

**PIN:
08-28-301-009**

**ADDRESS:
24W560 77TH STREET
NAPERVILLE, IL 60565**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #19-1-140

ORDINANCE NO. 20 -

**AN ORDINANCE APPROVING A STORMWATER VARIANCE
FOR THE PROPERTY LOCATED AT
24W560 77TH STREET (77TH STREET PROJECT)**

RECITALS

1. **WHEREAS**, Oak Creek Capital Partners, LLC (“Petitioner”) has petitioned the City of Naperville (“City”) for a variance to Section 5-7-1 of the Naperville Municipal Code to allow for an increase in the stormwater storage depth from the maximum allowable 6.0-foot depth to a 6.1-foot of depth for the real property located at 24W560 77th Street, Naperville as legally described on **Exhibit A** and depicted on **Exhibit B**; and
2. **WHEREAS**, Wehrli Place, LLC is the owner (“**Owner**”) of real property; and
3. **WHEREAS**, Section 5-7-1 of the Naperville Municipal Code requires stormwater systems to be designed in accordance with the City of Naperville Design Manual for Public Improvements; and
4. **WHEREAS**, the Design Manual for Public Improvements identifies design requirements for stormwater facilities including detention basins; and

5. **WHEREAS**, per Section 2.5.4.3 of the City of Naperville Design Manual for Public Improvements, the maximum allowable depth of water in a detention basin is 6.0 feet; and
6. **WHEREAS**, the proposed detention basin will require 6.1 feet of depth in order to provide the required volume and controlled discharge; and
7. **WHEREAS**, per Section 5-7-2:5 of the Naperville Municipal Code, upon recommendation by the City Engineer, the City Council may grant, deny, or grant with modification a variance from the requirements of Chapter 7; and
8. **WHEREAS**, the City Engineer has recommended that the variance be granted; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the stormwater variance should be approved as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance is hereby granted for the real property located at 24W560 77th Street, Naperville, legally described in **Exhibit A** and depicted on **Exhibit B** to Section 5-7-1 of the Naperville Municipal Code to allow for an increase in the stormwater storage depth from the maximum of a 6.0-foot depth to a 6.1-foot depth for the detention basin identified on **Exhibit B**.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City Ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk