

ORDINANCE NO. F-0951

**AN ORDINANCE GRANTING A VARIANCE FROM THE
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND
FLOOD PLAIN ORDINANCE –
WHEATON COLLEGE / BILLY GRAHAM CENTER**

WHEREAS, Wheaton College (“Owner”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-133.4 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to the construction of a parking facility at the Billy Graham Center (“Project”) located at the southwest corner of College Avenue and Chase Street, 500 East College Avenue, Wheaton, Illinois (“Project Site”); and

WHEREAS, the scope of the Project requires the application of stormwater management practices in accordance with the Stormwater Ordinance, which the City has adopted; and

WHEREAS, the DuPage County Stormwater Management Committee has granted the City partial waiver status of County enforcement of the Stormwater Ordinance, and as such, the Wheaton City Council has the sole authority to grant variances to the Stormwater Ordinance for projects within the City; and

WHEREAS, the stormwater management plan for the Project submitted by the Owner’s engineer, Burns & McDonnell of Oak Brook, Illinois, indicates that the Project provides full stormwater detention volume and flood plain compensatory storage for the development of the Project; and

WHEREAS, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on September 27, 2004 to consider the variance request; and the Wheaton City Council has recommended approval of 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 Site, including existing stream uses.
2. Carry out the strict letter of the provisions of the Stormwater Ordinance would create an undo 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.
6. The Project could not be constructed if it were limited to areas outside of the special management area.

SECTION 2: A variance from the provisions of Section 15-133.4 of the Stormwater Ordinance is hereby granted to permit the construction of the Billy Graham Center Parking Lot Improvement, on the property legally described on Exhibit A attached hereto, within the regulatory flood plain with flow depths greater than one foot and less than three feet during the base flood condition, and in accordance with the stormwater management report prepared by Burns & McDonnell of Oak Brook, Illinois.

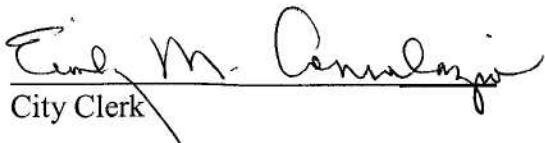
SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 4: 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:



Carol M. Cannalozzo
City Clerk

Ayes: Roll Call Vote
Councilman Mouhelis
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson

Nays: None

Absent: Councilman Bolds
Councilman Mork

Motion Carried Unanimously

Passed: October 4, 2004
Published: October 5, 2004