

# PLAN COMMISSION

## INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

### MAJOR CHANGE TO A P.D. – BUCKINGHAM ORCHARD / LYONHART MANOR

**MAY 18, 2015**

#### Title

PC 15-05

#### Petitioner

VantagePoint Engineering  
c/o Bill Zalewski, P.E.  
18311 North Creek Drive, Ste. F  
Tinley Park, IL 60477

#### Property Owner

M/I Homes LLC  
400 E. Diehl Road, Ste. 230  
Naperville, IL 60563

#### Status of Petitioner

Consultant Contractor for Owner

#### Property Location

324 (05-01-401-091), 334 (05-01-401-086), & 351 (05-01-205,015 & -020) N. Buckingham Ct. – Trustee District #1

#### Zoning

R4PD – Limited General Res. Planned Development (Lyonhart Manor / Buckingham Orchard)

#### Existing Land Use

Attached Single-Family Residential

#### Comprehensive Plan

Low-Medium Density Residential

#### Approval Sought

Amendment to the Lyonhart Manor / Buckingham Orchard Planned Development (Ord. Nos. 5586 & 5848) to allow for side yard setback deviations for the properties at 324, 334, and 351 N. Buckingham Ct.

#### Prepared By

Matt Panfil, AICP, Senior Planner



**LOCATION MAP**

#### **DESCRIPTION**

The underlying R4 Limited General Residence District requires a fifteen foot (15') setback for each instance of an interior side yard on an exterior unit as well as a thirty foot (30') separation between structures. However, once construction of the units was complete, the as-built documents depicted three (3) instances where the exterior unit side yards were less than the required fifteen feet (15'). This issue is being brought forth at this time because the project is being completed and the common areas surrounding the units are being turned over to the homeowner associations.

All properties within the Planned Development are compliant with the required thirty feet (30') minimum separation between groups of attached single-family dwellings established by Section 155.409 (K)(3).

#### **APPROVAL(S) REQUIRED**

Per Section 155.504 (A) reductions to the dimensions of peripheral yards are considered to be a major change to a planned development and therefore require the Plan Commission to hold a public hearing and make a recommendation vote to the Village Board. The petitioner is specifically requesting that the Village amend Ordinance Nos. 5586 and 5848 to grant the following deviations:

1. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 14.36' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 324 N. Buckingham Court;
2. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 13.85' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 334 N. Buckingham Court; and
3. Approval of a deviation from Section 155.409 (F)(3)(c)(ii) to allow for a 11.70' interior side yard setback on an exterior lot where fifteen feet (15') is required for the property located at 351 N. Buckingham Court.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no issues or concerns regarding the proposed amendment.

**Fire Department:**

The Fire Department has no issues or concerns regarding the proposed amendment.

**Private Engineering Services:**

Private Engineering Services (PES) has no issues or concerns regarding the proposed amendment.

**Public Works:**

The Department of Public Works has no issues or concerns regarding the proposed amendment.

**Planning Services Division:**

The Planning Services Division (PSD) notes the following:

*1. Surrounding Zoning & Land Use Compatibility*

	<b>Zoning Districts</b>	<b>Land Use</b>
<b>North</b>	R4PD	Attached Single-Family Residence
<b>South</b>	R4PD	Attached Single-Family Residence
<b>East</b>	R4PD (324 and 334 N. Buckingham Ct.) & R4 (351 N. Buckingham Ct.)	Attached Single-Family Residence
<b>West</b>	Interstate 355 (324 and 334 N. Buckingham Ct.) & R4PD (351 N. Buckingham Ct.)	Interstate Highway and Single-Family Residences

Staff finds that the proposed amendment to the planned development does not affect the existing zoning or land use of the subject property or the surrounding properties.

*2. Comprehensive Plan Compatibility*

The proposed amendment to the planned development is consistent with the Comprehensive Plan.

### **3. Zoning Ordinance & Planned Development Compatibility**

In consideration that the intent of the fifteen foot (15') exterior unit side yard setback for attached single-family residences is to provide a minimum thirty foot (30') separation between structures and the petitioner has provided said minimum thirty foot (30') separation staff can support the proposed amendment to the planned development.

Aside from the previously identified deviations, the Lyonhart Manor / Buckingham Orchard Planned Development complies with all other lot, bulk, and setback standards established by either the Zoning Ordinance R4 Limited General District or by Ordinances Nos. 5586 and 5848.

