

MINUTES
REGULAR PLAN COMMISSION MEETING
March 9, 2023

Call to Order and Roll Call

Chairperson Tim Loftus called the meeting to order at 7:05 p.m. and explained the Plan Commission's function and operating procedure as an advisory body. He described the public hearing protocol including for public comment and announced that comments would be recorded. Mr. Loftus introduced Trustee Liaison Steve Thompson, Community Development Director Marty Scott, Senior Planner Atrian Fard, Recording Secretary Barbara Dutton-Thomas and new student member Emma Smith. Roll was called. Chairperson Loftus, Plan Commissioners Arango, Brown, Dawson, Kreuzer, Saeed, Thakkar and Wyant; Commissioner Cooper was absent.

Approval of Minutes

Commissioner Dawson moved to approve the draft minutes of the December 8, 2022, Plan Commission meeting; seconded by Commissioner Saeed, the motion passed by voice vote.

Public Comment Non-Agenda Items

Village President Mark Senak, on behalf of the Village Board and the residents of the community, thanked the Plan Commission members for their input and their effort to serve the community.

Public Hearing – 1102 Hill Avenue

Commissioner Arango moved to open the Public Hearing to consider approval of a special use permit to allow an addition of DISH Wireless 5G antennas and support equipment to an existing cellular tower. Seconded by Commissioner Brown, the motion passed by voice vote.

Staff Introduction

Sworn in, Atrian Fard, Sr. Planner, 535 Duane, reported receiving an email from the attorney of the Petitioner requesting that the hearing be continued to the next regular meeting date. Commissioner Kreuzer, seconded by Commissioner Wyant, moved to continue the Public Hearing until April 27, 2023. The motion passed by voice vote, with all voting, "Yes," except Commissioner Dawson, who voted, "No."

Public Hearing – Proposed Text Amendments

Commissioner Saeed moved to open the Public Hearing to consider text amendments to the Zoning Code. Seconded by Commissioner Brown, the motion passed by voice vote. Chair Loftus noted that each proposed amendment could be discussed separately to provide direction to staff and possible recommendations to the Village Board

KEEPING HENS

Staff Introduction

Sworn in, Marty Scott, Director of Community Development, 535 Duane, Glen Ellyn, gave an overview of the process for updating zoning text, and introduced the topic of keeping of hens in the Village. He explained that a local community group named Hen Ellyn that has been part of the process, and that peer community research had been performed, as well. Mr. Scott said the proposed focuses on type and number of birds and said that a coop would be treated like other structure put in a yard – like a shed or a deck – and has to be compatible with the home, and that a fenced yard would be required. He related his experience in regulating hen-keeping, mentioning that complaints are rare, and cited benefits of the practice, including environmental and educational.

Commissioner Questions

Chairperson Loftus remarked that he didn't see any proposed concerning licensing, as well as observed that a range of setbacks mentioned in regulations and wondered if zoning districts need to be defined for hen-keeping purposes. Development Director Scott stated that most communities haven't delineated zones, as coops are looked at as similar to accessory structures, such as playhouses. Wondering if a distinction needs to be made between hen shelter and associated outdoor area, and perceiving a conflict relative to building permitting, Mr. Loftus suggested additional language to clarify the requirements. Mr. Scott noted that a large space isn't needed for eight hens, but saw no problem in defining a size specifically for the coop. In response to a query from Commissioner Arango, Mr. Scott said a permit would be required to verify all aspects of a proposed set-up. Ms. Arango asked about aesthetics, to which Mr. Scott said that people spend [considerable] money on coops and speculated that the worst-case scenario would be a cedar or natural application.

