

February 19, 2004

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

**Subject: PC 04-04; 19W416 and 312 E. 18th Street (Regency Estates
Subdivision)**

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Freedom Development Company, requests that the Village take the following actions on the subject property:

1. Approval of an Annexation Agreement;
2. Annexation to the Village of Lombard;
3. Approval of a map amendment rezoning the property from the R1 to the R2 Single Family Residence District;
4. Approval of a conditional use for a planned development, with the following lot deviations:
 - a. For Lot 6, reduce the minimum lot width from sixty (60) feet to approximately forty-five (45) feet;
 - b. For Lot 7, reduce the minimum lot width from sixty (60) feet to approximately forty-three and one-half (43.5) feet;
 - c. For Lot 8, reduce the minimum lot width from sixty (60) feet to forty-two and one-half (42.5) feet;
 - d. For Lot 9, reduce the minimum lot width from sixty (60) feet to forty-nine and one-half (49.5) feet;
 - e. For Lot 13, reduce the minimum lot area from seventy-five hundred (7,500) square feet to seventy-three hundred eighty-two (7,382) square feet (*the petitioner's revised site plan has removed the need for this relief*); and
5. Approve a preliminary plat of subdivision for the subject property.

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After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 26, 2004. Joe Altenhoff of Arc Design Resources, engineer for the project, presented the petition. He noted that they have reviewed this project in detail with staff over past few weeks and agree to the conditions of approval in the report. There is a matter they would like to discuss further regarding the detention facility. The site is unique as it is an infill of vacant property and the goal and objective is to develop the site as single family residential. They will be meeting several ordinances with condition of approval - one of which is the Stormwater Management Ordinance. He described the concept which they are using and mentioned the retaining walls which meet hydraulic requirements. The location of the facility does avoid wetland impacts and stays outside of the buffer area. They are seeking a compact footprint due to the other requirements of the development. Runoff from the development will be routed through a storm sewer system or through swales to the detention basin. They are meeting all existing grades.

He mentioned the meeting they had with staff anticipating some comments they have relative to the design of the detention basins. They raised a concern about safety. One of the conditions added to the staff report is that along 18th Street the detention facility would be setback 13 feet from the right of way line and those areas be sloped. The slope now is adjacent to Regency Court and 18th Street instead. The retaining walls along the north and west property will be stepped. In the step, they will provide ornamental grasses and the bottom will be grass. Landscaping will also occur along the perimeter.

They do not anticipate much traffic, so they propose to start the slope five feet from the edge of the sidewalk and go 3:1. He displayed a diagram showing the change. He mentioned the proposed wrought iron fence and where they were located. He concluded that they accepted the conditions and asked them to consider the current design for approval so they can move forward with the project.

Chairperson Ryan then opened the meeting for public comment.

John Wittert, 33 E. 17th Place, stated that he is one of the property owners that border the project. He is concerned about drainage in the back of the lots. He met with staff who explained the swale, the drainage, and how it would flow. He is now concerned about the tree line on the north and east side of the project. Their lots are about ten feet lower than the existing land. If you put in swales and knock out trees, those new property owners will be looking down upon them and into their second story windows. He would like to see a vegetation screen to maintain privacy and provide relief from the development itself.

Jim Dallas, 400 East 18th Street, asked about the detention pond. His concern is how much water will be retained and wondered about mosquitoes and geese. He was confused about the fence. He questioned how much of a setback from his property will they allow before they put this design in. He would like the details and also about the vegetation screen.

Mary Papevnick, 19W470 18th Street, stated that they own the property to the west of the site. Their property is along the entire west border of project and they have lived there since 1977. She mentioned the development around them and wondered about the screening with the five homes that will be built to their side.

Responding to questions, Mr. Altenhoff, stated that they are maintaining the vegetation buffer on north and east side of property where possible. They intend to pick up drainage in a swale and they would put it in underground utilities. It is possible that they could stay away from that property line as much as possible. The retaining wall is away from the property line and they are flexible to increase that as much as possible. They have not done a detailed tree survey and they could take a closer look at that.

