



MEMORANDUM

TO: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: April 12, 2012

SUBJECT: PC 12-09; Providence Glen Planned Development (640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue)

In the previously transmitted Village Board packet for the April 12, 2012 meeting are the materials associated with PC 12-09. Staff has been informed by the trustee of the district that he would like to have this matter placed on the agenda for separate action and consideration.

In review of the request, he will be asking for favorable consideration of an amended approval of the petitioner's request to grant relief to allow for three-season room encroachments within the required rear yard (from 30' to 15'). However, he is supportive of the action for only those eleven lots located along the east side of Charlotte Street within the planned development, noting that they are similar to the petitioner's lot in size, area, and physical relationship to other abutting properties within and outside of the planned development.

Attached is a draft ordinance for Village Board consideration that incorporates alternate findings of fact and conditions of approval should the Village Board ultimately desire to approve the petition.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A PLANNED DEVELOPMENT AMENDMENT TO
ORDINANCE 4566 & ORDINANCE 4722 WITH COMPANION VARIATIONS AND
DEVIATIONS**

(PC 12-09; Providence Glen Planned Development)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject properties are zoned R2PD Single-Family Residence District, Planned Development; and,

WHEREAS, on November 19, 1998, the President and Board of Trustees of the Village of Lombard adopted Ordinance 4566 granting a conditional use for a planned development with companion deviations; and,

WHEREAS, on April 6, 2000, the President and Board of Trustees of the Village of Lombard adopted Ordinance 4722 and ordinance amending Ordinance 4566; and,

WHEREAS, an application has heretofore been filed requesting approval of An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms) and variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 19, 2012 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending denial of the petition as described herein; and,

WHEREAS, the President and Board of Trustees have determined that the associated relief enhances the overall planned development and is in the best interest of the Village to approve the requested amendment, but only for those single family residences located along the eastern most portion of the planned development; and subject to conditions set forth in Section 3 below; and,

WHEREAS, the Village Board finds that the proposed relief, as amended, does meet the standards for planned development amendments and for variations, based upon the findings attached as Exhibit A and the alternative recommendation as set forth within the IDRC staff report, as well as testimony submitted by the petitioner at the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the following relief is hereby granted for the Subject Property, as described in Section 2 below, subject to the conditions set forth in Section 3 below:

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

SECTION 2: Said relief noted in Section 1 above is limited and restricted to the selected properties located at 641, 645, 649, 653, 657, 661, 665, 669, 673, 677, and 681 N. Charlotte Street (within the Providence Glen Planned Development), Lombard, Illinois; legally described as follows:

LOTS 1 THROUGH 11 IN PRAIRIE PLACE OF LOMBARD, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 5,

TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1999 AS DOCUMENT R99-258187 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-05-100-027 through 037

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet, for the properties legally described within Section 2 above within the Providence Glen Planned Development, shall only apply to a one-story structure attached to a dwelling with a screened, open or glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.
2. The petitioner for the property at 661 N. Charlotte Avenue shall apply for and receive a building permit for the proposed plans. All IDRC comments must be addressed prior to the issuance of a building permit.
3. The petitioner for the property at 661 N. Charlotte Avenue shall be responsible for exposing any necessary construction for the purposes of required inspections to the existing three season room, under the 2009 International Residential Code (foundation, framing, etc.); to make sure the minimum safety standard set by Code has been met.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2012.

First reading waived by action of the Board of Trustees this ____ day of _____, 2012.

Passed on second reading this ____ day of _____, 2012, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

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Absent: _____

Approved by me this _____ day of _____, 2012.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet from this _____ day of _____, 2012.

Brigitte O'Brien, Village Clerk

Exhibit A

Standards for Planned Developments

Providence Glen Rear Yard Setback Amendment

(A) General Standards

- 1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks.

- 2) *Community sanitary sewage and potable water facilities connected to a central system are provided.*

The necessary infrastructure already exists and no additional infrastructure would be required as part of the proposed amendment.

- 3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. As the Providence Glen Subdivision has already been established with single-family residences, the existing uses conform to the recommendations of the Comprehensive Plan.

- 4) *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

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The development and subsequent relief included within this petition is intended allow each of the respective property owner within the subdivision the ability to construct a screen porch addition.

5) *That the streets have been designed to avoid:*

(a) Inconvenient or unsafe access to the planned development;

The subdivision layout provides two major points of egress to/from the development for adequate circulation.

(b) Traffic congestion in the streets which adjoin the planned development;

The proposed amendment would have no impact on congestion on streets within the subdivision or any adjacent properties.

(c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

The planned development was originally developed to include residential uses and was improved accordingly; as such, it will not create an excessive burden on any public parks, recreation areas, schools, and other public facilities.

Standards for Conditional Uses

Providence Glen Rear Yard Setback Amendment

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. The Plan Commission finds that the following Standards for Conditional Uses have all been affirmed relative to the planned development amendment (conditional use):

(a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The conditional use process allows the Village the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general

welfare. The proposed planned development amendment (conditional use) would allow all properties within the Providence Glen Subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The Village finds that allowing screen porch additions, within the fifteen feet (15') of the rear property line, would not create any additional circumstances that would impact the general public be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

(b) That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.

Any improvements that are a result of the proposed conditional use would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.

Concord Homes originally had difficulty fitting their standard model homes on some of the lots within the Providence Glen Subdivision as flooding conditions affected some of the properties, requiring substantial changes to the engineering, resulting in minor changes to the subdivision layout. In order to adequately handle stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. The proposed conditional use would allow each property owner within the Providence Glen Subdivision the right to a further reduced rear yard setback to construct a three season room. The relief pertains only to screen porch additions as the petitioner constructed a structure that is similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent 'open' area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.

(c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Of the thirty-two (32) properties within the Providence Glen Subdivision, there are a total of nineteen (19) lots that directly abut properties outside of the development. The entire

development is bound by a wood privacy fence that could reduce the impact of any additional improvements made to the properties within the Providence Glen Subdivision.

- (d) That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to address public utilities, access roads, drainage and/or necessary facilities.

- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

- (f) That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. As the Providence Glen Subdivision has already been established with single-family residences, the existing uses conform to the recommendations of the Comprehensive Plan.

- (g) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The planned development amendment would have different impacts on the different properties. The proposed amendments would provide relief pertaining specifically to the rear yard setback for the purposes of constructing a screen porch addition only, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief

pertains only to screen porch additions as the petitioner constructed a structure that is similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent ‘open’ area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.

Responses to the standards for a variation from Section 155.508(C)(6)(a) (Planned Development Standards) to provide for a reduction in the required yards on the perimeter of the planned development to be less than that required in the abutting zoning district:

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. While the lots within the planned development meet the minimum widths and area as required by Village Code, the average depth of the lots on the east side of Charlotte Street are generally 112 feet in depth, which is less than most other single family residential lots in the area. Owners of the abutting lots, which are 185 feet in depth, would be able to construct such a three season room without requiring additional zoning relief. Favorable consideration of this action would allow the Providence Glen property owners the same ability to attach a three season room to their principal residence as the properties abutting the planned development.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

There is no financial gain as the variation is applicable to all properties within the planned development.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The variation is not due to any reason beyond the requirements of the zoning ordinance.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The proposed variation will not impair the public interest. The variation is applicable to all properties within the planned development.

6. *The granting of the variation will not alter the essential character of the neighborhood; and,*

Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The relief pertains only to screen porch additions as the petitioner constructed a structure that is similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent ‘open’ area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.