Commissioner Wyant asked why some communities don't allow keeping hens. Director Scott responded that concerns in one town arose about yards not being big enough as well as a fear of cleanliness issues. Mr. Wyant suggested talking to some communities that rejected the idea and cited a University of Minnesota study that yielded concerns over disease, noise, odor, pests and waste management. Mr. Scott related that noise, if any, is minimal, and that in his observation, cleanliness was not a factor. Commissioner Wyant expressed concern over coops, given the trend toward outdoor living and the incidence of coyotes. Commissioner Saeed asked if hens had any environmental impacts, to which Mr. Scott replied that he is not aware of any, adding that chicken droppings are used as fertilizer. Relating that she has seen neighbors with hens, Ms. Brown asked how this is currently regulated. Mr. Scott replied that responses to such situations are complaint-driven. Commissioner Kreuzer asked how waste is addressed in other communities. Mr. Scott said that it is typically bagged, separately, for garbage pick-up. Mr. Kreuzer asked if the Village's waste hauler would allow this waste; Mr. Scott said this is a good question. Mr. Kreuzer asked about the proposal for keeping ducks and about fence type required, to which Mr. Scott deferred the duck question to Hen Ellyn, and said the fencing he's observed is typically at least 4-ft. high. In response to a query from Mr. Kreuzer about commercial sales of eggs, Director Scott said he believes it would be prohibited from homes. To a question about lot-size requirements, he said this is a consideration of the Commission, but there's "no real science to it."

Commissioner Dawson asked if any restrictions might be placed on paint colors for coops. Calling this the “weakest link” in the proposed ordinance, Mr. Scott said Staff would take on the risk of monitoring this, though guidelines could be drawn up. Mr. Dawson argued for a minimum lot size requirement and asked if periodic inspections would be performed. Mr. Scott replied that there were no complaints in three years of experience he had with a hen-keeping ordinance, and that hen owners tend to be responsible, though said there’s a possibility of performing inspections. Mr. Dawson asked if proportional aspects of setback calculations for non-conforming lots would prohibit hen space. Sworn in, Ms. Fard, Sr. Planner, 535 Duane, explained that this regulation, unlike setbacks for a house, specifies 10 ft. from the rear and side, a flat rate, she said, that, if there is an objection to it, could be adjusted to reflect lot width. Commissioner Wyant said he’s not sure how the community feels about having chickens near their homes, so would like some quantifiable data from communities that have disallowed hens, as well as opinions of realtors as to the effect of hens on home valuations. Chairperson Loftus asked if power would be needed to maintain a habitable temperature. Mr. Scott said he can’t speak to this, but that it would probably be covered by the initial permit. Ms. Brown suggested tabling the discussion, pending further information.

Public comment

The following individuals, sworn in, made respective comments:

Emily Henkels, 779 Harding Ave., representing Hen Ellyn, a group promoting hen-keeping in the community, said she doesn’t intend to keep hens herself, but would like to have neighbors who do. She invited questions to the group.

Jenna Lindman, 365 S. Kenilworth, said she’s always wanted to keep chickens, and having lived near people who kept them on narrow lots, observed that the practice had never been a nuisance. She said hens were a joy to see and that they typically only take up a small space.

Matthew Guadette, 409 Hill, who stated that he had kept four hens on a 5,600SF lot in Oak Park, said waste was put into the trash but it could also be composted. He added that hen-keeping is educational for children, and gives them a sense of how food ends up on a plate.

William Weicher, 241 Traver, asked the Commission to take some time in its decision and to draw on available resources for more information. He said having hens gives children a reason to get outside and interact with nature and to learn where food comes from. He maintained that a hen’s cluck is not as loud as a dog’s bark.

Billy Joe Mills, 611 Maiden Lane, who introduced himself as a co-organizer of Hen Ellyn, said the community is already surrounded by hens, pointing to nearby towns including Lombard and Lisle. He urged Glen Ellyn to be a leader in encouraging development of a local food supply and fostering resilience.

Margaret Kamm, 230 Crest Road, said she almost didn’t move to Glen Ellyn because it didn’t allow chickens, but real estate choices narrowed for her as properties in towns with a hen-keeping ordinance were snapped up quickly. She added that chickens teach sustainability, particularly in this age of high egg prices.

Patrick Lopardo, 365 S. Kenilworth Ave., said he'd assumed Glen Ellyn already allowed chickens, and upon learning it didn't, got involved in the hen-keeping movement, and has come to the meeting to express support for the practice.