## **SITE HISTORY**

### **PC 04-28**

Amendment to the Village Comprehensive Plan to redesignate the property from Estate Residential to Low-Medium Density Residential, authorization to execute an annexation agreement, annexation, map amendment to rezone the property from R1 Single-Family Residence to R4 Limited General Residence, and a conditional use for a planned development with deviations (Ord. Nos. 5582 – 5586).

### **PC 06-10**

Authorization of a first amendment to Ord. No. 5583, annexation, map amendment, conditional use for a planned development deviations, and variations to the Subdivision and Development and Zoning Ordinances (Ord. Nos. 5848, 5852 – 5857).

### **PC 06-33**

Variation providing for an increase in allowable deck height from three feet (3') to five and one-half feet (5.5') for the properties at 336 through 369 Buckingham Court (Ord. No. 5943).

### **PC 07-44**

Variation to allow for an increase in fence height of up to eight feet (8') in height along the rear property line of land abutting the Illinois State Toll Highway Authority property.

### **SPA 12-06ph**

Site Plan Approval to allow a development sign to exceed nine (9) square feet in area and to allow a freestanding sign to exceed four feet (4') in height.

## **FINDINGS & RECOMMENDATIONS**

Staff finds the proposed amendment to the planned development to be consistent with the objectives of the Zoning Ordinance, Lyonhart Manor / Buckingham Orchard Planned Development, and the intent of the Comprehensive Plan in general.

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 conditional use amendment **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 15-05.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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**EXHIBIT A – STANDARDS FOR PLANNED DEVELOPMENTS WITH OTHER EXCEPTIONS**



April 15, 2015

**Lyonhart Manor Townhomes & Buckingham Orchards**

Summary of variance being requested:

The Village of Lombard requires a building to building separation (for a side yard) to be 30 feet. M/I Homes has met and maintained this separation for the townhome buildings at the Lyonhart Manor & Buckingham Orchards Subdivisions. The Village of Lombard requires a minimum distance from a building to the side yard property line to be 15 feet. We have not met this requirement. The variance being requested is to allow the distance between the side of a building to the property line to be less than 15 feet.

There are two (2) locations where the dimension between the property line and the building is less than 15 feet. The building to building separation in these two (2) locations meets or exceeds the 30 foot requirement.

By granting this variance we avoid a very complicated and laborious process of deeding a silver of property from one property owner to another AND in one case from one HOA to another HOA.

**STANDARDS FOR PLANNED DEVELOPMENT**

**C. STANDARDS FOR PLANNED DEVELOPMENTS WITH OTHER EXCEPTIONS**

1. Any reduction in the requirements of this Ordinance is in the Public Interest.

**The reduction in the side yard setback reduces the complication of transferring title, record keeping of lot descriptions among property owners, taxing bodies and title companies when ownership is transferred by a sale.**

2. The proposed exceptions would not adversely impact the value or use of any other property.

**Nothing physically will be changed, therefore the value will not be impacted.**

3. That such exceptions 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 variance being requested is the last step in the final acceptance and approval required with the Village of Lombard to demonstrate that all aspects of ordinance have been met.**

4. That the overall floor area of the planned development shall not exceed by more than 40% townhome maximum floor area permitted for the individual uses in each applicable district.

**The floor area has not been affected by this request.**

Civil Engineering | Land Planning | Surveying

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

**The number of dwelling units is not changing as a result of this request.**

6. That all buildings are located within the planned development in such a way as to dissipated 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 front, side or rear yard setbacks on the perimeter of the development will not change as a result of this request.**

- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.

**The transitional yards and transitional landscape yards will remain as approved and will not change as a result of this request.**

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

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

**All of the existing structures meet the perimeter setback and will not change as a result of this request.**

- 2) 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.

