

ORDINANCE NUMBER 2017 - 17

**GRANTING A VARIANCE TO THE KEDALL COUNTY  
STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY IDENTIFIED BY  
PARCEL IDENTIFICATION NUMBER 01-27-276-002 LOCATED IN THE 800 BLOCK OF  
SOUTH HALE STREET, LITTLE ROCK TOWNSHIP, CITY OF PLANO AND OWNED BY  
THE CITY OF PLANO AND MORE COMMONLY KNOWN AS FOLI PARK**

WHEREAS, Section 900 of the Kendall County Stormwater Management Ordinance allows the County to grant variances from strict compliance with specific provisions of said Ordinance when such compliance is impossible or impracticable; and

WHEREAS, Section 906 of the Kendall County Stormwater Management Ordinance allows the County to impose conditions or limitations on the granting of a variance; and

WHEREAS, the City of Plano has filed an application for a stormwater management permit; and

WHEREAS, the City of Plano has submitted an application for a variance to Section 203.1 of the Kendall County Stormwater Management Ordinance regarding applicability of site runoff storage requirements; and

WHEREAS, the property impacted by the variance is identified by parcel identification number 01-27-276-002 and is located in the 800 block of South Hale Street inside the City of Plano; and

WHEREAS, the property is owned by the City of Plano and is also known as Foli Park; and

WHEREAS, the petitioner desires to create a multi-use path, pavilion and other Americans with Disabilities Act compliant amenities that will create an additional approximately 0.62 acres of impervious surface for a total of 1.26 acres of impervious area at the site; and

WHEREAS, the proposed development is for public use and the development of the park is planned, funded and facilitated as a public park by the City of Plano; and

WHEREAS, the entire project is tributary to an existing pond and not directly to a watercourse or adjacent pond; and

WHEREAS, the existing pond has no outlet and all runoff will be attenuated in the existing pond prior to any discharge as a result of overtopping; and

WHEREAS, the proposed project will incorporate native plantings with interpretive signage; and

WHEREAS, disturbance of the pond to provide the required storage will impact existing vegetation and trees; and

WHEREAS, the City of Plano held a public hearing before the Plano Streets Committee on June 26, 2017 for a variance to the City of Plano's Stormwater Management Ordinance for this project and no comments

in favor or in opposition to the proposal were received; and

WHEREAS, the City Council of the City of Plano approved a variance to the City of Plano's Stormwater Management Ordinance through Ordinance 2017-34 adopted July 25, 2017; and

WHEREAS, all variance procedures required by the Kendall County Stormwater Management Ordinance were followed including a public hearing by the County's Stormwater Management Oversight Committee on September 5, 2017; and

WHEREAS, the County's Oversight Committee has determined the variance requests meet the following standards set forth by Section 904.1 of the Kendall County Stormwater Management Ordinance:

*The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.*

*The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of the Kendall County Stormwater Management Ordinance.*

*The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.*

*The variance is not requested solely for the purpose of reducing site runoff storage requirements.*

*The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.*

*The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.*

WHEREAS, the County's Oversight Committee has determined the variance requests identified herein to be acceptable under the following condition:

1. The City of Plano shall procure all necessary local, State and Federal permits and satisfy all permit conditions; and

WHEREAS, the Kendall County Board has considered the standards and finds that said petition is in conformance with the provisions and intent of the Kendall County Stormwater Management Ordinance.

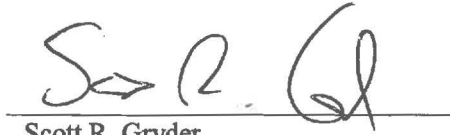
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval, subject to the conditions noted herein, of a variance to Section 203.1 of the Kendall County Stormwater Management Ordinance regarding applicability of site runoff storage requirements to the proposed new construction in the site plan included as "Exhibit A" attached hereto and incorporated herein.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19<sup>th</sup> day of September, 2017.

Attest:



Debbie Gillette  
Kendall County Clerk



Scott R. Gryder  
Kendall County Board Chairman

