

MINUTES
Glen Ellyn Plan Commission
Thursday, July 25, 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 7:02 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 and Robert Wyant

ABSENT: Commissioners Sumita Mukherjee, Parag Thakkar, Laura Brown and Student Plan Commissioner Smith.

Also in attendance: Trustee Donna Jean Simon; Emily Rodman, Assistant Village Manager; Daniel Harper, Planning Manager; Jordan Frahm, Associate Planner; and Julie Settles, Recording Secretary.

B. Public Comment (non-agenda items)

None

C. Approval of Minutes

Commissioner Kreuzer moved to approve the draft minutes of May 23, 2024 Plan Commission meeting; seconded by Commissioner Wyant, the motion passed by voice vote.

Commissioner Dawson moved to approve the draft minutes of June 6, 2024 Plan Commission meeting with the correction of Haper to Harper in the Staff Introduction section; seconded by Commissioner Kreuzer, the motion passed by voice vote.

D. New Business

1. Public Hearing – 599 Roosevelt Road Jewel Special Use Permit

Commissioner Arango moved to open the Public Hearing. Commissioner Kreuzer seconded the motion and the motion passed by voice vote.

Staff Introduction

Sworn in, Jordan Frahm, Associate Planner for the Village of Glen Ellyn, introduced the request: 599 Roosevelt Road Jewel Special Use Permit. Jewel Food Stores, Inc. has previously been approved for two special use permits for outdoor merchandising and this application submitted seeks to expand on the 2020 ordinance. The 2024 special use application seeks a reconfiguration of the outdoor display areas to add three display rack areas. One area addressed as Display Areas 1 through 7 on the site plan will be for seasonal plants and produce from April through July and holiday décor from September through December. The second display area addressed as Area 8 would allow for outdoor storage and merchandising of firewood and charcoal and the third display addressed as Area 9 would allow for the outdoor storage and sale of propane canisters. Placement of these display racks is similar to the locations approved in 2020, however racks are added within the middle of the building frontage where previously no racks were requested for approval. Concerns raised by the Village pertain to the pedestrian walkway and fire lane in front of the building. Limited space within this walkway. According to the submitted plan, the sidewalk is 6'3" wide from the curb to the front wall. With display areas proposed in Display Area A having a width of 3', this would leave 39" of walkway. Previously pallets did not have the 3" of clearance needed and the Village will need to continually enforce that. To the east in Area B, the proposed fenced cart storage area measures a width of 3'1". This indicates a 1" difference from the minimum width of a walkway per ADA requirements.

Commissioner Wyant asked if there is now a partial pickup section in the striped area on the west side in the front. Mr. Frahm answered that was the fire lane. Commissioner Wyant asked if the fire lane was also a pickup area.

Sworn in, Emily Rodman, Assistant Village Manager for the Village of Glen Ellyn, answered that the striped area is the fire lane and that cars are not allowed to be parked and no car should be left unattended. It is common that people stop and wait there. They shouldn't, but do.

Commissioner Cooper stated that there is signage there that says partial pickup no parking. He stated he doesn't know a time where he didn't see a car in that area and his concern is a car parked there acts as a barrier to traffic. Ms. Rodman answered that during COVID-19 stores placed signage without Village approval. She stated the Village will revisit that with Jewel and have them remove the signage since the area on the west side of the building is for pickup so it's in the proper clearance.

Chairperson Loftus asked who is responsible for parking enforcement. He also asked how can the Commission vote positive when they are deficient in their setup now. Mr. Frahm stated that he agreed and that enforcement is driven by complaints. The Village received the application in April. The application is in front of the commission now because they weren't in compliance and changes needed to be made. Chairman Loftus stated that since there are no Jewel representatives in attendance to defend what's happening why would he approve the application.

Sworn in Daniel Harper, Planning Manager for the Village of Glen Ellyn, stated the Commission could deliberate and come to vote on the application or table to the next meeting.

Commissioner Wyant asked if the landlord, North American, has approved Jewel's application. Mr. Frahm answered that they signed off on it. Commissioner Wyant asked if Jewel had given any rationale as to why they wanted to add more displays. He asked if it would drive up their sales. Mr. Frahm stated they received nothing quantitative from Jewel.