Regarding drainage to the property to the east – there is no setback requirement to the property line in a residential district for retaining walls. It will be six inches off the property line with the fence. There would be two steps of retaining walls and there would be no encroachment on the adjacent property from a construction perspective and this will function as a dry detention basin. If there were an overflow, it would go the north into the existing wetland area. Regarding screening to the west, there are no specific provisions to provide additional vegetation screening against the property to the west.

Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, reiterated the requested actions and summarized the project. He referenced the IDRC comments and noted that the detention basin should be set back from both public rights-of-way. The east side of the detention basin should have a 4-foot high board-on-board cedar fence installed along the entire length of the property line for the safety of the adjacent property owner.

The Village's Comprehensive Plan identifies this area as the Southeast Unincorporated Area and recommends Estate Residential uses, which suggests a density of approximately 4 units per acre. The petitioner's site plan proposes 13 units on 4 gross acres, which calculates to about 3.25 units per acre. The petitioner's average lot size is approximately 9,500 square feet, which computes to 4.58 net units per acre. In consideration of these densities and considering that inclusion of a 0.25 acre detention facility, staff believes that the proposed land use and density complies with the recommended land use as stated in the Comprehensive Plan.

The proposed single-family subdivision is compatible with the existing single-family residences surrounding the site. The subdivision is being designed in a similar manner as the adjacent Highland Estates (Providence) planned development, Engelsina Estates, and other single-family residential lots in the area. Excluding the roadway and the detention outlot, the average lot size for the Regency Estates Subdivision is approximately 9,550 square feet, with a range of 7,829 square feet to 12,415 square feet for the largest lot. For comparison purposes, the Providence Subdivision has an average lot size of 9,800 with lot ranges of 7,500 square feet to 16,162 square feet. In review of the proposed plat, staff notes that the largest lots are the lots that abut the

Providence Subdivision and are located at the north end of the subdivision. As such, staff believes the design of the subdivision is compatible with the adjacent residential properties.

The petitioner requests a rezoning (map amendment) for the subject property. The proposed rezoning from R1 to R2 Single-Family Residence District is in compliance with the Comprehensive Plan and is supported by the submitted Standards for Map Amendments.

In order to address the site-specific constraints of the property, the petitioner is requesting conditional use approval for a planned development for the subject property. Planned developments have been approved for other major single-family developments in the community in the recent past (e.g., Providence, Providence Oaks and Providence Glen) as these developments presented unique redevelopment challenges. Within this request, the petitioner is requesting a deviation in the minimum lot width for Lots 6 through 9. In review of the proposed lot layout, staff finds that this request can be supported only in the context of reviewing the particulars of the request. The four lots are pie-shaped and located at the back of the proposed cul-de-sac. The Zoning Ordinance defines lot width as being the narrowest point within the 30 feet immediately back of the required front yard setback. As such these lots, as proposed, do not meet the minimum lot requirement. However, in review of the overall lot width of the proposed properties, the average lot width would far exceed code requirements. To mitigate this request, the petitioner is proposing to increase the front yard setbacks to a point that would only allow for development at a location in which would provide for ample open space around the structures. Staff finds this to be a creative and acceptable approach to this issue and can support the request.

The petitioner has stated that he will attempt to preserve as many as possible around the perimeter of the site. The petitioner will be required to provide parkway trees at a minimum of 40 feet in length along 18th Street (including around the detention outlot) and within the cul-de-sac street.

The proposed development is classified as a major development, and as such, full public improvements will be required. Additionally, the developer will fully improve the remainder of the 18th Street right of way from the subject property to Stewart Avenue per the Village's specifications.

He stated that Lot 14 is to be used for detention purposes. While the proposed engineering would meet the provisions of the Subdivision and Development Ordinance, staff does have concerns regarding the overall layout of the facility. The facility is proposed with four retaining walls, with the highest wall being seven feet in height. The petitioner is proposing to soften their appearance by providing additional terracing and face treatments.

Staff has reservations regarding the proposed design. As noted in the IDRC comments, the location of the facility in close proximity to two public streets creates a potential safety issue. Additionally, from an aesthetic standpoint, staff believes such facilities can detract from the overall development. Trustees have raised this concern to staff as it pertained to other similarly approved and constructed facilities in the community. Staff suggests as an alternative that both

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Lots 13 and 14 be reserved for stormwater detention purposes. He concluded that staff supports the petition subject to the conditions noted in the report.

