MINUTES
Glen Ellyn Plan Commission
Thursday, April 11, 2024 at 7:00 PM
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Tim Loftus called the meeting to order at 7:04 PM and explained the Plan Commission's function and operating procedure as an advisory board. He described the public hearing protocol including for public comment and announced that comments would be recorded.

Roll was called.

PRESENT: Chairperson Tim Loftus, Plan Commissioners Connie Arango, Peter Cooper, Ian Dawson, Adam Kreuzer, Sumita Mukherjee and Robert Wyant.

ABSENT: Commissioners Laura Brown, Parag Thakkar and Student Commissioner Emma Smith were absent.

Also in attendance: Daniel Harper, Planning Manager; Emily Rodman, Assistant Village Manager/Community Development Director; Jordan Frahm, Associate Planner ; Anabel Pederson, Associate Planner; Meredith Hannah, Economic Development Coordinator; Julie Settles, Recording Secretary; and Steve Thompson, Village Trustee.

B. Public Comment (non-agenda items)

None

C. Approval of Minutes

Commissioner Dawson moved to approve the draft minutes of February 22, 2024 Plan Commission meeting; seconded by Commissioner Kreuzer, the motion passed by voice vote.

D. New Business

1. Public Hearing; Proposed text amendments pertaining to regulations for outdoor dining, dining platforms and outdoor live entertainment

Commissioner Cooper moved to open the Public Hearing. Commissioner Arangos seconded the motion and the motion passed by voice vote

Staff Introduction

Sworn in, Daniel Harper, Planning Manager for the Village of Glen Ellyn, introduced the request: Proposed text amendments pertaining to regulations for outdoor dining, dining platforms and outdoor live entertainment. Mr. Harper stated that Jordan Frahm would be presenting the outdoor dining and dining platforms section and Anabel Pederson would be presenting the outdoor live entertainment section.

Sworn in, Jordan Frahm, Associate Planner for the Village of Glen Ellyn, discussed the proposed text amendment additions and removals to be made to Section 10-5-15 (Outdoor Seating for Restaurants) of the Zoning Code. Mr. Frahm showed slides of existing outdoor dining and platform examples. Mr. Frahm highlighted changes in the following sections:
A) A five-foot wide area clear of obstructions, hazards or other objects, food storage, maximum intensity of lighting adjacent to a nonresidential use and a residential use and restaurant capacity
C) Sidewalk cafes are allowed on public property in the C2, C3, C5A, C5B and C6 zoning districts while dining areas on the road surface such as dining platforms are allowed in the C5A and C5B zoning districts, insurance requirements and all departments must signoff on approval for dining platforms
D) Dining platforms will be no longer than 400 square feet and will not remove more than two parallel or three diagonal parking spaces, one dining platform shall be permitted per block face, barriers and fencing and an extra protective barrier placement
Mr. Frahm responded to the Commissioner's questions. He stated that it is a possibility for two businesses to share a dining platform, businesses can have sidewalk seating where a platform is not allowed.

Sworn in, Emily Rodman, Assistant Village Manager/Community Development Director for the Village of Glen Ellyn, responded to Commissioner question regarding why a business who had platform dining last year gets priority for the next year. She answered because the business has already made a significant investment by purchasing the platform and planters. She has stated that last year there were two businesses that had platform seating. She also responded to Commissioner question regarding why some businesses have planters and some have Jersey barriers. She stated that the use of a planter or barricade is based on the proximity to turn lanes. Public Works and Police Department prefer the Jersey barriers because they are the strongest. Ms. Rodman responded to Commissioner question regarding capacity. She stated that outdoor capacity cannot add to the inside capacity due to codes regarding bathroom space, fixtures, etc.

Daniel Harper responded to Commissioner question regarding Section A 13-c, durability of chairs. Commissioner comment was chairs that can be bought at discount stores should not be allowed due to possible dangerous conditions in windy weather conditions where they can be blown around. Mr. Harper stated the Village could possibly do a weight grade. He also answered a question regarding enforcement of durability stating that during inspections the Village would look for damaged materials.

Sworn in, Meredith Hannah, Economic Development Coordinator for the Village of Glen Ellyn, answered Commissioner questions regarding if restaurant owners were aware of these new text amendments and if they were aware of the meeting tonight. Ms. Hannah stated that she's had

conversations with restaurant owners and were told that the meeting was tonight and where the packet of information is available.