Angel Oakley, 641 Prairie, said she didn't come to the meeting over the hen question, but applauds the thoughtful commentary of the evening. She said she's familiar with hen-keeping through family members who kept chickens on small lots in an expensive area of California. She favored a 3-ft. setback.

Stephanie Giancarli, 84 N. Parkside, expressed concerns over the safety of 5G wireless, but was told by the Chairperson that the Public Hearing on the proposed cell tower had been continued to April 27, 2023.

A motion was made by Commissioner Dawson to close the Public Hearing; seconded by Commissioner Saeed, the motion passed by voice vote.

Commissioner Discussion

Commissioners Saeed and Thakkar agreed that any ordinance should cover hens only. Commissioner Brown said she is not well enough informed to make a determination about hens in the Village based on the information provided and the language within the proposed text amendment. Director Scott said he could come back with a report addressing a wide variety of topics. Commissioner Wyant said run-size guidance is needed. While voicing support for hens in the Village, Commissioner Dawson said he can't vote on the ordinance as written, wishing to see the maximum number of chickens reduced to four, setback deficiencies addressed, and a minimum lot size set. Mr. Kreuzer requested definitions of coop/run dimensions and shed height. Ms. Fard noted that relevant regulations for accessory structure placement already exist in the Code, and recommended against broadening restrictions, thereby creating a less inclusive environment. Chairperson Loftus favored tabling the discussion to allow opportunity to enhance ordinance language for review. Commissioner Thakkar moved to table the topic concerning an updated amendment for keeping hens until the April 27, 2023 Commission meeting. Seconded by Commissioner Brown, the motion passed by roll call vote, with all Commissioners present voting, "Yes."

OUTDOOR DINING AND PLATFORMS; FOOD TRUCKS; AND TOBACCO, VAPE AND SMOKE SHOPS

A motion to open the Public Hearing to consider amendments to text of the Zoning Code governing outdoor dining and platforms, food trucks, and tobacco, vape and smoke shops was made by Commissioner Thakkar; seconded by Commissioner Wyant, the motion carried by voice vote. Sworn in, Marty Scott, Director of Community Development, 535 Duane, Glen Ellyn, stated that these ordinances are already in place, but the Village is working to enhance them. He said that some of the outdoor dining perhaps enjoyed in the past year or two were pilot programs, for which more specifics are desired to help Staff manage application. Hence, he explained, proposed is new language, which also addresses outdoor dining platforms such as those constructed at A Toda Madre. New regulations, continued Mr. Scott, apply to public and private spaces, whether on right-of-ways (ROW) or into a side yard. The focus, he indicated, is on permission, allowable dates, safety and so forth. Platforms, he added, present some challenges,

specifically location, structural integrity, pedestrian traffic safety, maintenance and upkeep, lighting compliance, proper site management.

Chairperson Loftus asked for a description of wind blocks, to which Mr. Scott explained that they are add-ons (e.g., fencing, lattice) for stability, but that “igloos” wouldn’t be allowed to infringe. Commissioner Wyant noted date exceptions (for flexibility). The Chairperson asked if platform size is limited by Code, to which Mr. Scott replied, “No,” but said they are reviewed for ADA and pedestrian/vehicle safety by Staff and Public Works, respectively. Emphasizing the value of restaurateur feedback, Commissioner Wyant asked if Glen Ellyn is considering closing Main Street in summer months, as Wheaton does, to accommodate street dining. Mr. Scott said he hasn’t heard of any such conversations. Commission Arango asked if the process to extend for good weather is seamless (i.e., not a lot of red tape) for restaurants, to which Mr. Scott replied affirmatively. To respond to a query by Commissioner Kreuzer about lighting near residential space above restaurants, Atrian Fard, Sr. Planner, 535 Duane St., was sworn in. She explained that when apartments are above dining establishments, though the mixed-use building is considered commercial, a ½ foot candle restriction applies. Observing that the Code was written before LED technology was invented, Commissioner Kreuzer said that nothing in the ordinances addresses it (e.g., color and temperature). Ms. Fard said LED considerations can be addressed in the final Zoning Code cleanup. He then asked how noise is measured. Mr. Scott responded that loud noise (i.e., diner) or disturbing amplified music is likely complaint-driven and addressed by the Police Department. Commissioner Kreuzer asked if restaurants will be asked to turn off their outdoor dining lights when they close, to which Ms. Fard explained that outdoor dining is subject to regular restaurant operation rules, which stipulate lights be turned off at closing. Commissioner Brown moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, the Village of Glen Ellyn, for approval of proposed amendments to Chapter 2 and Chapter 5 of the Zoning Code as well as Chapter 1 (Streets and Sidewalks) of the Public Ways and Property of the Glen Ellyn Village Code, the Plan Commission hereby recommends:

1. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 2 (Definitions) and Chapter 5 (Supplementary Regulations) of the Zoning Code as well as Chapter 1 (Streets and Sidewalks) of the Public Ways and Property of the Glen Ellyn Village Code, all relating to outdoor dining and outdoor platform regulations.

Seconded by Commissioner Arango, the motion passed on a roll call vote with Commission members Brown, Arango, Dawson, Kreuzer, Saeed, Thakkar and Wyant and Chairperson Loftus voting, “Yes.”

Director Scott introduced the next set of proposed text amendments by saying that food truck activity also stems from a pilot program. He indicated that to respond to this commercial endeavor via code requirements, best practices from other communities, namely St. Charles, were examined. Staff, he

continued, focused on location, products sold, compliance with Health Department, site management, sales tax procedure, and number of days and hours of operation. He said he anticipates food trucks would be allowed on private property to supplement existing businesses and at special events if invited by local taxing bodies and not-for-profits but prohibited from street operation on random days.

In response to a query from Chairperson Loftus about parking on public ROWs, Director Scott said ROW parking would only be allowed at a public event, such as one sponsored by the Park District or the College of DuPage. The Chairperson then asked whether a truck could be on a street if the Village-sponsored an event. Mr. Scott replied that it would only be permitted on the site unless a Board waiver is granted. Chairperson Loftus asked for a definition of accessibility in a food truck context. Mr. Scott said accessibility refers to placement of the truck to allow disabled individuals access to it. Mr. Loftus asked if a food truck is permitted to be on a sidewalk; on a private one, replied Mr. Scott. Sworn in, audience member Dawn Smith, 147 Kenilworth, related that trucks are on the road leading to the Boathouse and sit on brick pavers on Lenox along Lake Ellyn Park, as well as park in back of municipal lots during the French Market. Mr. Scott special events would be looked at on a case-by-case basis. Chairperson Loftus asked about a power source. Noting that generators are loud and circuit overload is a concern, Director Scott said requirements could be reviewed to see if any flexibility is needed. Mr. Loftus asked if private lot parking is curtailed by food trucks, in violation of Code; Mr. Scott noted that situations are temporary. Chairperson Loftus asked if a three-day limit would be more appropriate than a two-day limit. Ms. Smith related that the carnival lasts one week, "The Taste" runs four days, and everything else is a one-day event. Mr. Scott said language could perhaps be added pertinent to extended limits for special events. Ms. Smith suggested language be included to prevent grease being dumped into sewers. Mr. Scott said it's not a bad idea to call this out. In response to a question from the Chairperson about hour restrictions, Mr. Scott said he doesn't think a truck would operate beyond eight hours, while Commissioner Kreuzer observed that trucks usually run out of food after two to three hours. Commissioner Wyant wondered whether restaurants look at food trucks as cutting into their business, expressing a wish for feedback on this, while Commissioner Arango stressed a need to be specific about proximity to restaurants. Sworn in, Trustee Steve Thompson, 535 Duane St., Glen Ellyn, observed that local restaurants typically don't want to participate in "Taste," and don't view food trucks as competition, seeing them as temporary, while Mr. Kreuzer noted that restaurants benefit from takeout by Beer Cellar patrons. The distinction between food trucks and vendor carts, and the desire for flexibility in regulating temporary signage were discussed. Commissioner Dawson moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, the Village of Glen Ellyn, for approval of proposed amendments to Chapter 5 (Supplementary Regulations) of the Glen Ellyn Zoning Code, the Plan Commission hereby recommends:

1. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent

records of the Village, of proposed amendments to Chapter 5 (Supplementary Regulations) of the Zoning Code, relating to food truck regulations.

