



MEMORANDUM

VIA E-MAIL

TO: The Preserves of Waterfall Glen Townhome Association

FROM: Jordan Yanke, City of Darien

DATE: August 18, 2021

RE: Darien Heights Residences – Final PUD Submittal

Please see the following City Staff and City Engineer responses to your inquiries submitted on 08/16/2021. For ease of reading, our responses are set out on a question-by-question basis and in red text.

1. In Mr. Swanson's letter to you of 8/11/21, he indicates his development will not "effect" the present storm water detention issues of our townhome association in any way. Did you take that to mean he is saying it will not "affect" our storm water detention? This grammatical error, however common, is consistent with our continued lack of confidence in the credibility of this petitioner.
 - Noted, and yes it will not "affect" stormwater detention for the Townhomes.
2. His very short answer to your question on how his development would impact the future storm water detention of our townhome Association still leaves us with ambiguity. If he gave you a more detailed answer, we would appreciate seeing it. If he did not, it speaks to due diligence. We are dependent that the City's review process is comprehensive. Also, it appears Mr. Swanson's letter of 8/11/21 was not included in the 8/13/21 PZC packet. When they see the letter, will the Committee be satisfied with the answer? We are well aware that the City has had issues with this petitioner in the past.
 - In reference to the 08/11/2021 correspondence, it was an email response and did not have substance to be included in the meeting packet. The City reviews all detention requirements per the DuPage County Stormwater Ordinance and the project has been deemed compliant. Please see the City Engineer's response to the following point.
3. He states that all storm water from the proposed Darien Heights project will flow only into the two ponds to the west of the condos. Does the City concur? If so, we would like to see an opinion from the City Engineer on that as well.
 - Here is the City Engineer's response:
The original Waterfall Glen Development (i.e. townhomes, condo buildings, hotel, and the Sokol Ct. lot (i.e. gymnasium)) were planned together for storm water management purposes. There is a detention basin adjacent to Frontage Road that serves only the townhomes, and the three basins along the south line of the development that serves the rest (as well as part of the townhomes). The original stormwater design assumed this lot would be developed with 50% impervious cover, and detention was accordingly provided for in the south pond.

The current development plan has more than 50% impervious cover, and therefore the developer is required to provide additional detention storage based on current design practices. The plan includes an additional new detention basin north of the parking lot. This will accommodate the additional impervious area above what was originally designed for.

The stormwater from this site is carried by storm sewer and overland flow to the existing pond between the west condo building and hotel. The new north detention basin will have a restricted outflow, and discharge through the existing detention between the west condo and hotel. The detention basins along the south side of the development discharge into the forest preserve.

This request also includes what is the impact, if any, on our Association's storm water facilities and our potential future maintenance costs?

- For the reasons outlined above, there are no impacts that weren't anticipated with the original development.

The information we are requesting should also include the City Engineer's most recent opinion in requirements for the applicant to comply with as part of any final approval (pp72-73 of the PZC packet of 8/13/21).

- The referenced pages of the PZC Meeting Packet is the Conditional Approval Letter from the City Engineer. The letter specifies the requirements (i.e. conditions) for the applicant to comply.
4. We are again also seeking a written reply from the City that the Preserves of Waterfall Glen Townhome Association shall continue to have no responsibility for any future maintenance costs related to the storm water facilities of the two ponds adjacent to the condos.
 - The existing Townhomes do not have responsibility or potential maintenance costs outside of their detention area(s). The HOA should review their covenants for any additional language.
 5. There is another question our Association has posed in which we are still awaiting an answer. What shall be the responsibility being put in place by the City that obligates both present and future owners of the Darien Heights property to assume their fair share of future storm water maintenance costs, as the City has previously obligated the townhome and condo associations? What would be some of the City's options in requiring such an adequate amount of financial responsibility?
 - In the event that any of the infrastructure should fail, the City does have the right to complete repairs and invoice the property owner of the detention/retention facility. An example of such would be should a tree fall and block the outgoing flow, the City would respond and remove the blockage to prevent any negative impact and invoice the HOA.
 6. In the interest of the City's providing transparency to its citizens, we would also like to know what were the other issues between the City and the petitioner causing the unusual delay in the review process following the preliminary approval.
 - The City has not experienced "other issues" with the petitioner, and the City cannot speak for the petitioner as to when final plans were formally submitted. Note that the petitioner was required to submit detailed plans for the final submittal including:
 - Site/Civil Engineering & Improvement Plans
 - Landscape Plan
 - Photometric Plan
 - Final Plat

7. Finally, following the PZC meeting on 8/18/21, do you expect the issue will be referred to the Municipal Services Committee for its next regularly scheduled meeting?
 - Correct. At this time the case is expected to be heard by the Municipal Services Committee (MSC) on Monday, August 23, 2021. If this schedule changes, the City will notify you.