

## ORDINANCE F-0439

### AN ORDINANCE GRANTING A VARIANCE FROM THE PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE - WHEATON TOWNHOMES/CENTRUM PROPERTIES, INC.

WHEREAS, Centrum Properties, Inc. ("Developer") has submitted a written petition requesting the granting of a variance from the provisions of Section 15-114.2 of the DuPage County Countywide Stormwater and Floodplain Ordinance (Stormwater and Floodplain Ordinance); the request pertains to the construction of the Wheaton Townhomes ("Project") located at the northeast corner of Wesley Street and West Street, Wheaton, Illinois; and

WHEREAS, the scope of the Project requires the application of stormwater management in accordance with the Stormwater and Floodplain Ordinance, which the City has adopted; the DuPage County Stormwater Management Committee has granted the City partial waiver status of County enforcement of the Stormwater and Floodplain Ordinance, and as such, the City Council has the authority to grant variances to the Stormwater and Floodplain Ordinance for projects within the City; and

WHEREAS, the stormwater management plan for the project submitted by the Developer's engineer, Cemcon, Ltd. of Winfield, Illinois and dated February 11, 2000, indicates that the proposed development reduces the peak discharge of stormwater from the site while providing a portion of the required stormwater detention volume as compared to the existing condition of the subject property; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Stormwater and Floodplain Ordinance, a public hearing was conducted by the Wheaton City Council on March 13, 2000, to consider the variance request; and the City Council has recommended approval of granting the variance.

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: The Wheaton City Council has determined the following findings of fact

1. Granting the variance shall not alter the essential character of the area of the Project, including existing stream uses.
2. Carrying out the strict letter of the provisions of the Stormwater and Floodplain Ordinance would create an undue or particular hardship or difficulty on the Developer.
3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable development of the Project.
4. The Developer's circumstances are unique and do not represent a general condition or problem.

5. The Project is exception as compared to other developments subject to the same provisions.

SECTION 2: A variance from the provision of Section 15-114.2 of the Stormwater and Floodplain Ordinance is hereby granted to permit the construction of the Wheaton Townhomes Project on the property legally described on Exhibit A attached hereto.

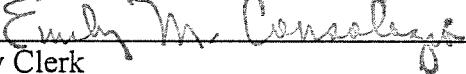
SECTION 3: It shall be a condition precedent to the effectiveness of this ordinance and the issuance of any permit that the Developer pay a detention variance fee of \$23,500.00 to the DuPage County Department of Development and Stormwater for the volume of stormwater detention not provided in full compliance with the Stormwater and Floodplain Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ROLL CALL VOTE

Ayes:

Councilman Mork  
Councilman Eckhoff  
Councilman Gresk  
Mayor Carr  
Councilman Johnson  
Councilwoman Johnson

Nays:

None  
Councilwoman Davenport

Absent:

Motion Carried Unanimously

Passed: March 20, 2000  
Published: March 21, 2000