

ORDINANCE F-0455

AN ORDINANCE GRANTING A VARIANCE FROM THE PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE - LONGFELLOW ELEMENTARY SCHOOL/COMMUNITY UNIT SCHOOL DISTRICT 200

WHEREAS, Community Unit School District 200 ("Owner") 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 Longfellow Elementary School ("Project") located at the northeast corner of Seminary Avenue 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;

WHEREAS, 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 Owner's engineer Eriksson Engineering Associates, Ltd. of Grayslake, Illinois, 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 Stormwater and Floodplain Ordinance, a public hearing was conducted by the Wheaton City Council on April 10, 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 will 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 Owner.
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 Owner's circumstances are unique and do not represent a general condition or problem.

5. The Project is exceptional 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 Longfellow Elementary School on the property legally described on Exhibit A attached hereto, in accordance with the stormwater management report prepared by Eriksson Engineering Associates, Ltd of Grayslake, Illinois..

SECTION 3: It shall be a condition precedent to the effectiveness of this ordinance and the issuance of any permit that the Owner pay a detention variance fee of \$74,260.00 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.

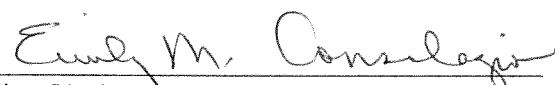
SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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 Carr

ATTEST:



Emily M. Consalago
City Clerk

ROLL CALL VOTE

Ayes:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: April 17, 2000
Published: April 18, 2000