2. No dumping of grease in the Village storm or sanitary sewer.
3. For food truck hours and duration, Staff to provide final language to address Plan Commission concerns.
4. To item 12 add “unless expressly approved by the Village” to the end of the sentence.
5. Strike final sentence from item #10.

Seconded by Commissioner Arango, the motion carried on a roll call vote with Commission members Dawson, Arango, Brown, Kreuzer, Saeed, Thakkar and Wyant and Chairperson Loftus voting, “Yes.”

Director Scott related that tobacco shops and vape stores are currently permitted uses in the C3 District, which is entirely along Roosevelt Road, and that it is proposed to reclassify them as special uses. While saying these are fine businesses that serve a need, Director Scott said they have a connotation to them that goes along with garish signs, names and lighting, and that complaints received are being addressed.

Mr. Saeed asked if verbiage “and other places of worship” be added to references to churches and temples. Commissioner Wyant asked where dispensaries fit in, to which Director Scott replied they aren’t permitted. Trustee Thompson interjected that medical use is permitted, but not recreational. Commissioner Dawson moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, the Village of Glen Ellyn, for approval of proposed amendments to Chapter 4 (District Regulations) of the Glen Ellyn Zoning Code, the Plan Commission hereby recommends:

1. Approval as discussed or amended at the Plan Commission public hearing on March 9, 2023, which are hereby incorporated into the Motions by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village, of proposed amendments to Chapter 4 (District Regulations) of the Zoning Code, relating to tobacco, vape, and smoke shop regulations.
2. Add to item 10-4-15 (B5) “or other places of worship.”
3. Add to item 10-4-15 (E1) “or other places of worship.”

Seconded by Commissioner Saeed, the motion passed on a roll call vote with Commission members Dawson, Saeed, Arango, Brown, Kreuzer, Thakkar and Wyant and Chairperson Loftus voting, “Yes.”

A motion to close the Public Hearing was made by Commissioner Saeed; seconded by Commissioner Wyant, the motion passed by voice vote.

Official Zoning Map

Sr. Planner Fard explained that the Illinois Compiled Statutes require that the Village publish an updated Zoning Map by April 1st of each year. This update, she explicated, typically includes annexations, zoning map amendments, and the correction of any platting errors. Staff, she said, requests the Plan Commission

review and make a recommendation regarding the Official Zoning Map of 2023 to the Village Board. She proceeded to describe the changes to the map adopted by the Village Board in 2022:

Harding Glen Townhomes: This is a zoning map amendment and a re-subdivision for a 23-unit residential townhome development to be known as Harding Townhomes. The property was rezoned from R2 Residential to R4 Multi-family Development District.

413 N. Main Street: The ordinance rezoned an area of the building from the C5A to C5B to accommodate the redevelopment of the back half of the existing building on the property to accommodate 12 loft-style apartments. (C5A, she noted, doesn't allow apartment use on the first floor.)

Glen Estates Subdivision: P.J. Murphy sub-divided a big lot into eight lots, seven of which will include single-family homes, a process underway.

Arboretum Estates East: This change encompasses the annexation of 28 properties, which were added to the map.

She outlined Plan Commission action on the Official Zoning Map for 2023. Chairperson Loftus declared that the recommendation is, "Let's go with it."

Trustee's Report

Trustee Thompson said the Board is engaged in multiple Village initiatives, listing the Streetscape, the train station, the US Bank property, the hotel site, the Comprehensive Plan and the McKee House, Glenwood Station, Apex garage, and the Katy's site. He invited questions.

Staff Report

Sr. Planner Fard said there are several cases under review, but nothing scheduled for the March meeting. Commissioner Dawson expressed that he'd rather attend an additional meeting than have to endure an exceptionally long one.

Adjournment

Chairperson Loftus adjourned the meeting at 10:40 p.m., following passage by voice vote of a motion by Commissioner Thakkar and seconded by Commissioner Saeed.

Respectfully submitted,

Barbara Dutton-Thomas, Recording Secretary