1:1. Grading in wetland, **Flood Plain**, or **Buffer** areas shall be done in such a manner that the effective **Flood Plain** storage is maintained at all times. **Compensatory Storage** is not required for **Flood** protection of existing **Buildings** for **Flood Plain** volume displaced by the **Building** and within the area of 10 feet adjacent to the **Building**.

15-81.D.2 For areas where there is no defined **Regulatory Floodway** and a tributary drainage area less than 640 acres, the **Compensatory Storage** requirements set forth in Section 15-81.D shall be waived for **Developments** that meet either of the following criteria:

15-81.D.2.a. The cross-sectional **Flood Plain** area, as defined by cross-sections through the **Development Site**, is not reduced by more than 0.5% at any one cross-section; or

15-81.D.2.b. The total fill volume does not exceed 200 cubic feet.

15-81.D.3 Existing **Flood** storage that is lost due to **Channel** modification shall require **Compensatory Storage** at a 1:1 ratio.

15-81.D.4 **Flood Plain** fill resulting from public **Roadway** **Developments** shall require incremental **Compensatory Storage** at a 1:1 ratio.

15-81.D.5 Any removal, replacement, or modification of **Stormwater Facilities** that has an **Adverse Hydraulic Impact** shall provide a **Watershed Benefit** and shall require **Compensatory Storage** to mitigate for any potential increases

in flow or **Flood** elevations. All **Structures** and their associated low entry elevations within the created backwater of the existing **Stormwater Facility** shall be identified.

15-82. Regulatory Floodway Performance Standards

15-82.A In the **Regulatory Floodway**, all of the requirements of Article X shall apply to any proposed **Development**, and only the following **Appropriate Uses** shall be considered for **Certifications**:

15-82.A.1 **Flood** control structures, dikes, **Dams** and other public works or private improvements relating to the control of drainage, **Flooding** or erosion or water quality or habitat for fish or wildlife;

15-82.A.2 **Structures** or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational **boating**, **commercial shipping** and other functionally dependent uses;

15-82.A.3 Storm and sanitary sewer outfalls;

15-82.A.4 Underground and overhead utilities;

15-82.A.5 Recreational facilities such as playing fields and trail systems including any related fencing built parallel to the direction of **Flood** flows;

15-82.A.6 Bridges, culverts, roadways, sidewalks, and railways, and any modification thereto;

15-82.A.7 **Regulatory Floodway** regrading, without fill, to create a positive slope toward a watercourse;

15-82.A.8 **Floodproofing** activities to protect existing **Structures** such as, but not limited to, constructing water tight window wells, and elevating, without enlarging the footprint;

15-82.A.9 In-ground swimming pools, without fill.

15-82.B Hydrologic and hydraulic impacts of proposed **Developments** located in the **Regulatory Floodway** shall be evaluated using one of the appropriate models as described in the following hierarchy:

15-82.B.1 FEMA approved **Flood Plain** study model.

15-82.B.2 **Watershed Plan Models** or models published by the **Director**.

15-82.B.3 **Development** specific model using FEMA-accepted methodology.

15-82.C If the hydrologic and hydraulic impacts of **Developments** located in the **Regulatory Floodway** are to be evaluated using FEQ, the following modeling guidelines shall apply:

15-82.C.1 FEQ models that have been submitted to or approved by FEMA or FEQ models that have been published by the **Director** shall be used. Any other FEQ models considered for use in the **Certification** of a proposed **Development** is at the discretion of the **Director**.

15-82.C.2 **Developments** consisting wholly of stream bank stabilization will not require the use of the FEQ model provided that the cut and fill portions of the **Development** are balanced.