Chairperson Ryan opened the public hearing for discussion and questions by the Plan Commission.

Commissioner Flint said his concern is with the detention facility, even with the change in the plan. Mr. Heniff noted that staff is looking for improvements as outlined in the recommendation - a sloped detention facility while keeping retaining walls to a minimum and be used as an open space amenity.

Commissioner Flint said the overall plan is good. He likes the layout of the road and the site but supports staff's recommendation to combining the two lots and wondered if the developer can do it economically.

Commissioner Sweetser echoed those comments. She indicated she is always concerned about the economic viability of a project, but is concerned about the seven-foot drop. She asked what the depth of the detention pond was if both lots were used. Mr. Heniff stated that the depth would be close to what it is now, but you would have gradual slopes.

Commissioner Sweetser asked about the wetland as indicated on their drawings and the intrusion on Lot 13. She asked about the swale and how it would go along the screening that was discussed on the east side. Mr. Heniff noted that the wetland is outside of the petitioner's property. The wetland buffer area is of specific concern and is reviewed by DuPage County.

Commissioner Sweetser asked what the swale will look like, where would it go and what would it do. Mr. Heniff said the concept plan would be a gradual swale around the perimeter of the site. Staff and the developer will work out with the County the best way to channel the water along the east property line by a flow into the wetland area or redirected so as not to add more water into the wetland area. This is an issue DuPage County will have to review.

Commissioner Sweetser noted that fencing along the western lot line would prevent people from crossing onto other private property.

Commissioner Olbrysh stated that the petitioner mentioned the detention pond and the compact area. Looking at it, the entire area is compact. He noted the lot dimensions and agreed with staff with having the detention on both lots 13 and 14. He is concerned about the minimum lot width reduction for lots 7, 8 and 9. He feels it's too much on a small space.

Commissioner Sweetser asked about the implications of the lot width relief. Mr. Heniff said that the increased lot area and setback would offset the lot width provision.

Commissioner Zorn said that it thought it looked tight. She is very concerned about the line of trees on west side of property.

Commissioner Flint does not have a problem with the lot width but with the detention issue.

Commissioner Olbrysh noted that on lots 7-9, because of the pie shape and width, the homes would be pushed farther back. Mr. Heniff noted that the petitioner has also modified the building setback line for those lots as well. Commissioner Olbrysh questioned how much space would be across. It was clarified that the houses would be placed where there is at least 60 feet across.

Commissioner Sweetser asked about the eastern boundary and the swale. She wondered if the ten-foot differential would still be in effect as far as elevations are concerned. She would like vegetation screening along the eastern line and she questioned the options. Mr. Heniff said if there was a desire, they could look at preservation or requiring new landscape materials to provide a screening element.

Chairperson Ryan said he is concerned about safety issues for the detention area. He liked the idea of using lots 13 and 14 for detention pond and to provide for a gradual slope.

Commissioner Sweetser asked if the fencing would still be required if they gradually slope the pond. Mr. Heniff said that would be a subject to further review as part of final engineering.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 04-04 subject to the following conditions as amended:

1. The site shall be developed in substantial compliance with the submitted Final Plat of Subdivision prepared by Arc Design Resources, Inc., dated January 21, 2004.
2. Final Engineering shall be approved prior to consideration of the Final Plat of Subdivision by the Board of Trustees.
3. That the front yard building setbacks for Lots 6 through 9 of the proposed subdivision shall be as depicted as part of the petitioner's preliminary plat submittal.
4. That in order to provide of appropriately graded slopes for the proposed detention facility, Lots 13 and 14 be reserved for open space and detention purposes. The proposed detention facility shall be graded with at least three sides with not less than 3:1 slopes and shall be subject to the review and approval of the Director of Community Development.
5. That the petitioner shall fully improve 18th Street from the eastern end of the subject property to Stewart Avenue, consistent with the petitioner's submittal and the provisions of the annexation agreement for the subject property.

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6. That the petitioner shall provide a solid 6-foot board-on-board fence along the western property line of the subject property.
7. That the petitioner shall provide a vegetation screen along the north and east property lines of the subject property.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission

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