

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

AMENDMENT TO OAK CREEK PLANNED DEVELOPMENT – SINGLE-FAMILY SETBACKS

June 19, 2017

Title

PC 17-20

Petitioner

Village of Lombard

Property Location

West of Finley Road, south of 16th Street, and north of 22nd Street

Approval Sought

The petitioner, the Village of Lombard, seeks to amend the interior side yard setback for single-family residences in the Oak Creek Planned Development from 10 feet to six feet.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

DESCRIPTION

The petitioner, the Village of Lombard, proposes to amend the Oak Creek Planned Development to modify the interior side yard setback for single-family residences from 10 feet (10') to six feet (6').

APPROVAL(S) REQUIRED

The petitioner, the Village of Lombard, requests that the Village take the following actions on the subject property located within the R5PD Planned Development District (Oak Creek Planned Development):

1. Pursuant to Section 155.504 (A) (major changes in a planned development) of the Lombard Zoning Ordinance, amend the Oak Creek Planned Development, as established by Ordinance No. 1351, and amended by the Consent Judgment and Decree entered on June 19, 1978 in the Circuit Court of DuPage County in Case No. 78 MR 28 and subsequent amendments thereto (collectively the "Consent Decree"), to allow for modifications to the interior side yard setback for single family residences, from 10 feet (10'), as originally established by Ordinance No 1351 and unaffected by the Consent Decree, to six feet (6').

EXISTING CONDITIONS

The 247-acre Oak Creek Planned Development is located on Finley Road between 16th and 22nd Streets. Property north of I-355 is developed with a business/industrial park. Property south of I-355 is developed with apartments and single-family subdivisions.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed amendment to the Planned Development.

Fire Department:

The Fire Department has no comments regarding the proposed amendment to the Planned Development.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed amendment to the Planned Development.

Public Works:

The Department of Public Works has no comments regarding the proposed amendment to the Planned Development.

Planning Services Division:

Ordinance 1351, which established the Oak Creek Planned Development in 1968, requires a minimum setback of 10 feet for detached single-family dwellings (front, side and rear yards). It has come to the attention of staff that many of the houses in this planned development have been built to a six-foot interior side yard setback, which is consistent with the required side yard setbacks in the Village's Residential zoning districts. The discrepancy between the required setback of 10 feet and the actual setbacks of existing houses poses a challenge for Oak Creek homeowners who want to add on to their homes. Currently, houses not meeting the 10-foot setback required by Ordinance 1351 must receive approval of an amendment to the Oak Creek Planned Development before they can be expanded.

Since it appears that the majority of the single-family homes in the Oak Creek Planned Development do not meet the 10-foot setback relative to interior side property lines, staff proposes to amend the interior side yard setback for single-family homes in the planned development to six feet. This amendment will make the side yard setback requirement for single-family homes in Oak Creek consistent with existing development in the planned development as well as other single-family neighborhoods throughout the Village.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following amendments to Ordinance 1351. Additions are denoted by **bold and underline** font. Deletions are denoted by a ~~strickthrough~~.

Ordinance 1351

D. Bulk Regulations – Zoning Regulations – Subdivision Regulations.

3. Yard setbacks. In lieu of front yard setbacks, side yard setbacks and rear yard setbacks, the following shall apply;
 - a. The minimum setback **for front, rear and corner side yards** for single family detached dwellings shall be 10 feet; **the minimum interior side yard setback single family detached dwellings shall be six feet, except where no attached garage is constructed, one side yard must be nine feet in width.**;
 - b. There shall be not less than 50 feet between Multiple-Family Buildings for Multiple-Family Buildings up to and including two (2) stories in height. For each story of more than two, an additional five (5) feet for each story shall be provided between Multiple-Family Buildings.

- c. Along the periphery of the territory, yards shall be provided not less than those required by the regulations of the district in which said development is located.

STANDARDS FOR AMENDMENTS TO PLANNED DEVELOPMENTS

Standards for Planned Development – 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 Oak Creek Planned Development is zoned R5PD. The R5 district requires an interior side yard setback of six feet for detached single-family dwellings. The proposed change to the Oak Creek Planned Development will result in setback standards for single-family homes that are consistent with those in the underlying zoning district.

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

Existing development in the Oak Creek Planned Development is connected to central utility systems. The proposed amendment will not impact utility connections.

- (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 proposed amendment will not change the mix of uses permitted in Oak Creek Planned Development.

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

The amendment to change interior side setback requirements for single-family homes will result in development standards that are consistent with the underlying setback requirements of the Zoning Ordinance.

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

- (a) Inconvenient or unsafe access to the planned development;*
- (b) Traffic congestion in the streets which adjoin the planned development;*
- (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 proposed amendment to the planned development will have no impact on street design.

Standards for planned developments with deviations

- (1) *Any reduction in the requirements of this Chapter is in the public interest.*

The proposed reduction in interior side setbacks for single-family homes in the Oak Creek Planned Development will allow for development that is consistent with other single-family home neighborhoods in the Village. Consistency of development is in the public interest.

- (2) *The proposed deviations would not adversely impact the value or use of any other property.*

The proposed reduction to interior side setbacks for single-family homes in the Oak Creek Planned Development will not be detrimental to the value or use of other properties.

- (3) *That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties.*

The proposed reduction to interior side yard setback requirements will be consistent with the setbacks of existing homes in the neighborhood. This change will be beneficial to residents who wish to modify existing homes that do not meet the current requirement of a 10' interior side yard setback for single-family homes.

- (4) *That the overall floor area of the planned development shall not exceed by more than 40 percent the maximum floor area permitted for the individual uses in each applicable district.*

The proposed amendment will have no impact on FAR in the Oak Creek Planned Development as the Village does not have established FAR requirements for residential districts.

- (5) *That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40 percent the number of dwelling units permitted in the underlying district.*

The proposed amendment will have no impact on the number of dwelling units permitted in the Oak Creek Planned Development.

- (6) *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- (a) *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

The amended interior side yard setback for single-family homes in Oak Creek Planned Development will be the same (six feet) as required interior side yard setbacks for single-family homes in other districts in the Village.

(b) *All transitional yards and transitional landscape yards of the underlying zoning district are met.*

The proposed amendment to the Oak Creek Planned Development will not impact transitional yard and landscape requirements.

(c) *If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:*

(i) *All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;*

(ii) *All structures located along the entire perimeter of the planned development must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.*

This standard is not applicable to this request.

(7) *That the area of open space provided in a planned development shall be at least 25 percent more than that required in the underlying zone district.*

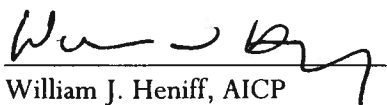
The proposed amendment will not impact required open space in the Oak Creek Planned Development.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested amendment to the Oak Creek Planned Development **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 17-20.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development