



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: April 13, 2021

SUBJECT: Petition of Timothy Mauntel of VRG Properties Company for a Special Use to allow for outdoor placement of equipment and storage of materials on property located at 1343 E. Washington St. 01-01-34-104-010.

BACKGROUND:

The petition is for site remediation equipment to be placed on the site of the former Clark gas station next to EPCHS. As we understand, the site remediation here could take from 6-18 months to be completed. While we know this work is necessary to redevelop the site, the aesthetics of a trailer/shipping container and other association equipment is not ideal. Staff recommends the site be screened with at least a 6-foot fence along Harding – up to approximately 30 feet from the intersection with Washington. The balance of the site facing Washington is challenging to screen without compromising site distances from the adjacent side streets. Therefore, the petitioner has agreed to house all above-ground equipment associated with the project either within the storage container or behind it where it will be screened from view on all sides.

Given the nature of the remediation, Public Works staff was provided sufficient information to be able to determine the nature of the water discharge proposed from the site. As I understand it, this information has been provided to the satisfaction of PW staff. The City should also be provided regular updates (quarterly) of the progress of the remediation and any time needed beyond 18 months should require another ZBA hearing to ensure timely completion of the effort.

RECOMMENDATION: Approval, with the following conditions:

- Screening along Harding, from the northern property line up to 30' of the intersection with Washington St.
- All above-ground equipment to be stored in or behind (north of) the storage container to be placed on-site.
- Any time required beyond 18 months will require an amendment to the Special Use.
- Discharge from the proposed groundwater treatment system shall not exceed or cause non-compliance of the City's discharge to meet the conditions of the City's NPDES Permit No. IL0028576.
- The discharge volume of the proposed treatment system shall be less than 1,000 GPD and shall be continuously metered and totalized for periodic inspection.



- The discharge may continue for a period of up to 18 months. An extension can be requested 60 days in advance, if continued treatment is required.
- The City shall have access to the treatment system and the ability to independently sample, analyze and/or restrict discharge from the treatment system for cause, including but not limited to non-compliance to the permit requirements, excessive odors, excessive contaminant concentrations, excessive flow or other conditions that could cause potential harm or damage to the City's citizens, neighboring properties, or sanitary system. The City will notify AECOM if circumstances arise in which the discharge is determined to be unacceptable.
- AECOM will provide electronic copies of the sample analysis as required by the IEPA under the Corrective Action Plan. In addition, or in conjunction with the IEPA requirements, AECOM will provide biweekly sampling and analytical results of the discharge for Lead, BTEX, MTBE, and PNAs for the first three (3) months. If analytical results are determined to be consistent and meet the requirements of the discharge permit, the sampling period may be reduced to monthly. Additionally, monthly samples of the influent into the on-site treatment system will be required for the first three (3) months to provide the City some assurance that the proposed on-site treatment system has the capabilities of meeting the treatment levels identified. The pre-treatment samples will also provide the City with additional information on the potential existence of lead in the groundwater. If, based on 3 months of sampling results lead is determined to not be a contaminant of concern by the City, the analysis for lead will be re-evaluated by City and possibly waived on future sampling requirements. Sample analysis shall be completed by a laboratory accredited for chemical analysis in the State of Illinois.
- AECOM will submit to the City a Monthly Discharge Report summarizing the discharge volume and the analytical results in PDF format.
- Metered discharge will be billed at the current City sewer rate.

ORDINANCE NO. 4572

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR PROPERTY LOCATED AT 1343 EAST WASHINGTON STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Timothy Mauntel, on behalf of VRG Properties Co. (the "Petitioner"), has petitioned for a special use to allow outdoor storage and outdoor placement of equipment on property zoned "B-3, Business Service District" and located at 1343 East Washington Street, as shown and described at "Exhibit A" attached hereto and incorporated herein by reference (which property as so described hereinafter is referred to as the "Property"); and

WHEREAS, the Property is the site of a former Clark gas station, and Petitioner requires the requested special use to set up the necessary equipment to undertake remediation work on the Property that upon completion, will allow for redevelopment of the Property; and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow outdoor storage and outdoor placement of equipment on the Property for conducting remediation operations on the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Petitioner shall establish the Special Use approved by this Ordinance in accordance with a site plan (the "Site Plan") prepared and submitted by the Petitioner, attached hereto as Exhibit B and incorporated by reference.

2. Petitioner shall install screening on the Property along Harding Boulevard from the north property line up to a point thirty (30) feet from the intersection with Washington Street.

3. Petitioner shall only store above-ground equipment on the Property in or behind (north of) the storage container that will be placed on-site, and all above-ground equipment on the Property must be stored in or behind (north of) the storage container.

4. Petitioner's discharge from the groundwater treatment system on the Property shall not exceed or cause non-compliance of the City's discharge to meet the conditions of the City's NPDES Permit No. IL0028576.

5. Petitioner's discharge volume from the groundwater treatment system on the Property shall not exceed one thousand (1,000) GPD and shall be continuously metered and totalized for periodic inspection.

6. Discharge from the groundwater treatment system on the Property can only occur while this Special Use is in effect as provided herein and shall not occur outside the time period allowed under this Special Use.

7. The Petitioner shall ensure that the City has access to the groundwater treatment system on the Property and the ability to independently sample, analyze, and restrict discharge from the groundwater treatment system for cause, including but not limited to non-compliance with the permit requirements, excessive odors, excessive contaminant concentrations, excessive flow, or other conditions that could cause potential harm or damage to the City's citizens, neighboring properties, or sanitary sewerage system. The City will promptly notify AECOM if circumstances arise in which the discharge is determined to be unacceptable.

8. The Petitioner shall ensure that AECOM will provide electronic copies of the sample analysis from the groundwater treatment system on the Property as required by the IEPA under the Corrective Action Plan. In addition, or in conjunction with the IEPA requirements, AECOM will provide the City with bi-weekly sampling and analytical results of the discharge for lead, BTEX, MTBE, and PNAs for the first three (3) months. If analytical results are determined to be consistent and meet the requirements of the discharge permit, the sampling period may be reduced to monthly. Additionally, analysis of monthly samples of the influent into the on-site groundwater treatment system must be provided to the City for the first three (3) months of these remediation operations as a means to provide assurance that the proposed on-site treatment system has the capabilities of meeting the treatment levels identified. The pre-treatment samples will also provide the City with additional information on the potential existence of lead in the groundwater. If, based on three (3) months of sampling results, lead is determined to not be a contaminant of concern by the City,

the analysis for lead will be re-evaluated by the City and possibly waived on future sampling requirements. Sample analysis shall be completed by a laboratory accredited for chemical analysis in the State of Illinois.

9. The Petitioner shall ensure that AECOM will submit to the City a Monthly Discharge Report for the remediation operations on the Property summarizing the discharge volume and the analytical results in PDF format.

10. Metered discharge from the Property will be billed to Petitioner at the current City sewer rate.

11. Fencing and other screening required by this Ordinance shall be continuously maintained for the duration of the Special Use granted by this Ordinance.

12. This Special Use shall be granted to a period of no longer than eighteen (18) months from the date of the approval of this Ordinance. An extension of this Special Use may only be granted upon submission of a new petition to the Zoning Board of Appeals requesting such extension and City approval of the requested extension.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Map of Location of Special Use (1343 E. Washington Street)

Case 21-SU-07
1343 E. Washington St.
Timothy Mauntel of VRG Properties Company

Exhibit "A"

Legal Description: P.I.N.: 01-01-34-104-010