Emily Rodman responded to Commissioner questions as to if the permit for a dining platform automatically renews every year, are businesses aware that only one is available per block face, in the first paragraph of Section C shouldn't it just say Village instead of Village Board, has the Village considered closing down Main Street and how is transfer of ownership of a business handled. She stated that business would have to reapply each year and if nothing has changed a permit would be granted. Regarding one platform per block face being available, she stated that one platform was designed off the pilot program and the code would be reviewed yearly to accommodate changes if necessary. Regarding Section C, she stated that the language could be changed to say Village instead of Village Board. Regarding closing down Main Street she stated that the biggest challenge is the traffic flow and that business owners north of the train tracks were concerned that patrons couldn't get to that area with Main Street being blocked. Regarding transfer of ownership of a business she stated that is the business remains the same, the permit would be granted if there were no changes.

Sworn in, Steve Thompson, Village Trustee for the Village of Glen Ellyn, commented regarding closing down Main Street that the Village tried to close down Duane Street which was unsuccessful because it was too far away from the businesses. He also stated that the sidewalks were widened to accommodate outdoor dining.

Daniel Harper responded to Commissioner question regarding potential dangerous situations if heaters were allowed on public sidewalks. Mr. Harper stated that the language can be changed to only permit heaters on platforms and not on public right-of ways.

Jordan Frahm responded to Commissioner questions as to the 400 sq. ft. language regarding dining platforms, how far the platforms can extend out, and if 400 sq. ft. the maximum restriction. He stated everything including barriers would be inside the 400 sq. ft., that the platforms can't go past the parking spaces and that 400 sq. ft. would be the maximum due to the parking space.

Discussion by the Commissioners ensued regarding egress lighting. Daniel Harper stated that the current code is 3 foot candle and 5 foot candles. Mr. Harper responded to Commissioner question asking why 3 and 5 foot candles when 1 is sufficient. He stated that the current code could be changed.

Emily Rodman responded to Commissioner questions as to if the lights will remain on the trees on the right-of-way, how are the shields for the lights enforced because there are no restrictions in the code and concern that the insurance requirements that are required are not sufficient enough. She stated that the lights will not stay on the trees, that the code could be added regarding color temperature and she will contact the Village attorney regarding insurance requirements. Discussion ended regarding outdoor dining and dining platforms.

Sworn in, Anabel Pederson, Associate Planner for the Village of Glen Ellyn, discussed the proposed text amendment to be made to Section 10-5-14 (Live Entertainment) of the Zoning

Code. Ms. Pederson stated that the outdoor live entertainment language has been drafted with consideration to the indoor live music language and was created by the Outdoor Live Entertainment Pilot Program (2022-2023). She stated that permits would be allowed for businesses and restaurants in the C2, C3, C4, C5A, C5B and C6 zoning districts valid from March 31st and November 1st of each year and must be applied for on a yearly basis and that the yearly application would be subject to plan review and would be required to abide by health, safety and nuisance standards as outlined in the Code. She stated that the permit fees will change to $300 for a three-year indoor permit and $100 for a one-year outdoor permit valid March 31st through November 1st. The outdoor live entertainment may not be plainly audible 200 feet away from the property line of the property housing the entertainment.

Ms. Pederson responded to Commissioner questions if the 200 feet applies to outdoor seating on a public sidewalk, would the 200 feet apply to platforms, why the outdoor seating dates are April 1st through October 31st and the live entertainment is March 31st through November 1st, Section B2 states that live entertainment shall be located indoors without outside audience so does that mean the windows need to be closed, what does plainly audible mean, that plainly audible should be more language specific, can the outdoor music be every night, can the outdoor music be acoustic only and how would placement of cables for music equipment work to avoid injury. Ms. Pederson stated that the 200 feet applies to music on the public sidewalk and platforms. She stated the language regarding the dates would be changed to be uniform. The language regarding B2 means that there cannot be speakers for outside for indoor music to derail pedestrians for stopping outside and listening. She stated that the plainly audible language gives the Village and enforceable distance, and the language can be changed if the Commission would like. She stated that as of now the outdoor entertainment can be nightly and the Code states that the neighbors need to be notified. She stated the Village could limit the number of days for entertainment and make it acoustic only if the Commission wants that. Regarding cable placement, it would need to be compliant in the existing code and would need to be on the site plan.