Commissioner Kreuzer asked if Management had a position on this application. Chairperson Loftus answered that the Village represents both sides so if they have a position, it's their own private thoughts. He stated they need to remain neutral. All they need to do is make sure the application meets the Village Code. He also stated that he didn't see any reference to a hardship that they need this special use permit. Mr. Harper answered that it is an amendment and not a variance so a hardship wouldn't be the judgment.

Commissioner Kreuzer asked if the plan complies with all applicable laws. Mr. Frahm answered as long as the displays don't become obstructions.

Chairperson Loftus asked if there were any public comments or written comments. Mr. Harper answered no to each.

Commissioner Arango stated that she is concerned because Jewel hasn't been in compliance in the past and adding more merchandise is only going to complicate matters.

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

Commissioner Deliberation and Recommendation

Commissioner Cooper stated that he wants to grant the application but is troubled by the sidewalk clearance and would like to hear from the petitioner on how they can create more space. If people are stopping to look at the merchandise, they will block the ADA accessible area. He stated he would like to table the application.

Chairperson Loftus stated that he agreed with Commissioner Cooper. He stated that there is no reason to deny the request because it meets the Village Code. He stated that the Commission needs to judge the request on the information provided and the Building Department will have to do the enforcement. He stated he agrees that Jewel is not providing the proper clearance but based on what they submitted, he'd support. Enforcement of the Code is not in the Plan Commission's purview. It's the purview of the Building Department to enforce the Code. He then asked if the Commission wants to table the item.

A motion was made by Commissioner Cooper to table the 599 Roosevelt Rd. Jewel Special Use Permit to the August 22nd Plan Commission Meeting; Commissioner Arango seconded the motion; which did not pass by voice vote due to a tie vote.

Commissioner Kreuzer stated that Jewel is in compliance. He stated that he doesn't agree with it and as a lawyer he sees a liability, but he doesn't see a justifiable reason to table the item.

Commissioner Cooper stated that they have met the requirements, but are not in compliance as of now. He stated that when a Petitioner comes with an application and is currently not compliant now and wants to add more, he thinks that's a reason to vote no. He stated with this sort of thing you don't want a lot of pedestrian traffic and is concerned about people falling off the curb. Commissioner Kreuzer stated that the Jewel on Geneva Rd. does not have a curb and has a designated area for items. He stated the proposal is in compliance, and the responsibility is on the owner if anything happens.

Mr. Harper stated that the Commission could move to table the item, deny the motion or do more deliberations and vote again.

A motion was made by Commissioner Kreuzer to table the 599 Roosevelt Rd. Jewel Special Use Permit to the August 22nd Plan Commission Meeting; Commissioner Cooper seconded the motion; which passed by voice vote.

2. Public Hearing – Proposed Text Amendments Regarding the Keeping of Hens within the Village.

Commissioner Dawson moved to open the Public Hearing. Commissioner Arango seconded the motion and the motion passed by voice vote.

Staff Introduction

Mr. Frahm stated that Village staff is requesting review of proposed text amendments regarding the keeping of hens to the Village Code at a public hearing and subsequent recommendations to the Village Board. He stated Plan Commission reviewed previous proposals for hen keeping in the Village twice in 2023. In April of this year the Village Board compelled staff to revisit this topic with the Plan Commission. He stated that previous iterations of this proposal have received feedback regarding perceived nuisances including but not limited to: odor, noise and social wellbeing. He stated in the Village Code under General Regulations there are three sections where text was added: 2. Hens shall be kept only in a covered outside enclosure (coop). 3. Hens shall be allowed to roam in fully enclosed rear yards only in the presence of an owner or keeper. 7. Keeping of hens shall be in compliance with all relevant sections of Title 6 Chapter 3 Animal Control and Title 7 Health and Sanitation. He stated regarding flock size, a flock of at least two hens is required. Lots under 10,000 square feet may keep a maximum of four hens, lots 10,000-15,000 square feet may keep six hens and lots greater than 15,000 square feet may keep eight hens. In regards to Title 6 under 6-3-8 prohibited animal code will be amended to affirm the keeping of chickens and to create a distinction by adding rooters to the list of prohibited animals. Under 6-3-3 sound will not be monitored by a decibel level but the following: ten minutes or more in any one-hour interval between 7am-11pm and five minutes or more between 11:01pm-6:59am. In regards to Title 7 dead animals and animal waste is added to refuse section. In regards to yard requirements the following text was added: C. no closer than 10' of either side lot

