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ORDINANCE F-0110

**AN ORDINANCE GRANTING VARIATIONS FROM THE PROVISIONS OF THE
COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE -
WATERFORD PLACE CONDOMINIUMS PHASE II AND III/
STORMWATER PERMIT NO. 97-36-0005**

WHEREAS, R. Franczak & Associates ("Developer") has submitted a written petition requesting the granting of variations from the provisions of Sections 15-111.2.b and 15-114.2 of the Countywide Stormwater and Floodplain Ordinance ("Countywide Ordinance"); the request pertains to the construction of the Waterford Condominiums, Phase II and III ("Project") at 405 and 455 W. Front Street, Wheaton, Illinois; and

WHEREAS, the scope of the Project requires the application of stormwater management in accordance with the Countywide Ordinance, which the City of Wheaton ("City") has adopted; the County Stormwater Management Committee has granted the City Partial Waiver Status of County enforcement of the Countywide Ordinance, and as such, the City Council has the sole authority to grant variations to the Countywide Ordinance for projects within the City; and

WHEREAS, the stormwater management plan for the Project submitted by SPACECO, Inc. and dated February 12, 1997, indicates that the proposed condition of the subject property decreases the area of imperviousness and peak stormwater runoff as compared to the existing condition of the subject property; and

WHEREAS, the City has determined the following findings of fact regarding the variation request;

1. The Project is consistent with the general purpose and intent of the Countywide Ordinance.
2. The Project will not alter the essential character of the area.
3. Carrying out the strict letter of the provisions of the Countywide Ordinance would create an undue or particular hardship or difficulty on the Developer.
4. The Project is an improvement to the existing site condition of the subject property in terms of mitigating stormwater runoff; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Countywide Ordinance, a Public Hearing was conducted by the City Council on February 24, 1997, to consider the variation request; and the City Council has recommended approval of granting the variation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its Home Rule powers, as follows:

SECTION 1: Variations from the provisions of Sections 15-111.2.b and 15-114.2 of the Countywide Ordinance are hereby granted to permit the construction of the Waterford Condominiums, Phase II and III on the subject property legally described on Exhibit A attached hereto.

SECTION 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 3: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ADOPTED this 3rd day of March, 1997.



Mayor

ATTEST:



City Clerk

ROLL CALL VOTE

Ayes:

Councilwoman Davenport
Councilman Eckhoff
Councilman Gerig
Mayor Carr
Councilman Gresk
Councilwoman Johnson

Nays:

None
Councilman Mork

Absent:

Motion Carried Unanimously

Passed: March 3, 1997

Published: March 4, 1997