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2022R36347
STATE OF ILLINOIS
MADISON COUNTY
11/15/2022 10:14 AM
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**CITY OF TROY
RESOLUTION 2022 - 42**

**A RESOLUTION OF THE CITY COUNCIL REGARDING THE GRANTING OF A
VARIATION TO CHAPTER 1556 STORMWATER DRAINAGE AND DETENTION,
SOIL EROSION, AND SEDIMENT CONTROL OF THE CODE OF ORDINANCES**

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 17th DAY OF OCTOBER 2022**



Everything Within Reach

RESOLUTION OF THE CITY COUNCIL REGARDING THE GRANTING OF A VARIATION TO CHAPTER 156 STORMWATER DRAINAGE AND DETENTION, SOIL EROSION AND SEDIMENT CONTROL OF THE CODE OF ORDINANCES

Whereas, Stonebriar Manors, Inc., applicants and owners of record of Stonebriar Manors Phase 2, filed a request for a variation to Chapter 156 Stormwater Drainage and Detention, Soil Erosion and Sediment Control (Stormwater Ordinance) for some consideration on the maximum depth of water in a dry detention basin or pond; and

Whereas, the Planning Commission met on October 13, 2022 to consider a variation to permit the maximum depth of water in a dry detention basin to be five feet as opposed to four feet as required in §156.029(F)(3) Dry detention basin design - Maximum depths for property located at Stonebriar Manors Phase 2 with a parcel number 09-1-22-10-00-000-008; and

Whereas, the Planning Commission reviewed the application for compliance with the provisions of the Stormwater Ordinance and recommended granting the application with the following stipulations, if any: See Planning Commission Recommendation 2022-06PC attached; and

Whereas, on October 17, 2022 the City Council accepted the Planning Commission's Recommendation No. 2022-06PC as hereto referenced.

Now Therefore, be it resolved by the City Council of the City of Troy, Illinois to

- Grant the variation to the Stormwater Code: to permit the maximum depth of water in a dry detention basin to be five feet as opposed to four feet as required in §156.029(F)(3) Dry detention basin design - Maximum depths
Deny the variation to the Stormwater Code

One copy of this resolution shall be given to the Applicant and the City Clerk shall give the Code Administrator a certified copy of the Council's decision, clearly stating their reasons therefor and the exact terms of any variation granted, that shall be attached to both the preliminary and final plats, if applicable.

Dated this 17th day of October, 2022.

By David Nonn, Mayor

Attest Kimberly Thomas, City Clerk

RECOMMENDATION No. 2022 ~ 06PC

Of the Planning Commission of the City of Troy, Illinois Recommending an Application for a Variance to Chapter 156: Stormwater Drainage and Detention, Soil Erosion and Sediment Control Requested By: Stonebriar Manors, Inc.

WHEREAS, the Planning Commission met on October 13, 2022 to consider an application for a variance to Section 156.029(F)(3) of the Stormwater Drainage and Detention, Soil Erosion and Sediment Control (Stormwater Ordinance) of the Code of Ordinances filed by Stonebriar Manors, Inc. - Cade Osborn. A copy of the application and certification regarding publication of the notice of hearing are incorporated by reference; and

WHEREAS, this application applies to property known as Stonebriar Manors Phase 2 with permanent parcel ID number 09-1-22-10-00-000-008; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the following citizens also testified regarding the application (See attached Sign-in Sheet); and

WHEREAS, the Planning Commission considered the grounds of the application and the facts relied upon by the applicant as described in *Section 156.004 Exceptions* of the Stormwater Ordinance and has attached as Addendum A their findings to support this recommendation; and

WHEREAS, following the testimony and deliberations, members of the Planning Commission voted as recorded below:

Adams <u>ABSTAIN</u>	Lawrenz <u>YES</u>	Reiter <u>YES</u>	Total:
Burnett <u>YES</u>	Nehrt <u>YES</u>	Stone <u>ABSENT</u>	<u>6</u> Yeas
Compton <u>YES</u>	Niermann <u>ABSENT</u>	Talbert <u>YES</u>	<u>0</u> Nays

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the application for the following: To permit the maximum depth of water in a dry detention basin to be 5.03 feet as opposed to four feet as required in §156.029(F)(3) Dry detention basin design - Maximum depths

IS NOT recommended IS recommended with the following stipulations, if noted:

A copy of this recommendation is presented to the City Council; the original shall be filed with the Code Administrator.

ADOPTED this 13th day of October, 2022.

By: [Signature]
Chairman, Planning Commission

Attest: [Signature]
Secretary, Planning Commission

Addendum A

Planning Commission's Advisory Report

As per §156.004 Exceptions, the Planning Commission shall review the grounds of the application and the facts relied upon by the applicant with respect to the land referenced in the application, and submit its advisory report to the City Council together with its recommendation. The Planning Commission's findings on the information provided by the applicant are as follows:

Facts:	Applicant's Response	Findings:
(1) That the land is of a shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impractical for the applicant to comply with all of the requirements of this chapter;	The area where the detention pond will be located has relatively steep sides and would require excessive earthwork removal to accommodate the maximum 4-foot storage for the 100-year design storms. By using a depth of 6 feet for storage, the area of disturbance, erosion, and environmental impact will be substantially reduced	<input checked="" type="checkbox"/> Agree with applicant's response <input type="checkbox"/> Disagree with applicant's response <input type="checkbox"/> N/A
(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;	The detention pond will be within an area that will not impact future development or areas beyond the limits of the proposed detention pond, and will conform to the existing topography as much as possible	<input checked="" type="checkbox"/> Agree with applicant's response <input type="checkbox"/> Disagree with applicant's response <input type="checkbox"/> N/A
(3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subject's property.	The area for detention will not affect any property owners outside of the boundary of the proposed development and will be contained within the confines of an outlot within the proposed development.	<input checked="" type="checkbox"/> Agree with applicant's response <input type="checkbox"/> Disagree with applicant's response <input type="checkbox"/> N/A

Additional comments:

An Adams
 Chairman, Planning Commission

10/13/2022
 Date

Charles Laessle
 Secretary, Planning Commission

10/13/2022
 Date