**The variance being requested will not impact the previously approved screening.**

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

**The open space provided, and previously approved, is not being revised or changed. All of the existing structures meet the perimeter setback and will not change as a result of this request.**









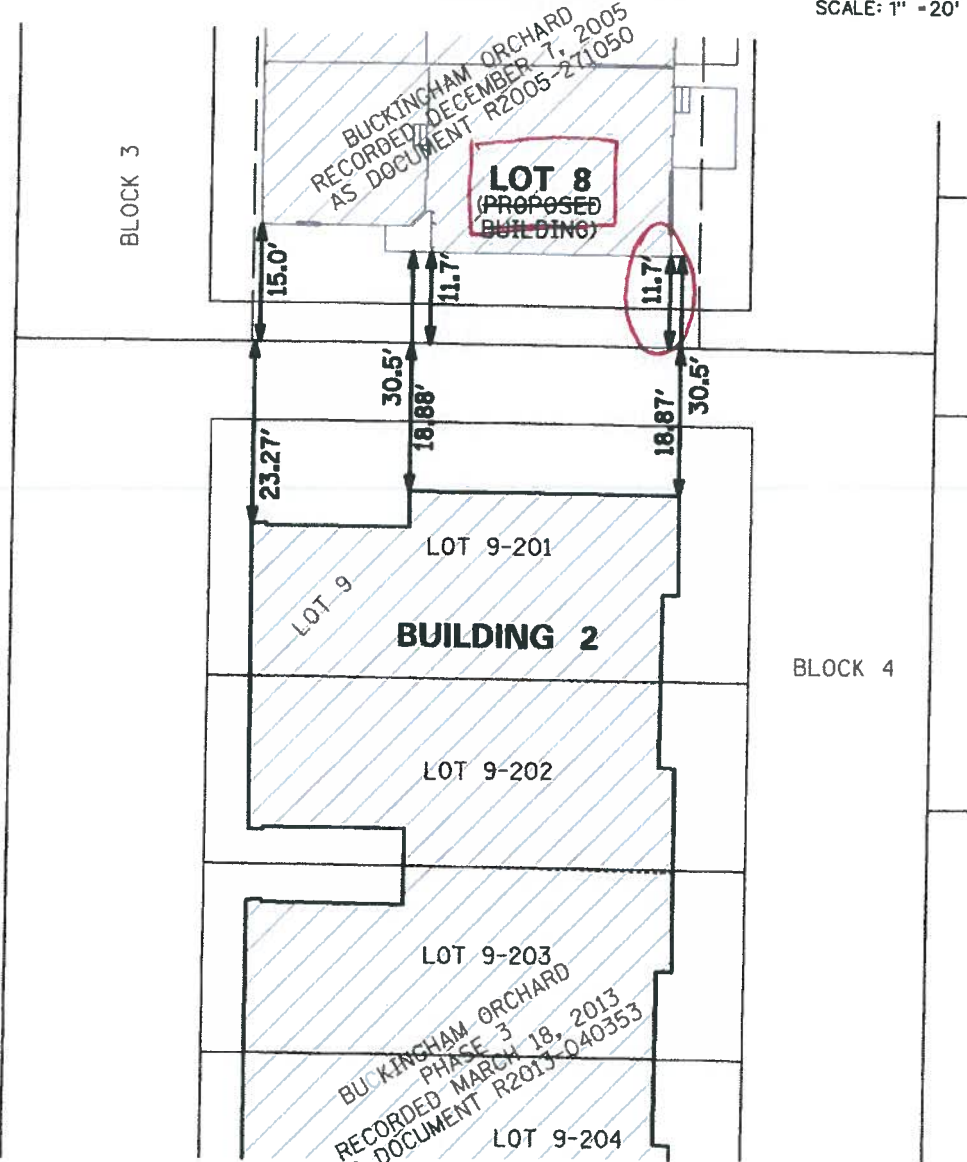
**EXHIBIT D – 351 N. BUCKINGHAM COURT SIDE YARD SETBACK DEVIATIONS**

**EXHIBIT  
BUILDING 2 AND BUILDING ON LOT 8  
BUILDING TO BUILDING TIES**



SCALE: 1" = 20'

**BUCKINGHAM COURT**



BUCKINGHAM ORCHARD  
RECORDED DECEMBER 7, 2005  
AS DOCUMENT R2005-271050

BUCKINGHAM ORCHARD  
PHASE 3  
RECORDED MARCH 18, 2013  
AS DOCUMENT R2013-040353



9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018 Phone: (847) 696-4060 Fax: (847) 696-4065

CONSULTING ENGINEERS  
SITE DEVELOPMENT ENGINEERS  
LAND SURVEYORS

DATE: 02/24/2015

JOB NO: 7372

FILENAME: 7372EXB-03

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