line and no closer than 10' from any rear lot line. D. within 30' of any occupied residence other than that of the owner. F. may be constructed within 5' of a detached garage or shed and does not exceed the maximum size for a detached garage or shed. Under Coop Construction Requirements text added: A. Coops shall not exceed 100 square feet in area and the total area including any secured and attached confinement such as a chicken run may not exceed 150 square feet and the maximum coop ridge height shall not exceed 10'. Under Submittal Requirements text added: 1. Complete application for a small building permit. 3. In addition to permit application, owner must submit a hen-keeping plan to address the number of hens that will be kept on the property, and to assure that any product of hens (eggs) is reserved for personal consumption and not sale. 5. When necessary, construction plans and cut sheets for the purposes of electrical review.

Chairperson Loftus asked if someone built a building with 50' storage, 50' coop and 50' run would that meet the 150' requirement. Mr. Harper answered it would have to be two separate structures.

Commissioner Cooper asked regarding the submittal requirements C3 regarding submitting a hen-keeping plan, is it just submitted or is there discussion. Mr. Frahm answered it's his vision to have a worksheet and discussion of the plan with the petitioner and if there are any deficiencies, it wouldn't be approved.

Chairperson Loftus asked regarding 10-2-2 what defines a female or male. Mr. Harper answered the Oxford dictionary definition would be used. Chairperson Loftus stated his evaluation of the Code is vague and should be made clearer.

Commissioner Dawson asked how the amount of chickens allowed based on lot size was determined. Mr. Frahm stated no specific research was done to determine that.

Commissioner Wyant stated that the notion of 10' from the property line is an illogical measure. The homeowner could put the coop closer to the neighbor's property line. Other structures needs to be thought of like pools, decks, etc.

Commissioner Dawson stated how four, six and eight chickens were determined when three dogs are allowed. He stated the Village has bee requirements and asked if that was looked in to. Ms. Rodman stated that Glen Ellyn does not allow bee keeping. She stated she found the form that Commissioner Dawson was referring to and that could have been from a pilot program the Village once had but it is not part of the Village Code.

Chairperson Loftus asked if someone submitted plans for a certain amount of hens and after approval wanted more, would they need to resubmit. Mr. Frahm answered yes. Chairperson Loftus stated that is not reflected in the Code and the Code needs to be more specific.

Commissioner Wyant asked what the presence of the owner means. He also asked if a fence height should be determined. He also asked if the Commission should submit all their questions then make the Village go back and make the changes.

Chairperson Loftus stated that this is the third meeting regarding this and that this has to be moved along.

Commissioner Wyant stated he senses the Village is working hard to advocate for this. Ms. Rodman answered that she disagrees with that statement. She stated that this has been brought before the Plan Commission, the Village Board had a workshop and decided they wanted the Plan Commission to review this one more time. The Board is looking for this Commission to discuss and bring modifications to the the Board. She also stated that there are residents at this meeting so they should have their chance to talk.

Chairperson Loftus asked if there were any written comments received by the Village. Mr. Frahm stated he received various written statements from residents in favor of keeping hens in the Village. Various statements were read to the Commission.

Sworn in, Jacquelyn Casazza, 386 N Main, Glen Ellyn, stated she is a member of the Environmental Concerns Commission, but is here as a Glen Ellyn resident. She noticed the recommendation from the Environmental Concerns Commission is not included in the packet but they are in favor. She brought copies of the minutes from their meeting. She stated in the Comprehensive Plan the Village has a goal of sustainability to enhance Glen Ellyn's natural resources. Having a local source of food in backyards meets this goal and increases our connection with nature. In Objective Three of the Comprehension Plan, chickens will help with reducing food waste. She stated she encourages the Commission to support keeping hens.

Sworn in, Heidi Anderson, 501 Turner, Glen Ellyn, stated that the volume of hens seems to be an obstacle and that hens are very quiet. She stated she was at an unincorporated house where there were hens and she had to be right next to them to hear them. She stated that house had twenty chickens. She stated that she understands people want to have their leisure space, but pools are loud as well. She stated that she is not going to have chickens, but in support of them.