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

Commissioner Deliberation and Recommendation

Commissioners deliberated and expressed support for the text amendment with the following changes: Outdoor Dining – change Section C to say Village instead of Village Board, Section C item 2 discuss insurance and liability with Village Attorney regarding primary and non-contributory coverage on additional insured, to look at endorsements and to have an umbrella policy of five million, Section C item 7 to be moved up to be closer to item three and four, heaters should not be placed on the public right-of-way and are allowed on platforms Section C item 3 should reference Section C item 7, Section D item 1 to strike 400 feet platforms and make it based on dimensions of parking spaces and include safety barriers to be included inside the parking spaces, change lighting requirements to 1 foot candle with 3,000k color temperature or less and to change Section A item 13C to indicate no plastic chairs.

Live Entertainment – verify that all language regarding dates is the same, add 200 feet range to indoor music, limit outdoor music to three times per week, only use of non-amplified music on the public right-of-way, look to change Section D item 5 reasonable complaints.

Commissioner Cooper made the motion:

After conducting a public hearing and deliberating on the proposed text amendments pertaining to regulations for outdoor dining and dining platforms, the Plan Commission hereby recommends approval based on findings of fact, as discussed or amended at the Plan Commission public hearing on April 11, 2024, which are hereby incorporated into the Motion 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. The Plan Commission make this recommendation of approval with the following conditions:

1. **Change Section C to say Village instead of Village Board**
2. **Section C item 2 discuss insurance and liability with Village Attorney regarding primary and non-contributory coverage on additional insured, to look at endorsements and to have an umbrella policy of five million**
3. **Section C item 7 to be moved up to be closer to item 3 and 4**
4. **Heaters should not be placed on the public right-of-way and are allowed on platforms**
5. **Section C item 3 should reference Section C item 7**
6. **Section D item 1 to strike 400 feet platforms and make it based on dimensions of parking spaces and include safety barriers to be included inside the parking spaces**
7. **Change lighting requirements to 1 foot candle with 3,000k color temperature or less**
8. **Change Section A item 13C to indicate no plastic chairs**

Commissioner Kreuzer seconded the motion. Chairperson Loftus asked for a roll call vote. The motion passed on a roll call vote. All Commissioners present voted "Yes".

Commissioner Cooper made the motion:

After conducting a public hearing and deliberating on the proposed text amendments pertaining to regulations for outdoor dining and dining platforms, the Plan Commission hereby recommends approval based on findings of fact, as discussed or amended at the Plan Commission public hearing on April 11, 2024, which are hereby incorporated into the Motion 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. The Plan Commission make this recommendation of approval with the following conditions:

1. **Verify that all language regarding dates is the same**
2. **Add 200 feet range to indoor music**
3. **Limit outdoor music to three times per week**
4. **Only use of non-amplified music on the public right-of-way**
5. **Look to change Section D item 5 reasonable complaints**

Commissioner Dawson seconded the motion. Chairperson Loftus asked for a roll call vote. The motion passed on a roll call vote. All Commissioners present voted "Yes".

E. Trustee Liaison's Report

Trustee Thompson stated that the Village Board took action to change the sidewalk ordinance that on one can block them from parking in a driveway from 7AM-10PM. He stated that Glen Ellyn is a walkable community and people will be seeing social media and print regarding Don't Block the Walk.

F. Chair Report

Chairperson Loftus stated that come fall the Commission will have to review the Roosevelt hotel code for zoning and asked Daniel Harper to provide a memo to the Commission explaining items that will have to be reviewed.

G. Staff Report

Mr. Harper there is an Architectural Appearance Commission on April 23rd where Churchill Elementary submitted an application for expansion. He stated that Public Works submitted a pre application for the Metra demolition and reconstruction that the Commission will review April 25th. He also stated that Glen Oaks wants to expand their parking lot on the north side.

H. Other Business

No additional items were discussed.

I. Adjournment

Chairperson Kreuzer made a motion to adjourn the meeting: Commissioner Cooper seconded the motion and the motion passed by voice vote at 10:37PM.