Sworn in, Kathy Osgood, 335 Hillside, Glen Ellyn, stated this is her first time at this meeting and feels strongly about keeping hens in the Village. She stated she has a friend in Bartlett who has hens and they are good because they eat insects and their manure is used.

Sworn in, Billy Joe Mills, 611 Maiden, Glen Ellyn, stated to Chairperson Loftus that they were not laughing at him about trans-chickens. He stated at the Board Workshop it was stated that there were 589 signatures in favor of keeping hens. He stated he hopes there is a viable path forward. He stated he thinks the new text amendment is wonderful.

Ms. Rodman stated she has a handout from Hen Ellyn who did a short survey with towns that do have hens. She referenced a copy of the results. The results showed a small handful of complaints and Village staff had positive things to say. She stated this is the hope of herself and Hen Ellyn that this will address some concerns so the Commission can move forward.

Chairperson Loftus stated that Commissioner Brown sent an email with her concerns and stated that Downers Grove has neighbors fill out a consent form. Mr. Frahm stated a consent form was not included in this text amendment because it would be too hard to codify a consent form.

Commissioner Wyant stated that it seems to be working in Downers Grove. Ms. Rodman stated the Commission could address what the general concerns are as a condition of approval and then staff would have to go back and address. Chairman Loftus stated that if the Village is asking him to vote on something so vague and leave it up to someone else to change, he'd vote no.

Commissioner Kreuzer stated the Commission needs to have faith in Village staff and our community. Commissioner Wyant asked what happens when an owner loses interest after a few years. He asked if the coop just stays there. Mr. Frahm answered that if the coop is falling apart, it would go against Code and have to be rectified.

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

Commissioner Deliberation and Recommendation

Chairperson Loftus asked the Commission what conditions they want added to the motion. Commissioner Kreuzer stated fully fenced enclosed yard, human presence, locations and chicken runs enclosed.

Commissioner Cooper asked if 10-5-23(a)(3) is where the fencing and presence verbiage should be. Mr. Harper stated yes. Commissioner Cooper asked if 10-5-23(b)(1)(d) is where the location verbiage should be. Mr. Harper answered yes. Commissioner Cooper asked if the verbiage should include pool, patio, etc. Commissioner Wyant answered yes.

Commissioner Wyant asked if Glen Ellyn should include neighbors consent like Downer Grove has. Mr. Frahm stated he is not in support of that. That he doesn't like the slippery slope.

Chairperson Loftus stated 10-5-12 (a)(3) should read fully enclosed fence. He stated the last sentence says fences are not included so that sentence should be stricken.

Commissioner Arango made the motion:

After conducting a public hearing and deliberating on the proposed text amendment regarding the keeping of hens, the Plan Commission hereby recommends approval based on findings of fact, as discussed or amended at the Plan Commission public hearing on July 25, 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. That section 10-5-23(a)(3) be revised to require that hens may only be allowed to roam in a rear yard that is fully enclosed by an approved fence and only in the attentive presence of an owner or keeper.
2. That section 10-5-23(B)(1)(d) be revised that all coops, enclosures, or confinements used for the purpose of keeping shall be closer in proximity to the principal structure of the lot of which they are permitted than any principal structures, or the following accessory structures: patios, porches, in-ground swimming pools, decks, and recreational equipment of any neighboring residential lot.
3. That chicken runs shall be fully enclosed and secured.
4. That capons be included as a prohibited animal.
5. That section 10-5-23(C)(5) be revised to include the word “utility” be included when requiring electrical review.

Commissioner Dawson seconded the motion. Chairperson Loftus asked for a roll call vote. The motion passed on a roll call vote.

D. Trustee Liaison’s Report

Trustee Simon stated that the new Village Attorney was sworn in Monday. She stated the Board made a decision regarding the parking on Crescent Boulevard. Angled parking will be on the north side and there will be no parking on the south side. She stated that Glen Ellyn is one in sixteen Villages congratulated on our affordable housing.

E. Chairman’s Report

None.

F. Staff Report

None.

G. Other Business

None.

H. Adjournment

Commissioner Arango made a motion to adjourn the meeting: Commissioner Cooper seconded the motion and the motion passed by voice vote at 10:36 PM.